



**ORDINARY COUNCIL MEETING
18 DECEMBER 2007**

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Minutes of the Ordinary Council Meeting held in the Council Chambers, City of Gosnells Administration Centre, 2120 Albany Highway, Gosnells on Tuesday 18 December 2007.

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.32pm and welcomed those members of the public present in the public gallery, Councillors and staff.

DISCLAIMER

The Mayor read aloud the following statement:

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

COUNCIL MEETINGS – RECORDING OF

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

Notice within the Public Gallery in relation to recordings state:

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

Following documentation of the Minutes and distribution to Elected Members a copy of the digital recording shall be available for purchase by members of the public.

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

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

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

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

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

ELECTED MEMBERS

MAYOR
DEPUTY MAYOR

CR O SEARLE JP
CR J BROWN
CR D GRIFFITHS
CR B WIFFEN JP
CR S IWANYK (*Arrived 7:34pm*)
CR R HOFFMAN
CR C FERNANDEZ
CR W BARRETT
CR P M MORRIS AM JP Honorary Freeman
CR L GRIFFITHS

STAFF

CHIEF EXECUTIVE OFFICER
DIRECTOR COMMUNITY ENGAGEMENT
ACTING DIRECTOR CORPORATE SERVICES
DIRECTOR INFRASTRUCTURE
DIRECTOR PLANNING & SUSTAINABILITY
ACTING DIRECTOR GOVERNANCE
MANAGER HUMAN RESOURCES
MINUTE SECRETARY

MR D SIMMS
MS A COCHRAN
MS P CAMPBELL
MR D HARRIS
MR L KOSOVA
MR B FIGG
MR PJ LAYCOCK
MISS S MACGROTTY

PUBLIC GALLERY

18

APOLOGIES

Cr R Mitchell
Cr J Henderson

APPROVED LEAVE OF ABSENCE

Nil

3. DECLARATIONS OF INTEREST

The Director Planning and Sustainability declared a Financial Interest in item 17.1 "Renewal of Directors' Employment Contracts".

Reason: Employee of the City named in the report.

The Director Community Engagement declared a Financial Interest in item 17.1 "Renewal of Directors' Employment Contracts".

Reason: Due to being employee/position named in the report.

The Director Infrastructure declared a Financial Interest in item 17.1 "Renewal of Directors' Employment Contracts".

Reason: Contract Extension.

Cr W Barrett declared an Impartiality Interest in item 12.1 "City of Gosnells RoadWise Committee Meeting – 7 November 2007".

Reason: Presiding Member for RoadWise Committee.

Cr W Barrett declared an Impartiality Interest in item 13.4.6 "Walter Padbury Master Plan".

Reason: Founding member Beyond 2000 Task Force.

Cr D Griffiths declared a Financial Interest in item 13.4.7 "Streetscape Removal - Astley Street Gosnells".

Reason: Owns property 19B Astley Street.

Cr D Griffiths declared a Financial Interest in item 13.4.9 "New State Blackspot and Council Funded Projects – Budget Variations".

Reason: Owns property 70 Mills Road West.

Cr S Iwanyk declared an Impartiality Interest in item 12.2 "Strategic Planning Committee Meeting – 20 November 2007". *Declared at the commencement of item 12.2.*

Reason: Council delegate to the Strategic Planning Committee.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since Tuesday 13 November 2007.

The Mayor announced that at a recent WA Local Government Association meeting, attended by herself and Cr J Brown, the City was presented with a framed water colour (by artist Lynne Tinley titled 'Dawn Light') to commemorate the centenary of the City of Gosnells in 2007.

5. REPORTS OF DELEGATES (without debate)

Cr J Brown reported that she recently attended the Chaplaincy funding presentation at which she presented, on behalf of the City, a cheque for \$38,500. Cr Brown advised the organisation was very appreciative of the funding and asked that its sincere thanks be passed onto Council.

Cr J Brown thanked the Director Community Engagement for the Safe Seniors Carols Night on Friday evening noting that everyone was extremely delighted with the evening which went very well, and asked the Director to pass on thanks to relevant staff.

7:34pm - Cr S Iwanyk arrived at the meeting.

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

A period of fifteen (15) minutes is allocated for questions with a further period of fifteen (15) minutes provided for statements from members of the public. To ensure an equal and fair opportunity is provided to address Council, a period of three (3) minutes per speaker will be allowed.

The person's speaking right is to be exercised prior to any matter which requires a decision to be made at the meeting.

Questions and statements are to be –

- a) Presented in writing on the relevant form to the Chief Executive Officer prior to commencement of the meeting; and
- b) Clear and concise.

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

Nil

6.1 QUESTION TIME

- * Mr Peter Hopkins of 86 Towncentre Drive, Thornlie asked the following questions in relation to item 13.5.1 “Amendment No. 75 to Town Planning Scheme No. 6 – Finalisation – Modifying the Boundary of the Local Open Space Reserve on Towncentre Drive, Thornlie and Rezoning a Portion of Lot 9006 Murdoch Road, Thornlie from Residential R30 and District Centre to Residential R80” of the agenda:

- Q 1 My question relates to submissions received, consensus, the subsequent ruling, and the weight carried by the majority of the responses received by the Council. Please refer to page 80, top of the page, of Ordinary Council Meeting Agenda dated 18 December 2007. Does the Council support the percentage, by response of submissions received, wherein this case the majority have voiced objection to the proposal of Amendment No 75 Town Planning Scheme Number 6 – the rezoning from Residential R30 to R80?

Response: The Director Planning and Sustainability suggested the question essentially was “Is Council of a view to support the proposal in light of the submissions and objections received?” advising that was a matter for Council to deliberate this evening, and one that he could not provide any decision or opinion.

- Q 2 With reference to Ordinary Council Meeting Minutes 24 April 2007 versus the Ordinary Council Meeting 18 December 2007, the 24 April 2007 page 70 refers to an area of approx 14.7 hectares. On the 18 December 2007 page 79 refers to an area of approx 10 hectares. Why is there a discrepancy in this figure?

Response: The Director Planning and Sustainability advised he had checked these areas himself and the reason for the discrepancy was that in the original report to Council staff simply calculated the overall areas of all lots affected, even though the actual rezoning area was smaller than 14 hectares. The Director clarified the area of land that was actually being rezoned where the zoning has changed, where the public open space area has been rationalised and where the density changes proposed, was actually closer to 10 hectares.

The Mayor advised Mr Hopkins (in accordance with Council's Guidelines for Public Question Time) that initially only two questions would be allowed, however, if time permitted, he would be invited back to ask his additional questions.

Notation

The Mayor then invited Mrs B A MacArthur of 64 Murdoch Road, Thornlie, who had submitted a question time form prior to the commencement of the meeting, to the microphone. Mrs MacArthur or a representative was not in attendance and the Mayor advised the questions would be forwarded to staff for a written response.

- * Mrs Mary Bell of 45 Astley Street, Gosnells asked the following question in relation to item 13.5.5 "Development Application – Proposed Office – 2338 (LOT 65) Albany Highway, Gosnells" on the agenda:

- Q 1 My husband and I strongly object to the guard dogs that are being kept at Lot 65 Albany Highway, Gosnells. Since March this year they have almost constantly been kept in the back garden, as near to the back fence as you can get, adjacent to our property and they are almost constantly barking day, evening, and night. During the day the owners come out and quiet down the dogs but in the evening and at night they are not there, and I do not think dogs should be left there with no one to supervise them. If this is a security company, surely they can put up an alarm system on the property, why do they need two guard dogs? Why can't the owners take the dogs' home at night, or put them in some kennels somewhere?

Response: The Director Planning and Sustainability advised this issue was raised in the submissions received and it was queried with the applicant to identify why they could not keep the dogs at their own property. He believed that in this instance the applicant lived in one of the south western suburbs of Perth quite a distance from the City and had indicated that, purely for logistical and convenience reasons, it was more appropriate for their activities to keep the dogs on the property as it was from the property that they are out-sourced to other security locations. The Director reiterated this was the advice given by the applicant and was not the opinion of staff.

Notation

The Mayor invited Mr Hopkins, who had submitted more than two questions, back to the microphone.

- * Mr Peter Hopkins of 86 Towncentre Drive, Thornlie asked the following question in relation to item 13.5.1 “Amendment No. 75 to Town Planning Scheme No. 6 – Finalisation – Modifying the Boundary of the Local Open Space Reserve on Towncentre Drive, Thornlie and Rezoning a Portion of Lot 9006 Murdoch Road, Thornlie from Residential R30 and District Centre to Residential R80” of the agenda:

Q 3 Are there any further proposals/submissions by the developer to increase ratings to R80 in Lot 9005/9006 in the future?

Response: The Director Planning and Sustainability advised this issue had been raised as a concern in one of the submissions in the report adding that neither he or his staff were aware of any proposal by the developer to apply to increase any other densities in any of the property they controlled. The Director further advised that, as was mentioned in the report, there had been an application referred to the City by the Western Australian Planning Commission for subdivision of the property that would result in the subdivision, or in the creation, of about 60 lots at the existing density. The Director added that if the developer were to act on that it would indicate, in the meantime at least, they had no ambition to apply for higher density anywhere else.

6.2 PUBLIC STATEMENTS

- * Mrs Angela de Blanken of 2342 Albany Highway, Gosnells made a public statement in relation to item 13.5.5 “Development Application – proposed office – 2338 (Lot 65) Albany Highway, Gosnells speaking against the staff recommendation contained in the agenda. Mrs de Blanken advised they had experienced uncontrolled barking on numerous occasions since March this year, and appealed to Council to refuse the application. Mrs de Blanken stated the property was unattended between 5.30pm and 8.30am Monday to Friday, all day Saturday and Sunday, with infrequent visits during these times. She believed the applicant had wrongly stipulated on the application that two dogs may occasionally be housed at the property, stating they had experienced the opposite, with dogs frequently being left. Mrs de Blanken was of the opinion that the dogs, which were being quoted as essential to the operation of the business, should be taken into consideration as part of the approval, and not shunned as a separate issue subject to local Dog Laws dealt with by the Rangers. Mrs de Blanken further stated the dogs loud barking was affecting the quality of life of the residents in the surrounding high density residential area, with further units under construction, which would also be affected. In closing Mrs de Blanken advised the non-objections received were from business or non-residents of the area that did not occupy premises overnight and therefore were not subjected to the negative aspects of the issue.

- * Mrs Sandra Baraiolo of 19 Victoria Road, Kenwick made a public statement in relation to item 13.5.2 “Development Approval – State Administrative Tribunal Order – Invitation to reconsider the revocation of approval – Commercial Vehicle Parking – 15 (Lot 4) Victoria Road, Kenwick” speaking in favour of the staff recommendation contained in the agenda. Mrs Baraiolo, on behalf of her family, thanked Compliance Officer, Mr Peter Salter, and all other staff involved in the writing of the report, stating they sincerely appreciated all their efforts. Mrs Baraiolo confirmed her family’s position that the revocation stand and outlined some issues that were not in the report, but were on Council records, namely; both adjoining property owners had written several complaints since 2006 about the prime-movers non-compliance, the applicant on Sunday 9 December had parked the prime-mover along with a trailer for 3 ½ hours during which time mechanical work was carried out, and condition 7 relating to the commercial grade cross-over had not been complied with. Mrs Baraiolo further stated that if the applicant was serious about doing the right thing he would have complied with the City’s conditions of approval, and the clear directions given by the State Administrative Tribunal in relation to the fencing, that to date, still had not been complied with, questioning why the applicant should be rewarded for bad behaviour and non-compliance. In closing Mrs Baraiolo thanked the Council for all their efforts and wished them a safe Christmas and prosperous New Year for 2008.

- * Mr Peter Hopkins of 86 Towncentre Drive, Thornlie made a public statement in relation to item 13.5.1 “Amendment No. 75 to Town Planning Scheme No. 6 – Finalisation – Modifying the boundary of the Local Open Space Reserve on Towncentre Drive, Thornlie and Rezoning a portion of Lot 9006 Murdoch Road, Thornlie from residential R30 and District centre to Residential R80” objecting to the staff recommendations to adopt the amendment. Mr Hopkins requested that Council take heed of the submissions received, the majority of which were in the negative and objecting to the proposal. Mr Hopkins referred to a letter he had received from the City of Gosnells dated 8 November 2007 in relation to street trees on Towncentre Drive, for which the majority of respondents voted they be removed and replaced. Mr Hopkins stated that in this instance the Council supported, and respected, the majority of respondents, a decision he personally objected to, but he was happy to comply with the majority consensus. In closing Mr Hopkins requested Council support the majority of responses objecting to Amendment No. 75 to Town Planning Scheme No. 6 and thanked Council for the opportunity to make a public statement.

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

566 Moved Cr J Brown Seconded Cr D Griffiths

That the Minutes of the Ordinary Council Meeting held on 27 November 2007 be confirmed, subject to Resolution number 546 as depicted on page 8 being amended to read 546A as this is a duplication of the last resolution number appearing on page 115 of the 13 November 2007 Ordinary Council Meeting minutes.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

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 Ron Hoffman requested leave of absence from 3 to 19 February 2008, which includes the 12 February Ordinary Council Meeting, for personal reasons.

COUNCIL RESOLUTION

567 Moved Cr W Barrett Seconded Cr C Fernandez

That Council grant leave of absence to Cr R Hoffman from 3 to 19 February 2008, inclusive.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

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

568 Moved Cr R Hoffman Seconded Cr S Iwanyk

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 13.4.4 Kenwick Senior Football Club Inc and Maddington Sporting Club Inc – Shared Licence for Mills Park Pavilion;
- * Item 13.5.1 Amendment No. 75 to Town Planning Scheme No. 6 – Finalisation – Modifying the Boundary of the Local Open Space Reserve on Towncentre Drive, Thornlie and Rezoning a Portion of Lot 9006 Murdoch Road, Thornlie from Residential R30 and District Centre to Residential R80;
- * Item 13.5.2 Development Approval – State Administrative Tribunal Order – Invitation to Reconsider the Revocation of Approval – Commercial Vehicle Parking – 15 (Lot 4) Victoria Road, Kenwick; and
- * Item 13.5.5 Development Application – Proposed Office – 2338 (LOT 65) Albany Highway, Gosnells.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.4.4 KENWICK SENIOR FOOTBALL CLUB INC AND MADDINGTON SPORTING CLUB INC - SHARED LICENCE FOR MILLS PARK PAVILION

Author: J Flatow
Previous Ref: OCM 27 May 2003
Appendix: 13.4.4A Plan of Licensed Area – Mills Park Pavilion

PURPOSE OF REPORT

To seek Council approval to grant a shared licence to the Kenwick Senior Football Club Inc and Maddington Sporting Club Inc for use of Mills Park Pavilion.

BACKGROUND

In 2002 the Kenwick Sports Club Inc disbanded and the Mills Park Pavilion was vacated after the Club suffered financial difficulties and was declared bankrupt. The City was contractually required to honour a loan guarantee to the lessee's lender amounting to \$80,143. In addition the City wrote off bad debts owing by the Club totalling \$18,485 and instituted building repairs costing \$61,300.

Council resolved at its 27 May 2003 Ordinary Council meeting (Resolution 311), which reads:

"That Council, having regard to debt incurred by the Kenwick Sports Club (Inc), advise those clubs previously forming the Kenwick Sports Club that Council shall not:

- (a) Enter into any lease, license or long term agreement with the club for a period of three years;*
- (b) Support their membership of any other Management Committee of sporting clubs responsible for the management of the City of Gosnells owned facility for a period of three years;*
- (c) Approve any liquor license request and other than occasional licenses or a restricted club license; and*
- (d) Consider the clubs for funding assistance of any nature for a period of three (3) years."*

DISCUSSION

The Kenwick Sports Club (Inc) comprised of:

- Kenwick Senior Football Club Inc
- Kenwick Senior Cricket Club Inc
- Kenwick Junior Football Club Inc
- Mills Park Tennis Club Inc
- South Suburban Darts Association Inc
- Kenwick Teeball Club Inc

Since the demise of the Kenwick Sports Club (Inc) in 2002 the Kenwick Senior Football Club Inc (KSFC) has continued to utilise the Mills Park Pavilion for its club meetings and social events. The KSFC has sought permission and has been granted to carry out various improvements to the Pavilion. These improvements include painting the pergola area, replacing the old bitumen with brick-paving and replacing a portion of the old fencing surrounding the barbeque area. The KSFC has commented that it is happy to make improvements to the Pavilion to prove its commitment to the facility and also to demonstrate that the Club will contribute to the building beyond the terms and conditions of its current hire contract with the City. The KSFC is the only member from the former Sportsman Club that still utilises the Pavilion to its full potential.

Due to the impact of Council's resolution of 27 May 2003, the KSFC currently operates under a permanent hire arrangement with the City. This arrangement has restricted flexibility and limits the KSFC's capacity to create a home base for its members. The Club has also been required to pay causal rates for its six-monthly hire. These rates are usually targeted to one-off bookings and are subsequently higher than normal lease fees, the Club has paid approximately \$12,500 for this seasons use of the Pavilion.

The three-year suspension imposed by Council has now ended and City staff have been actively pursuing user groups to retain sole management over the facility. It has been found difficult to generate interest for use of the facility due to its large size, which in turn affects the Licence fee and operational costs. One avenue that was investigated was the co-location of Maddington Sporting Club Inc and the KSFC.

The option to relocate the Maddington Sporting Club Inc (MSC) is seen as favourable for the following reasons:

1. The pavilion at Maddington Oval where the MSC is currently housed is unsustainable in the future. The pavilion has substantial structural defects, the foundations of the building need to be underpinned and the building has an asbestos roof.
2. The current MSC site is likely to be needed for future redevelopment in the area which is part of the proposals for the Maddington Town Centre.
3. Council approved at its meeting held on 20 December 2005 (Resolution 602) the sale of Lot 72 Alloa Road, Maddington (commonly known as a portion of Maddington Oval Two) to the Stirling Skills Training Inc for the construction of a Technical College. Due to this sale the active reserve member sports clubs of MSC were relocated to Harmony Fields in September 2007, therefore relinquishing their membership with the MSC. This loss of membership will add financial pressure to the remaining clubs that form part of the existing MSC.

Staff consider that the Mills Park Pavilion is an ideal location for the remaining clubs that form the MSC, ie Southern River and Districts Pool Club, Bulls Eye Dart Club Inc and the Maddington Angling Club. The pavilion is fully equipped with a large bar, ample wall space for the darts and is big enough to accommodate pool tables.

The MSC has a lease agreement with the City for its current building at Maddington Oval until 2015. In the past, as part of an overall financial strategy, the City paid out all outstanding self-supporting loans, which included the loan to the MSC. Those clubs with outstanding loans were required to continue to repay the loan, however the City now recorded these monies as rent rather than loan repayments. The MSC is up to date (as at 30 November 2007) with its monthly moiety payments of \$519.

The last repayment by the MSC will be due as at 31 October 2008. Rental after this period in terms of the current lease would be by rental valuation.

The MSC has requested as part of the decision to move to the Mills Park Pavilion that the remaining rent (previous loan repayment) up to the 31 October 2008 be waived to facilitate early tenancy at Mills Park. Staff are of the view that this offer is reasonable given:

- the encouragement by the City for the relocation of the active reserve users to Harmony Fields placing an additional burden on the remaining member clubs
- the need for the Club to vacate its current premises due to poor building condition
- the fact that the MSC has an existing lease with the City for its Maddington Oval premises until 2015

A Shared Annual Licence Agreement was presented to the two clubs for comment. Both Clubs advised the City that they are amenable to all terms and conditions of the standard agreement. The clubs have agreed to establish an Operating Committee which is required by the Licence to discuss matters regarding the operation of the facility.

It is proposed to add some Special Terms to the Licence as contained in the Staff Recommendation to ensure the City has the ability to add new clubs to the Licence after appropriate negotiations. Other Special Terms dealing with usage have been agreed to by the parties and are designed to ensure that the facility use is maximised for the present and its integrity as a sporting pavilion protected for the future.

In addition it is proposed that some recitals that state the history of the agreement are included in the licence document. These recitals will not have any legal base but explain the reasons behind some of the special conditions imposed to assist in interpretation by the parties in the future.

As the proposed licensees have sporting objectives and members are not entitled to receive any pecuniary profit from the bodies' transactions then there are no requirements under the provisions of the *Local Government Act 1995* to advertise the proposed disposition.

FINANCIAL IMPLICATIONS

- (a) Loss of rental of \$519 per month from date of commencement of new licence until 31 October 2008 from the Maddington Sporting Club Inc use of facility at Maddington Oval and any rental as determined by valuation from November 2008 to 2015 for the premises.
- (b) Annual licence fee of \$10,121 plus CPI rent reviews after the first year of licence.

Annual licence fee calculated in accordance with Council policy of .5% of replacement cost of building estimated to be \$2,024,170.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

569 Moved Cr J Brown Seconded Cr D Griffiths

That Council approve an Annual Shared Facility Licence to the Maddington Sporting Club Inc and the Kenwick Senior Football Club Inc for use of the Mills Park Pavilion located on Mills Park on portion of Lot 203 Brixton Street, Beckenham, contained in Certificate of Title V 2549 F 651, and as indicated in the site plan attached as Appendix 13.4.4A.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

570 Moved Cr J Brown Seconded Cr D Griffiths

That Council agree to the following terms of Annual Shared Facility Licence to the Maddington Sporting Club Inc and the Kenwick Senior Football Club Inc for use of the Mills Park Pavilion located on Mills Park on the following terms:

Licence Fee:	\$10,121 per annum plus GST
Review of Licence Fee:	Increased annually after the first year by CPI plus GST.
Term of Licence:	Three (3) years
Option to Renew:	Two (2) years
Date of Commencement:	As soon as possible
Special Terms:	(a) The City to have the ability after appropriate negotiations with current licence holders, to require new clubs to co-join the Licence

- (b) Maddington Sporting Club Inc to have primary usage of the facility from Monday to Thursday.
- (c) The Kenwick Senior Football Club Inc to have primary usage of the facility from Friday to Sunday.
- (d) Pool tables not to be located in main hall area without approval of the Operating Committee and the City.
- (e) The lesser hall area of the facility is to be used predominately for the storage and/or use of pool tables and as an overflow area for dart competition.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.5.1 AMENDMENT NO. 75 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – MODIFYING THE BOUNDARY OF THE LOCAL OPEN SPACE RESERVE ON TOWNCENTRE DRIVE, THORNLIE AND REZONING A PORTION OF LOT 9006 MURDOCH ROAD, THORNLIE FROM RESIDENTIAL R30 AND DISTRICT CENTRE TO RESIDENTIAL R80

Author: J Kempton
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, however, final determination is with the Minister for Planning and Infrastructure.
Area: Approximately 10ha
Previous Ref: OCM 24 April 2007 (Resolutions 158 and 159)
OCM 13 April 1999 (Resolution 222)
OCM 13 October 1998 (Resolution 1879)
Appendices: 13.5.1A Existing TPS 6 Zoning Map
13.5.1B Proposed TPS 6 Zoning Map

PURPOSE OF REPORT

For Council to consider final adoption of Amendment No. 75 to Town Planning Scheme No. 6 (TPS 6), to modify the boundary of Public Open Space (POS) on Towncentre Drive, Thornlie and to rezone a portion of Lot 9006 Murdoch Road, Thornlie from Residential R30 and District Centre to Residential R80.

BACKGROUND

Council at its meeting on 24 April 2007 resolved (Resolution 158) to adopt Amendment No. 75 and to refer the amendment to the Environmental Protection Authority (EPA) for comment and to the Western Australian Planning Commission (WAPC) for information and then to advertise it for public comment (Resolution 159).

It should be noted since initiating and advertising the amendment due to previously approved subdivision of the site, which is not affected by the amendment, being finalised the subject portion of the site is now being referred to as Lot 9006 Murdoch Road, Thornlie.

In accordance with Council's Resolution 159 the amendment was referred to the EPA for comment. The EPA determined that Amendment No. 75 did not require environmental assessment. The amendment was subsequently advertised by way of a newspaper advertisement, sign on site and letters to surrounding landowners of more than 190 properties within a 100m radius of the rezoning in accordance with policy.

Twenty one submissions were received during the advertising period, comprising one non-objection, 18 objections and two comments. A summary of the submissions received and staff comments thereon are provided in the following Schedule of Submissions.

Schedule of Submissions

1	Name and Postal Address: A & M Cziesche Developments Pty Ltd PO Box 1741 West Perth WA 6005	Affected Property: 22 (Lot 126) Wiltshire Avenue 24 (Lot 156) Claridge Circle 36 (Lot 151) Claridge Circle Thornlie
Summary of Submission		Staff Comment
No objection to proposal.		Noted.

2	Name and Postal Address: D & T Wood 141 Hume Road Thornlie WA 6108	Affected Property: 141 (Lot 1) Hume Road Thornlie
Summary of Submission		Staff Comment
<p>Object to proposal.</p> <p>It should be noted that two submissions were received from this submitter.</p> <p>Submission 1:</p> <p>2.1 Do not object to the rezoning of Lot 9006 to R80 with the provision no dwellings are more than two stories high.</p> <p>2.2 Object to any reduction in the size of the Local Open Space. The park and lake are very important to the local environment and we would be unhappy to see it reduced in size at all. It is necessary that every part of this reserve is preserved for the sake of the present and future environment.</p> <p>Submission 2:</p> <p>2.3 After considering the proposal further we definitely oppose the decision to allow the area to be amended to an R80 zone. We do not want double storey multiple dwellings in the area in which we live as this will downgrade the area.</p>		<p>Noted.</p> <p>Building heights will be addressed on their individual merits in accordance with the Residential Design Codes (R-Codes) when development application(s) are submitted for the site in future. Subject to compliance with relevant R-Code requirements the proposed R80 density could accommodate development over two storeys, but so too could any lesser density coding from R35 onwards, in the form of multiple dwellings.</p> <p>The existing Public Open Space (POS) will not be reduced in size. This amendment seeks to correct a zoning anomaly on the TPS 6 Scheme Map, whereby private residential land has been shown as POS. The amendment will ensure the existing physical POS area is accurately reflected in the POS reserve shown on the Scheme Map.</p> <p>While the submitter may disapprove of two storey dwellings such development is permissible in all density codings. There is no evidence to suggest that two storey (or higher) development downgrades an area. Well designed two storey (or more) development provides housing choice and can contribute to enhancement of an area. The form of development for the site is yet to be confirmed but any application for development of the site will be considered on its merits.</p>

Summary of Submission	Staff Comment
2.4 The lake and natural bush environment which was once there has been damaged enough as it is and with more people living in that area further damage will be done to this. The natural environment should be preserved to the utmost capacity.	The land proposed to be rezoned by this amendment is extensively cleared and predominantly zoned as residential. Existing POS will be maintained. The applicant and the City's Parks and Environmental Operations Branch are currently liaising in regard to revegetation and landscaping for the POS. Increased use of the POS that may result from a density increase would not necessarily lead to increased damage.
2.5 Do not want multiple dwellings or small building lots in the area for aesthetic purposes. This will ruin the skyline. Any buildings constructed should compliment the area (not big apartment complexes).	The form of development on this site is yet to be confirmed. Multiple dwelling development is a use that is already permitted in the District Centre zone adjacent to the proposed R80 site and in the Residential zone from the R35 density coding onwards. There is growing demand for alternative housing choices such as multiple dwellings. Aesthetic considerations would be taken into account when determining such proposals.
2.6 More people means more crime, less privacy, downgrade of house prices, more crowded, lower quality of life.	It is acknowledged that development of the site to an R80 density will generate an increase in activity and residents to the area. A more populated area can provide for an increase in passive/active surveillance which can increase the security of an area. The perceived impact of this amendment on property prices is not considered to be a valid planning consideration.

3	Name and Postal Address: C and S Dewis 145B Hume Road Thornlie WA 6108	Affected Property: 145A(Lot 422) Hume Road 145B(Lot 422) Hume Road Thornlie
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Summary of Submission	Staff Comment
Object to the proposal. Cannot see how this would enhance the surrounding area, in fact did Council not pull down similar structures in Langford and Lockridge?	Noted. The submitter is most likely referring to Department of Housing and Works redevelopment programmes in these suburbs where outdated, poorly designed buildings were demolished or upgraded. Well designed new buildings can enhance an area. Any future development proposal for the site would be considered on its merit.

4	Name and Postal Address: BA MacArthur 64 Murdoch Road Thornlie WA 6108	Affected Property: 64 (Lot 458) Murdoch Road Thornlie
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Summary of Submission	Staff Comment
Object to the proposal. We object to the rezoning of vacant land adjacent to Forest Lakes Shopping Centre from R30 to R80 and any future changes to the zoning on the vacant land across the road from our dwelling. We despise any high density as it is not in keeping with the area. We have enough problems in summer with louts coming home from the tavern. Public open space would be much more appropriate.	Noted. The submitter's views regarding high density development are noted. See also comments on Density and Built Form under Discussion section of this report. The developer has provided the required POS for the subject site.

5	Name and Postal Address: J E Facey 12 Lily Place Thornlie WA 6108	Affected Property: 12 (Lot 771) Lily Place Thornlie
Summary of Submission		Staff Comment
<p>Object to the proposal.</p> <p>The Freshwater Development is already high density housing and we object to the proposal for further high density housing.</p>		<p>Noted.</p> <p>The current density of the site is Residential R30 which is the lowest density coding in the "medium density" range. The majority of the area to be developed will also be at the R30 density. The proposed R80 coding will apply to a 9,459m² area of Lot 9006 adjacent to the District Shopping zone. The R80 density is classed as "high density" under the R-Codes.</p>
6	Name and Postal Address: S Nickey 68 Murdoch Road Thornlie WA 6108	Affected Property: 68 (Lot 456) Murdoch Road Thornlie
Summary of Submission		Staff Comment
<p>Object to the proposal.</p> <p>6.1 If the population increases the traffic along Murdoch Road will increase.</p> <p>6.2 We were told before we purchased our property in 1998 that the volume of traffic was being addressed by Council. It is now 2007 and nothing has happened. The traffic has increased – they speed and the noise is awful. To get out of our driveway is a nightmare.</p>		<p>Noted.</p> <p>It is acknowledged that the proposed R80 density would increase local traffic. However, subdivision of the balance of the land at the existing R30 density could result in the creation of approximately 146 dwellings, which are likely to generate more traffic than development of the R80 site, which could result in the creation of around 75 dwellings.</p> <p>Traffic calming devices have been installed on Murdoch Road adjacent to the subject site, in the form of roundabouts at the intersections of Murdoch Road, Towncentre Drive and Berehaven Avenue and Murdoch Road and Hume Road. The City cannot be responsible for the behaviour of individual drivers.</p>
7	Name and Postal Address: R Tolan 33 Wiltshire Avenue Thornlie WA 6108	Affected Property: 33 (Lot 133) Wiltshire Avenue Thornlie
Summary of Submission		Staff Comment
<p>Object to the proposal.</p> <p>Too much of the local open space is to be reclaimed and we feel that the housing developments in the area are already congested. Driveways are already overlapping with not enough allowance given at the entries for the units in the area.</p>		<p>Noted.</p> <p>Refer to staff response to submission 2.2.</p> <p>It is not entirely clear which area the submitter is referring too. Development that has already taken place on the subject site where the submitter is located is at a density of R30 and all but one lot is developed with single dwellings. There is unit development on Towncentre Drive adjacent to the subject site that is also coded R30 and strata development has occurred in the past which met the requirements of the R-Codes at that density.</p>

Summary of Submission	Staff Comment
	Access to these sites is either by an individual driveway or a shared access leg where appropriate to reduce the number of crossovers required. Future development on the subject site will need to comply with relevant R-Code design criteria relating to (among other things) vehicular access and crossovers.

8	Name and Postal Address: M Connolly 49 Corriedale Place Thornlie WA 6108	Affected Property: 5 (Lot 139) Claridge Circle Thornlie
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Summary of Submission	Staff Comment
<p>Objects to the proposal.</p> <p>We bought our block as it was going to be a quiet block off the main thoroughfare. We have four children under the age of 6 years old. We suggest entry to the R80 zoned site to be from Murdoch Road and a cul-de-sac placed at the end of Claridge Circle where it joins the R80 coding to avoid heavy traffic along the cycle/ footpath and the playground on Claridge Circle which will undoubtedly be frequented by large numbers of local children.</p>	<p>Noted.</p> <p>Claridge Circle is not proposed to abut the proposed R80 site as it is separated from the site by a residential lot and the existing POS reserve. Access to the R80 would only be available from Murdoch Road.</p>

9	Name and Postal Address: D J Teale PO Box 1560 Canning Vale WA 6970	Affected Property: 100 (Lot 731) Towncentre Drive Thornlie
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Summary of Submission	Staff Comment
<p>Object to the proposal.</p> <p>It is too dense and it will bring down the property value and down grade the area. The previous development was a little dense for our liking but we were not consulted on that.</p>	<p>Noted.</p> <p>Refer to staff response to submissions 2.3 and 2.6.</p> <p>The subject site and land to the southwest between Towncentre Drive and the POS has been coded R30 prior to 2002 when TPS 6 was gazetted and development has occurred in accordance with that coding. Therefore consultation with surrounding landowners was not required.</p>

10	Name and Postal Address: H Taylor 2 Heath Place Thornlie WA 6108	Affected Property: 2 (Lot 801) Heath Place Thornlie
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Summary of Submission	Staff Comment
<p>Object to the proposal.</p> <p>We strongly oppose the rezoning to R80 as we do not want high density accommodation built in this area, such as high rise apartments. When we purchased our property we were subject to specific building regulations and do not support any other zoning changes.</p>	<p>Noted.</p> <p>Any development on the subject site will be assessed against the R-codes, Building Codes of Australia and the City's Policies, as is required for any residential development.</p> <p>See also comment on Density and Built Form under the Discussion section of this report.</p>

11	Name and Postal Address: A Cross 200 Berehaven Avenue Thornlie WA 6108	Affected Property: 200 (Lot 461) Berehaven Avenue Thornlie
Summary of Submission		Staff Comment
Object to the proposal. This will devalue our land with postage stamp size blocks that will need one or two storey buildings to be built on them.		Noted. The perceived impact of this amendment on property prices is not considered to be a valid planning consideration.
12	Name and Postal Address: G and C Collins 14 Tahoe Close Thornlie WA 6108	Affected Property: 14 (Lot 214) Tahoe Close Thornlie
Summary of Submission		Staff Comment
Object to the proposal . 12.1 We did not receive direct representation from the City seeking our view on the matter as we live within 500m of the affected area. 12.2 Any proposal to lift the R30 rating to R80 will undoubtedly lead to the creation of a long term ghetto. One only has to look at examples such as Victoria Park, East Perth, Bentley, Maylands and many other suburbs in Perth that have been destroyed by inappropriate placement of high density living amongst low density single residential facilities. 12.3 The primary concern is security as the creation of high density living inevitably leads to the attraction of undesirable elements seeking the lowest cost accommodation and applying lawlessness and anti-social behaviours including burglary to adjacent properties. This situation has manifested in Western Australia and high density pockets throughout the entire world. 12.4 We cannot understand why the City would make the decision to destroy the amenity that has been created within the Forest Lakes community. Development of the land should be consistent with the principles, thought and community interest when TPS 6 was designed and approved by the City and other agencies.		Noted. Advertising was conducted as per the City's policy which required the amendment to be advertised to landowners within a 100m radius of the rezoning. This submitter is outside the 100m radius; however signs were erected on site and a notice was also published in the Western Australian newspaper. It is acknowledged that older examples of high density development in the form of "flats" or "apartments" have affected many peoples perceptions of higher density dwellings. Contemporary design philosophies are far more responsive to social and aesthetic factors than was the case in the 1960s, 1970s and 1980s. Determination of any future development proposals for the site will be based on their individual merits and will be aimed at high quality design outcomes. See also comments on Density and Built form under the Discussion section of this report. Anti-social behaviour can and does occur anywhere, regardless of density. Careful planning in the location and design of all development is vital in ensuring high amenity and community safety and well-being. Locating high density housing in close proximity to commercial development lends itself to reciprocal benefits of security through passive surveillance during the day when residents are absent, or out of business hours when the district centre is closed. This would be preferred to locating high density development away from activity nodes where opportunities for surveillance are poor. See also comments on Density and Built Form under the Discussion section of this report. The proposed rezoning is consistent with the objectives of TPS 6 as it provides for a variety of housing stock to be developed catering for the varying needs of the community. It is a matter of opinion as to whether adoption of Amendment No. 75 would destroy the amenity of the area. If the amendment is adopted the City would seek to ensure that only high quality development occurs on the R80 coded land that contributes to the amenity of the area.

Summary of Submission		Staff Comment
12.5	We encourage all Councilors to place priority on preservation of the quality of living and security in Forest Lakes above the objectives of the developer who simply wants maximum profit from the development. If the proposal is approved the only beneficiary would be the developer and not the current and future residents of Forest Lakes.	The motivation of or commercial gain for any landowner is not a relevant planning consideration.

13	Name and Postal Address: G and B O'Neill 4 Towncentre Drive Thornlie WA 6108	Affected Property: 4(Lot 238)Towncentre Drive Thornlie
Summary of Submission		Staff Comment
Object to the proposal.		Noted.

14	Name and Postal Address: M Hunter 192 Berehaven Avenue Thornlie WA 6108	Affected Property: 192 (Lot 465) Berehaven Avenue Thornlie
Summary of Submission		Staff Comment
Object to the proposal.		Noted.
14.1	The rezoning to R80 is totally out of keeping with the area. The introduction of high density dwellings to the location will increase the level of rental accommodation and result in a higher number of itinerant tenants who have no long term investment in the local community.	There is no evidence to suggest that higher density developments are more likely to be inhabited by renters than single residential dwellings. Refer to staff response to submission 12.3.
14.2	The location of the proposal so close to Forest Lakes Tavern will invite increasing problems for Council with noise, street drinking and vandalism that already exist in the area surrounding the tavern and shopping centre. Therefore we hope that Council disallows the proposal and encourages development that sympathises with the surrounding area and existing development.	Incidents of anti-social behaviour, street drinking and vandalism are police matters. The City, through good urban design, attempts to plan for high amenity and community safety. Increased opportunities for surveillance of public spaces can reduce anti-social behaviour.

15	Name and Postal Address: P N Hopkins and S M Treloar 86 Towncentre Drive Thornlie WA 6108	Affected Property: 86 (Lot 738) Towncentre Drive Thornlie
Summary of Submission		Staff Comment
Object to the proposal.		
15.1	Strongly object to the proposed amendment particularly the rezoning from R30 to R80 for the approximately 3ha of land as indicated in the OCM report of 24 April 2007.	Noted. The portion of land proposed to be recoded to R80 is only 9,459m ² in area, not 3ha.

Summary of Submission	Staff Comment
15.2 Strongly opposed to the potential of a number/multiple of 3 and 4 storey multiple dwelling/apartment style buildings as there is nothing within the immediate area remotely akin to this high rise development and believes such a development would not be complementary and sympathetic to the surrounding area.	See staff response to submission 2.1 and comment on Density and Built Form under the Discussion section of this report.
15.3 They do not want towering blocks to be overshadowing/overbearing and such would be blight on local views and vistas.	See staff response to submission 2.1 and comment on Density and Built Form under the Discussion section of this report.
15.4 So called "passive surveillance" means invasion of privacy.	Passive surveillance relates to surveillance of public places, not private properties.
15.5 What will happen should this be approved to stop other applications by owner/developers to rezone to R80 for remaining vacant land?	It is unlikely that further rezoning will occur on the site as the subdivision applications that have been lodged for the balance of Lot 9006 identify subdivision at the existing R30 density.
15.6 The proposal is not supported by public transport such as proximity to a train station and employment opportunities. We do not want R80 development for any land adjacent to Forest Lakes Shopping Centre.	Public transport is readily available as several bus routes service the adjacent shopping centre. These bus services and the shopping centre itself provide opportunities for people to access or gain employment. Proximity to train stations is not the only consideration for justifying a density increase.

16	Name and Postal Address: SP Choy 20 Colbolt Place Riverton 6148	Affected Property: 28 (Lot 129) Wiltshire Avenue Thornlie
Summary of Submission	Staff Comment	
Object to the proposal.	Noted.	

17	Name and Postal Address: G Weaire and V DeFrance 13 Ironwood Court Thornlie WA 6108	Affected Property: 13 (Lot 727) Ironwood Court Thornlie
Summary of Submission	Staff Comment	
Object to the proposal.	Noted.	
17.1 Strongly object to any development of a density greater than R30 in the suburb as it will bring anti-social behaviour and traffic problems.	Refer to staff response to submissions 6.1, 12.3 and 14.2.	
17.2 Believes that the lot identified for rezoning to R80 is not the only lot in the area bounded by Murdoch Road, Towncentre Drive and Forest Lakes Shopping Centre that is earmarked for R80 zoning.	The City is not aware of and has not received any other request for rezoning to a higher density in the area. Refer also to staff response to submission 15.5.	

18	Name and Postal Address: Y C and L E Soh 12 Argyle Court Thornlie WA 6108	Affected Property: 12 (Lot 79) Argyle Court Thornlie
Summary of Submission	Staff Comment	
Object to the proposal.	Noted.	

19	Name and Postal Address: B Fuller 58B Towncentre Drive Thornlie WA 6108	Affected Property: 58B (Lot 20) Towncentre Drive Thornlie
Summary of Submission		Staff Comment
Object to the proposal.		Noted.
19.1	The proposal should have been advertised to a wider area.	Refer to staff response to submission 12.1.
19.2	Comments provided to Council by City Staff are based on policy without a full understanding of local issues and that the extent of public advice was limited and therefore would influence the outcome	Staff provide Council with all the necessary facts, including public comments, to make an informed and considered decision on every planning proposal.
19.3	The developer is requesting approval to develop “flats” to increase profit and Council approval to rezone the subject land to R80 is pampering to the developer, who has little concern in respect to beautification of Forest Lakes.	This is incorrect. The proponent is seeking Council approval for a change of zoning and density. An application for approval of any subsequent development will follow later. Refer also to staff response to submission 12.5.
19.4	Anecdotal evidence demonstrates that such high density development in Thornlie attracts anti-social behaviour as well as provides a place to haunt for drug dealers and users. The flats in Lester Street, Thornlie are an example of such a place.	Refer to staff response to submissions 12.2 and 12.3.
19.5	The rezoning will not enhance the amenity of the area. For example Lot 620 Gutha Pass, Canning Vale is an eyesore and the same will occur with development on the subject site.	The development at Lot 620 Gutha Pass, Canning Vale is an entirely different form of development and was approved as a single residence. What is considered appropriate urban form is subjective and it is unlikely that everyone will agree on the most appropriate form.
19.6	The rezoning will increase anti-social behaviour which is currently associated with the youth in the area and patrons of Laker’s Tavern	Refer to response to submissions 12.3 and 14.2.
19.7	Suggests that limited medium density development may be appropriate and even enhance this section of the “Towncentre” and development should be limited to two stories and limit the affected area for rezoning.	Refer to staff response to submission 2.1 and also to comment on Density and Built Form under the Discussion section of this report.
19.8	Covenants should be applied restricting building heights and limiting the residents to being over 55 years of age.	Refer to staff response to submission 2.1. If any part of the subject site is developed as aged or dependent persons’ units then a condition could be imposed on any approval granted for notifications to be placed on certificates of title to inform prospective purchasers of the occupancy restrictions.
19.9	Higher density development allowing three storeys will impact on traffic as a result of increased residents and visitors to the area and believes the Council should consider the impact on street parking and traffic as a result of the rezoning.	Refer to staff response to submissions 6.1 and 6.2.
19.10	Higher densities should only be applied in the CBD and applying the R80 density to this site is inappropriate.	See comments on Density and Built Form under the Discussion section of this report.

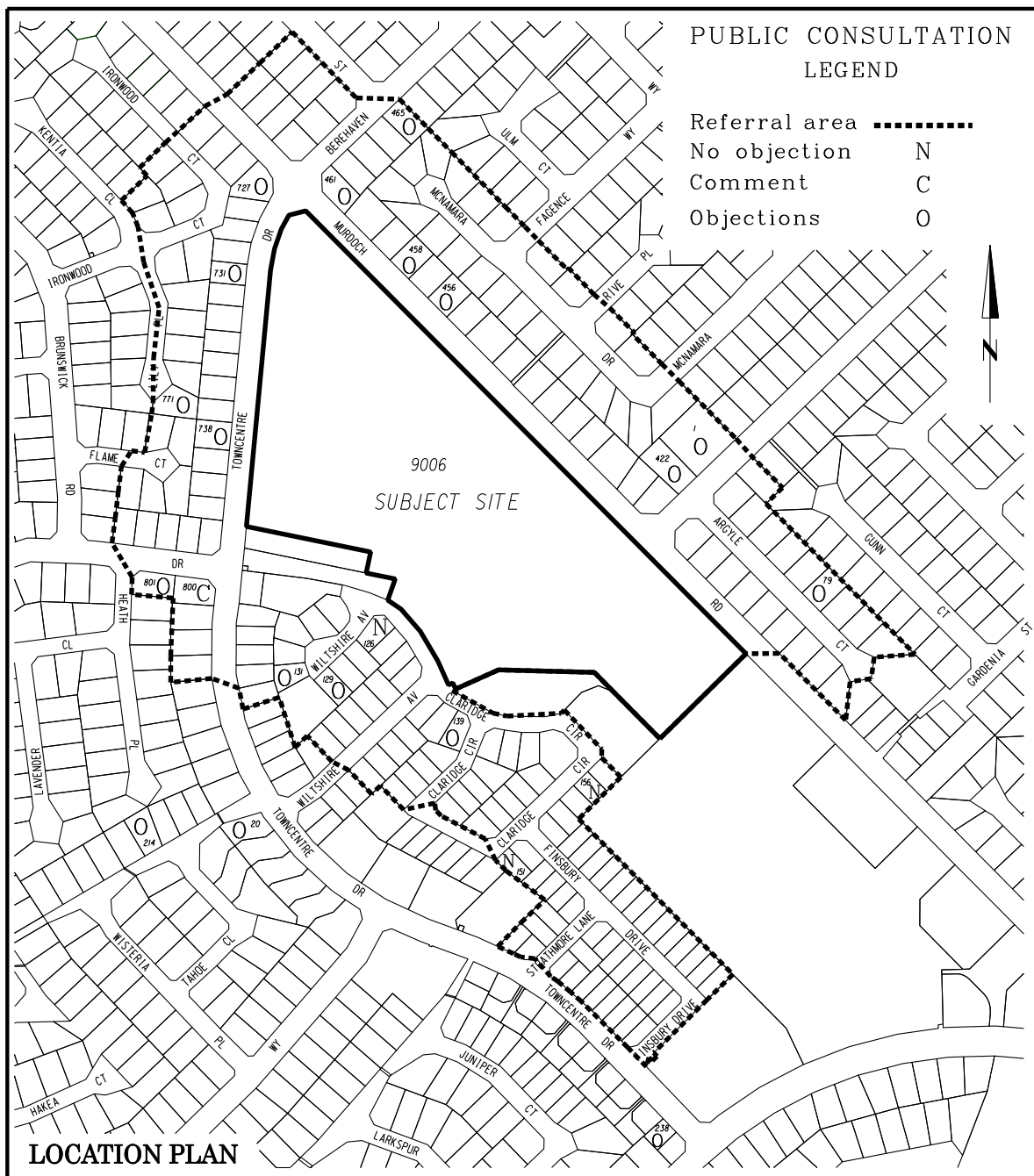
Summary of Submission	Staff Comment
<p>19.11 The R80 coding will set a precedent for future applications by developers. An area of 1,350m² is sufficient to allow limited high density development and no greater area should be approved for R80.</p> <p>19.12 If the rezoning is approved then a requirement of the approval should be that further land be set aside for adjoining parkland as the increase in density will mean more people using the public open space. The developer should be made to properly develop the public open space which is currently an eyesore.</p>	<p>Refer to staff response to submissions 15.5 and 17.2. The area of land proposed to be recoded from R30 to R80 is 9,459m².</p> <p>Refer to response for submissions 2.2 and 2.4.</p> <p>The site is currently the responsibility of the owner/developer. Further development of the POS to provide for footpaths or dual use paths is still to occur. Once development is complete the City will then be responsible for the maintenance of the POS.</p>

20	<p>Name and Postal Address: C Humphries 76B Towncentre Drive Thornlie WA 6108</p>	<p>Affected Property: Unit 2, 76 (Lot 800)Towncentre Drive Thornlie</p>
Summary of Submission	Staff Comment	
<p>Comment on the proposal.</p> <p>20.1 It is a shame that the City of Gosnells does not try a little harder to improve our area by maintaining our local open spaces instead of selling them to cram yet more housing in tiny areas.</p> <p>20.2 The open space is a total mess, it would appear that since building began no care has been taken to maintain the area.</p>	<p>Noted</p> <p>Refer to staff response to submission 19.12.</p> <p>Refer to staff response to submission 19.12.</p>	

Government Submissions:

21	<p>Name and Postal Address: Water Corporation PO Box 100 Leederville WA 6902</p>	
Summary of Submission	Staff Comment	
<p>Comment on the proposal.</p> <p>In relation to the proposal for rezoning from R30 to R80 the following comments are provided:</p> <p>21.1 The subject land can be provided with water and waste water services by extension from existing services in the locality. Further comprehensive density increases in the locality may require a review of local wastewater conveyance systems and the need for upgrades</p>	<p>Noted.</p> <p>Noted.</p> <p>The current R80 proposal applies to only a portion of Lot 9006. Further wide scale density increases in the area are not anticipated. The City's Local Housing Strategy (Thornlie South Precinct) identifies only limited areas along Murdoch Road for recoding to R30/R40.</p>	

Summary of Submission	Staff Comment
21.2 The site is located outside the Corporation's declared drainage area and drainage is therefore the Local Government's responsibility.	Existing drainage infrastructure in the area is considered to have adequate capacity to accommodate any future development on the proposed R80 site. A drainage strategy would be a standard requirement of any future development approval.
21.3 The implementation of Water Corporation planning for the provision of the infrastructure to service future subdivision and development in the area is dependent on the timing of development and may require prefunding of major works by the developer or provision of temporary works. Developers should be advised to liaise with the Water Corporation at the preliminary planning stage of any development to determine the Corporation's current servicing and land requirements.	Noted.
21.4 Developers are expected to provide all water and sewerage reticulation. A contribution for water and sewerage headworks may be required. Developers may be required to fund new works or upgrade the existing works and protection of those works. Land may also be required to be ceded free of cost to the Corporation for works.	Noted.



DISCUSSION

Density and Built Form

Whilst a relatively small proportion (approximately 10% of landowners within the consultation area provided submissions) those received overwhelmingly objected to the proposal due to concerns that:

- High density development is associated with poor quality design.
- High density development means increased levels of rental accommodation and increased anti-social behaviour.

- Future built form will be multi-storey and will be out of place within a predominantly single residential, single storey area.
- Any approval for the R80 proposal will change the character of the area and inevitably be a precedent for further such applications.

It is considered that these perceptions of high density housing are reflective of the poor design qualities and inappropriate siting of many older developments within the metropolitan area dating from the 1960s-1980s (in particular multi-storey towers, often five or more storeys). At that time high density housing tended to be cheaply constructed and this was reflected in its built form characteristics. Anecdotally at least, such housing has sometimes been associated with increased instances of anti-social behaviour.

Since that time there have been significant demographic and socio-economic changes which have placed medium and high density housing options back on the town planning agenda.

These changes include an increasing population and changes in household structure with the emergence of one and two person households as the predominant household type (and therefore a marked decrease in the average dwelling occupancy rates). The Western Australian Planning Commission's (WAPC's) Network City document (September 2004) has identified the need for 375,000 additional dwellings in the Perth and Peel metropolitan area by 2031 when compared to 2001. Alternative forms of housing to the standard single residential 'family' home, such as units, townhouses and apartments are therefore needed in order to provide housing choice. For maximum advantage such housing should be appropriately located in close proximity to services and facilities.

More recent high density development is characterised by higher design and construction standards reflecting increased levels of community standards and market expectations. Also, contemporary design philosophy, formalised within the planning framework of local planning schemes, the R-Codes, state policy (eg Liveable Neighbourhoods) and local policy (eg Safe City Urban Design Strategy) take far more account of amenity, locational and aesthetic factors than was previously the case.

At this point in time the City is yet to receive any application for development on the R80 portion of the site. Any future applications would be assessed and determined on its merit having regard to all relevant Scheme, R-Code and policy provisions.

Although Council staff cannot predict the form of any future development proposed for the R80 portion of the site, staff can give some indication on the likely development scenarios that could arise.

For the R80 density coding the R-Codes requires a minimum of 60% of the total site area to be set aside for open space. For the proposed R80 portion of Lot 9006 this equates to 5,675m², leaving 3,784m² available for actual building construction. The R-Codes also specifies a plot ratio of 1 for development at the R80 density, meaning the total building area of all floors of the development can be as high as the overall site area. For the R80 portion of Lot 9006 this means that up to 9,459m² of building could potentially be constructed on a building 'footprint' area of 3,784m². For this to occur, such development would need to be 2.5 storeys high (ie combination two and three storey).

Alternatively, if the building 'footprint' is confined to one-third of the R80 portion of the site (instead of 40% as in the above example) a building height of three storeys would be required to accommodate the maximum permitted building area of 9,459m². Further, if the building 'footprint' is confined to 25% of the R80 portion of the site a building height of four storeys would be required to accommodate this maximum permitted building area.

Regardless of the combination of building 'footprint' and building height, staff have calculated that development on the R80 portion of the subject land could, at the maximum density, yield around 75 dwelling units. Given the density concessions available under the R-Codes, this dwelling yield could increase to approximately 113 dwelling units if all units were specifically used for special purpose dwellings (such as aged or dependent persons' dwellings and single bedroom dwellings).

There is no formal Council policy restricting building height, however three storey development was approved by Council on 19 December 2006 and 27 February 2007 for 17 Southdown Place, Thornlie and 23-25 Olga Road, Maddington respectively. Approval for high tower blocks would not be supported by staff.

Passive surveillance has been demonstrated to play an important role in minimising anti-social behaviour. It is a key design principle in the City's Safe City Urban Design Strategy and the WAPC's Liveable Neighbourhood urban design document (October 2004). Residential development in close proximity to the Forrest Lakes District Centre and the POS would provide increased opportunities for surveillance. If that development was two or three storeys in height, those opportunities would be enhanced.

In relation to concerns regarding precedent implications it should be noted that since the subject amendment was initiated an application for subdivision of the balance of Lot 9006 has been referred by the WAPC to the City for its recommendation. The proposed 64 lot subdivision provides for 58 single residential lots and 6 grouped dwelling sites on the R30 zoned portion of the land. That subdivision application also proposes to excise the proposed R80 portion of land from the balance of Lot 9006. The City recommended that determination of this application be deferred pending finalisation of Amendment No. 75.

As discussed in the report to Council on 24 April 2007, the proposed R80 density is considered to be appropriate, even though the site is not in close proximity to a railway station, as the site abuts Forrest Lakes Forum District Centre. The Centre provides important shopping, entertainment and community facilities and major bus services which collectively are considered to provide sufficient justification for the proposed density increase.

Staff acknowledge the concerns expressed by submitters in relation to high density development and consider that, if Amendment No. 75 is adopted, every effort should be made to ensure those concerns are not realised. This can be achieved, in part, by requiring the proponent to submit a Detailed Area Plan (DAP) for the R80 site, for Council's approval, prior to determination of any application for planning approval for development on that land. Clause 7.6.1(a)(i) of TPS 6 expressly provides the authority for this to occur.

Lodgement of a DAP for the R80 site will enable Council to consider and resolve matters such as building height and design, open space, landscaping, setbacks, access, parking and development interface with Murdoch Road, the POS and adjacent District Centre zone, prior to any determination of a development proposal for the site. It would also be open to Council to seek further public comment on the DAP ahead of any development being approved on the site.

In any event, it should be noted that grouped dwellings are a discretionary use in the Residential zone (regardless of density) while multiple dwellings are classed as an 'A' use in the Residential zone, meaning they are not permitted unless Council has exercised its discretion to grant approval after public advertising of the proposal. Hence, any future application for planning approval to construct multiple dwellings on any portion of the subject land will be advertised for public comment before being determined by Council. This would be additional to any advertising required by Council for a DAP.

Public Open Space

A total of 2.06ha of public open space exists on the subject site of which 1.5ha is useable open space and 0.35 ha consists of an artificial lake/drainage basin. The actual size of the basin is 0.56ha but in accordance with WAPC Policy DC 2.3 up to 20% can be used as a credit in POS calculations.

This amendment and boundary realignment will not alter the physical size of the POS as this has already been provided. The purpose of this amendment is to resolve an existing zoning anomaly whereby 25 residential lots have currently been developed within an area incorrectly shown as Local Open Space reserve on the TPS 6 Scheme Map.

Proposed Modification to Amendment No. 75

The Scheme Amendment documentation will need to be updated to accurately refer to the subject land as Lot 9006 Murdoch Road rather than 9005 Towncentre Drive.

As such it will be recommended that, should Council adopt Amendment No. 75, a recommendation be forwarded to the Western Australian Planning Commission that the amendment be modified to refer to Lot 9006 Murdoch Road, Thornlie instead of Lot 9005 Towncentre Drive, Thornlie. Such a change is minor and will not affect the intent of the Scheme Amendment

CONCLUSION

It will be recommended that Amendment No. 75 be finalised because:

- The change to the Local Open Space reserve will reflect the constructed extent of that open space.
- The subject land enjoys a level of accessibility to services and functions that is considered to justify the proposed R80 density.

- Submitter concerns regarding high density development appear to be primarily based on out-dated and unacceptable examples of such development. Contemporary planning and design has been successful in creating high quality and attractive developments and the City would seek to achieve the same in this instance.
- Specific design aspects of any future development on the proposed R80 site can be addressed through a DAP for the site, before any development is approved. This DAP could be subject to further landowner consultation.
- Any future application to develop multiple dwelling on the site will be advertised for public comment before being determined.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 5) AND COUNCIL RESOLUTION
--

571 Moved Cr **R Hoffman** Seconded Cr D Griffiths

That Council, pursuant to Town Planning Regulation 17(1), note the submissions received and endorse the responses to those submissions prepared by Council staff.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 5) AND COUNCIL RESOLUTION
--

572 Moved Cr **R Hoffman** Seconded Cr D Griffiths

The Council, pursuant to Town Planning Regulation 17(2) (a) adopt Amendment No. 75 to Town Planning Scheme No. 6 for the purpose of modifying the boundary of the Local Open Space Reserve on Towncentre Drive, Thornlie and rezoning a portion of Lot 9006 Murdoch Road, Thornlie from Residential R30 and District Centre to Residential R80, as shown in Appendices 13.5.1A and 13.5.1B.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 5) AND COUNCIL RESOLUTION
--

573 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council forward Amendment No. 75 to the Western Australian Planning Commission with a recommendation that the amendment be adopted subject to deletion of reference to Lot 9005 Towncentre Drive, Thornlie and replacing it with reference to Lot 9006 Murdoch Road, Thornlie.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (4 of 5) AND COUNCIL RESOLUTION
--

574 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council, pursuant to clause 7.6.1(a)(i) of Town Planning Scheme No. 6, require the owner of Lot 9006 Murdoch Road, Thornlie to prepare and submit to Council a Detailed Area Plan in accordance with clause 7.6 of the Scheme, as a prerequisite to Council's consideration of any application for planning approval for development on the portion of the site that is proposed to be rezoned to Residential R80 by Amendment No. 75 to Town Planning Scheme No. 6.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (5 of 5) AND COUNCIL RESOLUTION
--

575 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council inform those persons who made a submission on Amendment No. 75 to Town Planning Scheme No. 6 of its decision.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

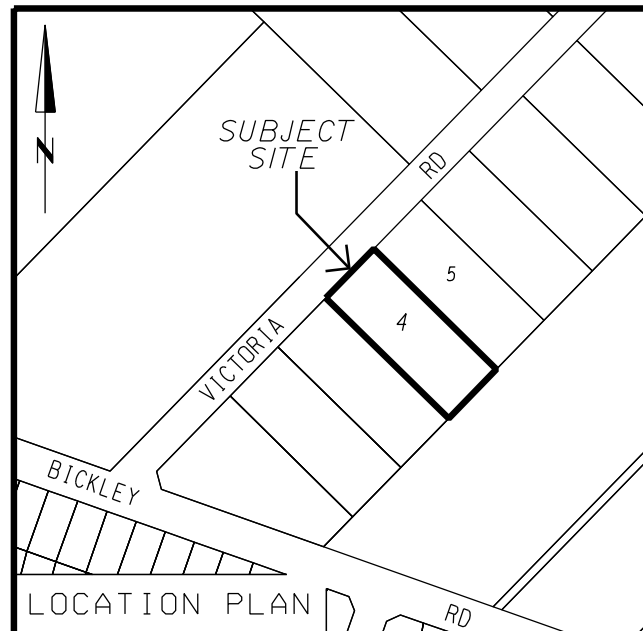
AGAINST: Nil.

13.5.2 DEVELOPMENT APPROVAL - STATE ADMINISTRATIVE TRIBUNAL ORDER – INVITATION TO RECONSIDER THE REVOCATION OF APPROVAL – COMMERCIAL VEHICLE PARKING - 15 (LOT 4) VICTORIA ROAD, KENWICK

Author: P T Salter
Reference: 226152
Application No: DA06/02546
Applicant: Ian George Swetman
Owner: Ian George Swetman
Location: 15 (Lot 4) Victoria Road, Kenwick
Zoning: MRS: Rural
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any Council decision relating to this matter.
Area: 4,047m²
Previous Ref: OCM 11 September 2007 (Resolution 418)
OCM 24 April 2007 (Resolution 148)
OCM 26 September 2006 (Resolution 482)
Appendix: Nil.

PURPOSE OF REPORT

For Council to consider an order from the State Administrative Tribunal (SAT), in accordance with the provisions of Section 31 of the State Administrative Tribunal Act 2004, to reconsider the Council decision from 11 September 2007 to revoke the planning approval to park two Prime Mover/Trailer combinations at 15 (Lot 4) Victoria Road, Kenwick (Resolution 418).



BACKGROUND**Approval for Commercial Vehicle Parking**

On 26 September 2006 Council granted approval (Resolution 482) to Mr Ian G Swetman to park two prime mover/trailer combinations at 15 (Lot 4) Victoria Road, Kenwick. Conditions of approval included 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.*
3. *Ingress to and egress from the subject property of the approved commercial vehicle combinations must always be in a forward motion. Reversing into the subject property from Victoria road and from the subject property onto Victoria road is not permitted.*
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.*

Relative to the above, it should be noted that:

- Several of the conditions, such as those relating to crossover and hardstand construction, landscaping and boundary fencing requirements, needed 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 on several occasions.
- Of particular relevance to the current matter is condition 19 which refers to fencing of the common boundary (the applicant elected this option in lieu of a screening, landscaped buffer area). The key requirement of this condition is that a solid screen fence of 2m in height be constructed along the common boundary where such fencing does not exist. Existing fencing comprised fibrous cement sheeting (of varying height and condition) less than 2m in height along the front portion of the common boundary and wire/post fencing (ie non-solid, non-screening) along the rear portion. No portion of the existing fencing satisfied the requirements of condition 19. Satisfaction of this condition therefore required new fencing to be constructed along the total length of the common boundary (approximately 100m) to a minimum height of 2m.
- 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. Periods of less than two hours do not therefore constitute parking.
- 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.

Revocation of Approval

The owners of 19 (Lot 5) Victoria Road, Kenwick (Mr and Mrs Baraiolo) whose property abuts the subject site have, since September 2006, lodged numerous complaints regarding instances of parking of commercial vehicles on site and made observations of non-compliance with the conditions of the approval. Similar complaints have also been received from another nearby landowner.

At its meeting on 24 April 2007, Council considered a report on complaints made by Mr and Mrs Baraiolo in particular in relation to the parking of commercial vehicles at Lot 4 Victoria Road, Kenwick. At that time the applicant had installed a Colorbond fence along the rear portion of the common boundary but the existing fibrous cement sheet fence along the front portion of the boundary remained in place. The new, Colorbond fencing was approximately 1.8m in height. Staff had advised the applicant verbally and in writing that a 2m fence height was necessary in order to comply with condition 19 of the approval. Council at its 24 April 2007 meeting adopted Resolution 148, which reads:

“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.”*

Mr Swetman was advised of Council’s resolution and the implications of any future substantiated non compliance or complaints regarding nuisance or annoyance caused by the parking activity.

The City received further complaints between April and September 2007 alleging that commercial vehicles were being parked on the property prior to all the conditions of planning approval being met. Planning Compliance staff obtained substantiated evidence including photographic images, confirming that Mr Swetman was parking commercial vehicles on the property without first complying with the conditions of approval. A further report was presented to Council on 11 September 2007 recommending that the approval be revoked. The applicant was informed of the meeting in accordance with standard procedures but was not present at that meeting. Staff understand that Mr Swetman was unable to attend due to work commitments.

At its meeting on 11 September 2007, Council considered the above report incorporating the additional complaints made by neighbours in relation to the parking of commercial vehicles at Lot 4 Victoria Road, Kenwick and details of the observations of staff relating to non-compliance with the conditions of approval. In response Council adopted Resolution 418 which reads:

“That Council:

1. *Revoke the approval to park two Prime Mover/Trailer combinations 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. *Issue a written direction to Mr Ian Swetman requiring him to cease parking his Prime Mover(s) and Trailer attachment(s) at 15 (Lot 4) Victoria Road, Kenwick within 14 days of the date of that direction”.*

Whilst the above resolution does not reference specific reasons for revocation, the staff report recommended revocation based on non-compliance with a condition of planning approval (condition 19) and substantiated instances of commercial vehicle parking on the subject site, which the applicant admitted to, without complying with the planning approval.

State Administrative Tribunal Review

In correspondence dated 19 September 2007 Mr Swetman was advised of Council's decision from 11 September 2007 to revoke his approval. Mr Swetman then exercised his right of appeal to the State Administrative Tribunal and the City was subsequently notified of a Directions Hearing to be held on 31 October 2007. During that hearing the applicant's legal representatives contended that Mr Swetman had been denied procedural fairness as he was unable to attend the Council meeting of 11 September 2007 at which the decision to revoke the approval was made and that decision has a significant and detrimental effect on his livelihood.

The Directions Hearing resulted in an inspection of the subject site on Monday 12 November 2007 by the SAT member Ms M Connor, the City's Coordinator Planning Implementation and Planning Compliance Officer, the applicant and his legal representatives (Mr Peter Foo and Mr Nick Daniels from Tang Legal).

Immediately following the site inspection, a Mediation Hearing was held at the City of Gosnells Administration Centre chaired by the SAT member. At the conclusion of that hearing, the following orders were issued by SAT:

- "1. The applicant is to provide written justification and a commitment in relation to condition 19 of the planning approval dated 3 October 2006 to the respondent by Friday, 16 November 2007.*
- 2. If the applicant wishes to proceed as discussed at the mediation held on 12 November 2007, the applicant is to comply with condition 19 of the planning approval dated 3 October 2006 by Monday, 26 November 2007.*
- 3. Pursuant to s31 of the State Administrative Tribunal Act 2005 (WA) the respondent is invited to reconsider the reviewable decision at its meeting of 18 December 2007.*
- 4. The matter is listed for mediation at 10.00am on Tuesday, 8 January 2008."*

With regard to item 1 of the SAT order a written justification and a commitment to erect the required fencing was provided by the applicant's legal advisors in correspondence received by the City on 16 November 2007. The written justification is as follows:

- "1. As the parking permit has now been revoked, the applicant has to seek alternative sites for parking at the present times which cause great inconvenience to the applicant.*
- 2. The applicant has agreed to install further Colorbond fencing to the existing fencing of 2m in height from natural ground level at the location as discussed at the Mediation Conference on 12 November 2007. This new Colorbond fencing will be installed by 26 November 2007. A copy of a letter from Watson Landscaping dated 12 November 2007 in regards to the installation of this new fencing is enclosed for your reference and records.*

3. *The applicant has already incurred substantial capital in preparing and maintaining the site at Victoria Road, Kenwick for the commercial vehicle parking and if the said permit is not reinstated, the applicant will suffer substantial loss.*
4. *If the commercial vehicle parking permit is not reinstated the applicant will suffer financial hardship and will have adverse effects on his ability to work.*
5. *As the applicant currently works in the northern part of Western Australia he will not have the time to seek alternate parking bay for his commercial vehicles and this causes great inconvenience to his day to day running of his business.”*

With regard to item 3 of the SAT order, section 31 of the SAT Act provides Council with the ability to:

- “(a) affirm the decision;*
- (b) vary the decision; or*
- (c) set aside the decision and substitute its new decision.”*

The Director Governance has obtained legal advice on Council’s ability to change its previous revocation decision under section 31 of the SAT Act, in light of clause 3.10.7 of the City’s Standing Orders Local Law 2003 which states that:

“3.10.7 No revocation of procedural decision or a decision to revoke

The Council shall not entertain to revoke or change a decision which is –

- (a) merely procedural in its form and effect; or*
- (b) a decision to revoke another decision.”*

The legal advice has concluded that clause 3.10.7 of the Standing Orders Local Law does not prevent Council from exercising the authority available to it under section 31 of the SAT Act, because the Local Law is subordinate legislation to the Act and the Act will therefore prevail.

Site Inspection of Boundary Fence

On Monday 26 November 2007 the Acting Manager Planning Implementation and Planning Compliance Officer, in the presence of the applicant, conducted a site inspection of the recently erected Colorbond fencing.

Council staff measured the Colorbond fencing erected along the common boundary with Lot 5 and identified that:

- Each panel of the rear portion of the fence (over a distance of approximately 44m) that was constructed shortly after the approval was granted in 2006 is below 2m in height, varying between 1.73m and 1.93m with an average height above natural ground level of 1.847m.
- Each panel of the front portion of the fence (over a distance of approximately 42m to the double Colorbond gate) that was constructed after the SAT mediation is above 2m in height, varying between 2.275m and 2m with an average height above natural ground level of 2.132m.
- The height of the Colorbond panels erected along the remaining 14m of the side boundary (from the gate to the front property boundary line) vary in height from 2.1m to 2.185m. The end panel closest to Victoria Road is angled downwards to allow for adequate sight lines along Victoria Road and to enhance visual presentation of the fence. This end panel is 1.8m high where it abuts the road reserve.

DISCUSSION

The following options are available to Council in responding to the SAT order which invites Council to reconsider its revocation decision, pursuant to section 31 of the SAT Act:

1. Not accept the SAT's invitation to reconsider the matter.
2. Accept the SAT's invitation and affirm the decision to revoke the approval.
3. Accept the SAT's invitation and set aside Council's previous decision to revoke the approval. This would mean that the approval previously granted would be reinstated, although the rear portion of the fence is still not the required height.
4. Accept the SAT's invitation and substitute Council's previous revocation decision with a new decision. The new decision could be the granting of a fresh planning approval with different conditions to the previous approval; for example to allow a fence height of less than 2m thereby removing the existing area of non-compliance. Alternatively the new decision could be similar to the previous revocation decision, only this time specifying reasons for the revocation.

By pursuing options 1 or 2 Council will affirm its previous revocation decision. By pursuing option 3 Council will effectively set aside its previous revocation decision and reinstate approval for commercial vehicle parking. Under option 4 the previous revocation decision can be replaced with another decision, either for approval with conditions, or revocation for specific reasons.

Regardless of which option Council selects, any decision of Council on this matter may be referred by the applicant to the SAT for review. If this occurs, the new decision will become the basis of further SAT proceedings and determination on this matter.

In considering this matter, it is open to Council to consider the nuisance or annoyance that the Commercial vehicle parking activity is having on neighbours. While it is evident from the complaints received that Mr Swetman's activities are causing nuisance and annoyance to his neighbours the primary reason for staff recommending revocation of Mr Swetman's approval in the report to Council on 11 September 2007 was due to non-compliance with condition 19 of the planning approval. This was the case because the majority of past complaints about activities on Lot 4 related more to

Mr Swetman's alleged attitude and behaviour towards his neighbours and to his dogs than to the parking of commercial vehicles on the property. The relationship between Mr Swetman and his neighbours has appeared to deteriorate over time to now resemble an ongoing conflict/dispute situation.

Since the SAT orders were issued further complaints have been received by the City in relation to Mr Swetman's activities but, as before, these complaints do not relate strictly to the commercial vehicle parking activity. For these reasons it is considered more appropriate and defensible for Council to affirm its previous revocation decision on the basis of non-compliance with condition 19 of the planning approval.

Whilst the applicant has installed a significant length of new and compliant fencing along the common side boundary it remains a fact that the existing fencing is less than the required 2m in height (the average height of the rear portion is 1.847m). Item 2 of the SAT Orders referenced the need for compliance with condition 19 (the fencing condition) of the approval but Mr Swetman has not complied with this directive. Given the ongoing non-compliance with this condition, staff will recommend that Council pursue Option 2 above and affirm its previous decision to revoke the planning approval due to non-compliance with condition 19.

CONCLUSION

There is an ongoing and substantiated history of non-compliance with conditions of Council's approval granted at its meeting of 11 September 2007. Condition 19 of that approval requiring a solid fence of 2m in height along the side boundary where such fencing does not exist remains unsatisfied and affirmation of Council's decision of 11 September 2007 to revoke approval is recommended.

FINANCIAL IMPLICATIONS

Nil, although costs may be incurred at a later date for legal representation if this matter proceeds to full hearing through the SAT.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

576 Moved Cr D Griffiths Seconded Cr B Wiffen

That Council:

1. Affirm its decision of 11 September 2007 (Resolution 418) to revoke planning approval granted on 26 September 2006 (Resolution 482) for the parking of two Prime Mover/Trailer combinations at 15 (Lot 4) Victoria Road, Kenwick, due to ongoing non-compliance with the requirements of condition 19 of the planning approval.
2. Advise the State Administrative Tribunal and the owners of Lot 5 and Lot 3 Victoria Road, Kenwick accordingly.

Decision revoked via Resolution 68 of the 11/03/08 OCM

CARRIED 8/2

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr L Griffiths, and Cr O Searle.

AGAINST: Cr J Brown and Cr P Morris.

**13.5.5 DEVELOPMENT APPLICATION – PROPOSED OFFICE – 2338 (LOT 65)
ALBANY HIGHWAY, GOSNELLS**

Author: R Malin
Reference: 202411
Application No: DA07/02646
Applicant: David Callaghan
Owner: David J Callaghan & Cornelia M Callaghan
Location: 2338 (Lot 65) Albany Highway Gosnells
Zoning: MRS: Urban
TPS No. 6: R30/R40
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 961m²
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

For Council to consider an application for retrospective planning approval for a proposed Office at 2338 (Lot 65) Albany Highway, Gosnells. Submissions objecting to the proposal have been received and determination is therefore outside the authority delegated to staff.

BACKGROUND

The applicant was previously operating a security business (Callaghan Security) at 2073 (Lot 201) Albany Highway, Gosnells until the premises had to be vacated and then demolished due to it being structurally unsound. The owners of the security business relocated to 2338 (Lot 65) Albany Highway and have been operating the business from there since March 2007.

The City subsequently received complaints regarding the unapproved business operations and barking dogs on-site, which resulted in the owners of the business submitting an application for retrospective planning approval for an office use in the Residential zone.

Site Description

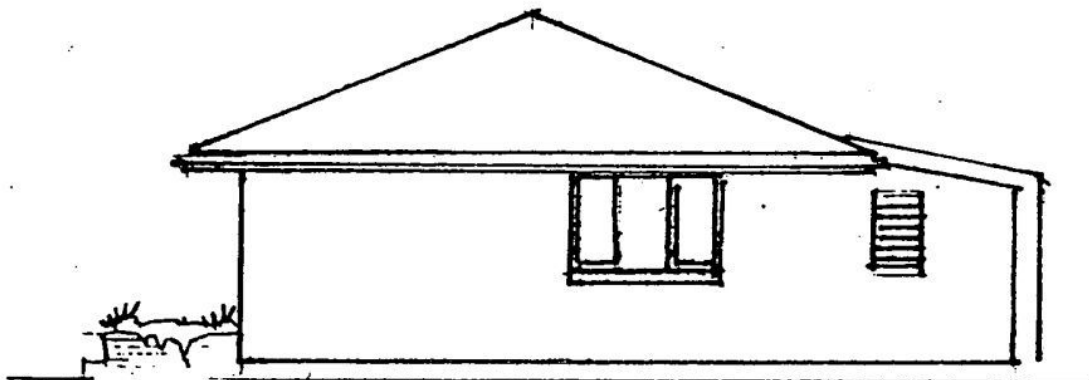
The subject site is located on Albany Highway and is 961m² in area. It is zoned Residential R30/R40 under Town Planning Scheme No. 6 (TPS 6). Vehicular access to the site is currently obtained from Albany Highway. Development on the subject site comprises a single brick/tile residence and a recently constructed concrete driveway and parking area.

The subject site abuts residential properties to the south and east. A commercial centre abuts the subject site's northern boundary and land to the west across Albany Highway is also of a commercial nature (showrooms and car yards). A laneway abuts the subject site's rear boundary.

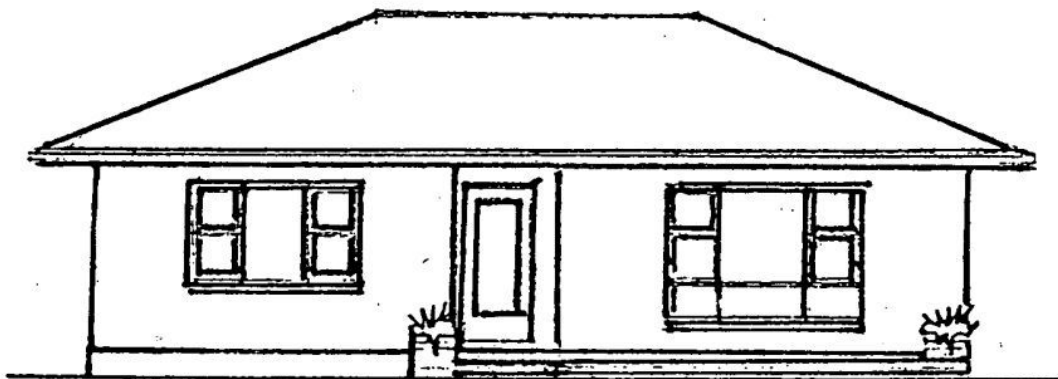
Proposal Details

The submitted application and plans indicate the following:

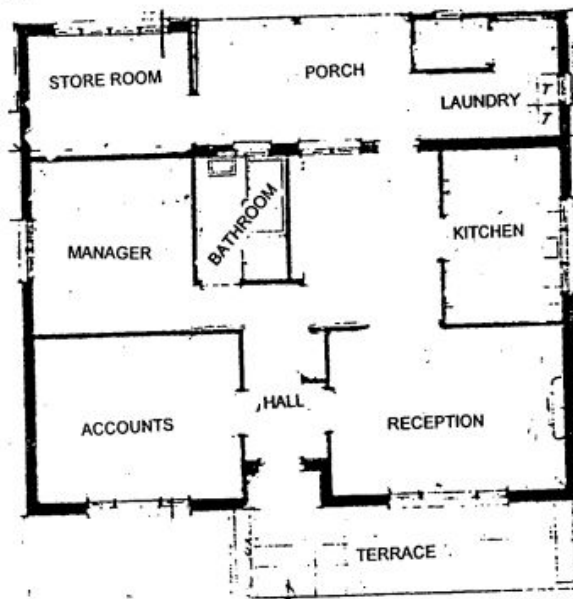
- The proposed office is to be used solely for administration duties pertaining to the 24 hour security business.
- The hours of operation are proposed to be between 8.30am and 5.30pm Monday to Friday.
- There will be a maximum of six staff working from the premises during the proposed business hours. Two of these staff members will frequent the building every day at 6am and 5.45pm for approximately 20 minutes to collect equipment for mobile patrol services.
- There are two guard dogs used as a part of the business that may be occasionally housed at the property due to the fact they have just been purchased, are in between sites or are recuperating from vet visits. The dogs are hired out for security purposes at all other times. The applicant has stated that it is not their intention to have the dogs on site on a permanent basis.
- Onsite parking is provided for up to ten cars.



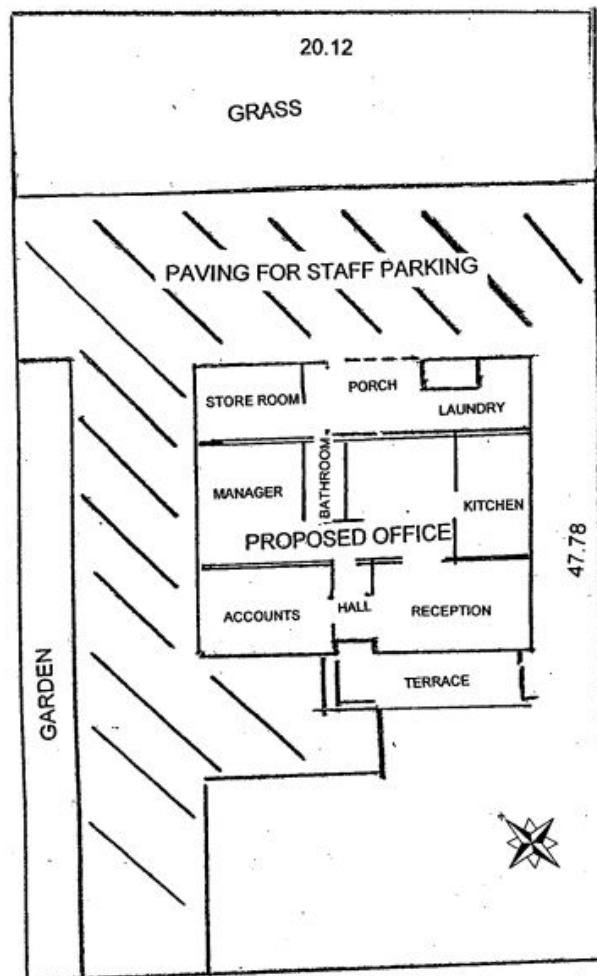
Side Elevation



Front Elevation



FLOOR PLAN



Albany Highway

SITE PLAN

Consultation

The proposal was advertised for public comment for 14 days in accordance with Council Policy/TPS 6 requirements, during which time seven submissions were received, four objecting to the proposal and three non-objections. A summary of these submissions and staff comments thereon are provided in the following Schedule of Submissions.

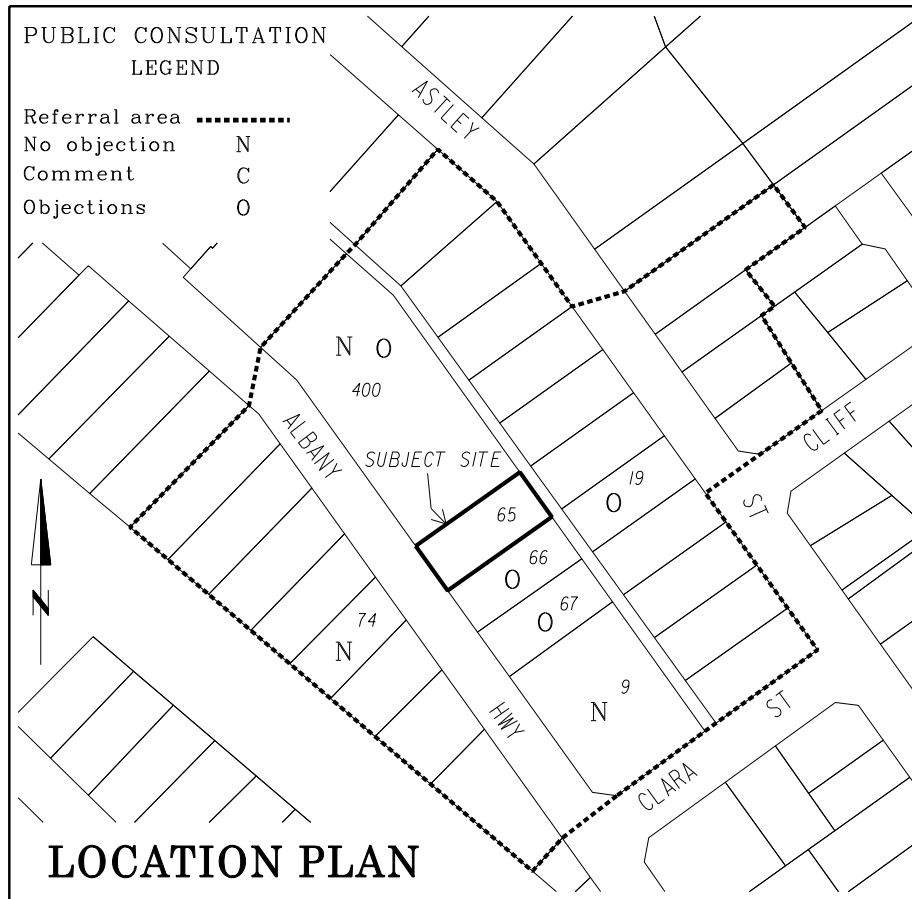
Schedule of Submissions

1	Name and Postal Address: Antonio Lopresti 27 Shallcross Road Yangebup WA 6164	Affected Property: 7/2328 (Strata Lot 7) Albany Highway Gosnells
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
2	Name and Postal Address: E S and EJ Loughton 43 Lombadina Parade Secret Harbour WA 6173	Affected Property: 10/9 (Strata Lot 10) Clara Street Gosnells
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
3	Name and Postal Address: T Riley 14 Wawanna Place Huntingdale WA 6110	Affected Property: 14 (Lot 74) Wawanna Place Huntingdale
Summary of Submission		Staff Comment
No objection to proposal.		Noted.
4	Name and Postal Address: C Nish RMB 258a Rogers Road Beverley WA 6304	Affected Property: 8/2328 (Strata Lot 8) Albany Highway Gosnells
Summary of Submission		Staff Comment
Objection to proposal. The dogs on the property are upsetting the peace.		Noted. The City has received complaints regarding dogs on the property. The City's Ranger Services has investigated these complaints and notified the owners of the need to address the nuisance. The issue of barking dogs could arise on any property where dogs are kept. See also comments relating to Dog Enclosure under the Discussion section later in this report.

5	Name and Postal Address: R and M Bell 45 Astley Street Gosnells WA 6110	Affected Property: 45 (Lot 20) Astley Street Gosnells
Summary of Submission		Staff Comment
<p>Objection to proposal.</p> <p>5.1 The proposal for the change of use is overdue as the property in question has been used as an office for some months.</p> <p>5.2 Objects to the keeping of guard dogs on the property due to their constant barking and being kept in cages. Is concerned because the cage is kept at the back of the property near their bedroom and they are kept awake by the constant barking.</p>		<p>Noted.</p> <p>The use of the property as an office came to the attention of staff as a result of complaints. This resulted in the lodgement of the subject application.</p> <p>See staff response to submission 4. The enclosure that the dogs are kept in is currently stored at the front of the property.</p>

6	Name and Postal Address: O and M V Mallozzi 2340 Albany Highway Gosnells WA 6110	Affected Property: 2340 (Lot 66) Albany Highway Gosnells
Summary of Submission		Staff Comment
<p>Objection to the proposal.</p> <p>6.1 If a company can operate from this property, the next tenant or owner may get easier approval to operate another type of business. This may result in them not having the opportunity to comment and subsequently have no influence on what may happen with the property.</p> <p>6.2 Does not support a change of use to the property.</p> <p>6.3 Would like answers to the following questions:</p> <p>a) How can residential status be kept if the house is used as an Office and it is not the owner's principal address?</p> <p>b) How can the proposal state that the hours of business will be from 8.30am to 5.30pm Monday to Friday if it will operate as an Office for a 24 hour security company?</p> <p>c) If the property is paved, where will the excess water run to? The property does not have stormwater drainage and this will result in excess water running onto our property</p> <p>d) Will the shed situated close to our shed be shifted due to issues regarding drainage.</p>		<p>Noted.</p> <p>The City's Town Planning Scheme 6 (TPS 6) provides Council with discretion to grant planning approval for offices on land zoned Residential.</p> <p>The subject site is situated on Albany Highway adjacent to and opposite from established commercial activities and is considered to be suitable for the proposed office use.</p> <p>Any future application for use or development on the site would be determined on its individual merits in accordance with TPS 6 and any relevant Council Policy.</p> <p>See staff response to submission 6.1.</p> <p>An office is a use that can be approved in the Residential zone regardless of whether the building is also used for domestic purposes.</p> <p>The applicant has advised that the premises in question is to be used for administrative purposes only. Administration hours are stated as 8.30am until 5.30pm Monday to Friday, although staff will also attend the office at 6am and 5.45pm for about 20 minutes, every day.</p> <p>If approved it is recommended that a condition be imposed requiring stormwater to be disposed on site in soak wells.</p> <p>There is no existing shed on the subject site.</p>

Summary of Submission		Staff Comment
7	Name and Postal Address: A and G de Blanken 2342 Albany Highway Gosnells WA 6110	Affected Property: 2342 (Lot 67) Albany Highway Gosnells
Summary of Submission		Staff Comment
Objection to proposal.		Noted.
7.1	Strongly object to dogs being left at the property overnight as the property will be vacant between the hours of 5.30pm and 8.30am.	See staff response to submission 4.
7.2	We have heard dogs barking, howling or crying, etc in a distressful manner on various occasions during the night. The dogs should not be left unattended and if no one is onsite to reassure the dogs if need be, it should be viewed as animal cruelty.	See staff response to submission 4.
7.3	Would like answers to the following questions: a) Could the dogs be kept at the owner's personal residence or in a dog kennel area. b) How should we handle any issues that may arise should be dogs be left on the property.	The owner has responded by stating that the subject site is the preferred location to house the dogs because of its close proximity to the business. The owner's personal residence is located a substantial distance from the subject site and would pose difficulties in regards to the set-down and pick-up of dogs when required by employees of the business for business operations. If the dogs are left on the property and a nuisance arises from their barking then contact should be made with the City's Ranger Services. See also comments relating to Dog Enclosure under the Discussion section later in this report.
7.4	Objects strongly to the Council's approval to allow dogs to be left on these premises overnight.	This is an application for planning approval for an office. Council is not being requested to grant approval, nor is such approval specifically required, for the keeping of dogs on the property. Under clause 3.2 of Council's Dog Local Law up to two dogs can be kept on any premises in the City. See also comments relating to Dog Enclosure under the Discussion section later in this report.
7.5	If the change of use is approved, how may this effect future usage of the property.	The Residential status of the property will remain intact. The proposed change of use will have no effect on the current or future zoning. Any future application for use or development of the site would be determined on its individual merits in accordance with TPS 6 and any relevant Council Policy.
7.6	Because the property will not be used for residential purposes, it is difficult to understand how the property will retain its residential status.	See staff response to submission 7.5.
7.7	The change may permit (or make easier for) future proposals of a commercial nature to operate.	See staff response to submission 7.5.



DISCUSSION

Town Planning Scheme No. 6

As mentioned previously, the subject site is zoned Residential R30/R40 under TPS 6. In accordance with Table 1 of TPS 6, an office is an “A” use in the Residential zone, meaning it is not permitted unless Council has exercised its discretion by granting planning approval after a period of public comment.

Office is defined in TPS 6 as meaning:

“premises used for administration, clerical, technical, professional or other like business activities.”

Council can grant retrospective planning approval for the office in accordance with clause 9.4.1 of TPS 6, providing it conforms with the provisions of the Scheme.

The proposed office complies with all relevant provisions of TPS 6. There are however three aspects of the proposal that require discussion, as follows:

Dog Enclosure

While it is accepted that up to two dogs can be kept on the property under Council's Dog Local Law, it must also be appreciated that the dogs in question are essentially "tools" of the business activity. The manner in which the dogs are housed on site will therefore influence their impact and the impact of the business on neighbours and the amenity of the area.

A steel enclosure is currently used for housing the dogs on-site and is located at the front of the building in the street setback area. The location, appearance and poor sound insulation qualities of this structure are considered to have a detrimental impact on the amenity of the residential area. Should Council approve the subject application, it would be recommended that a condition be imposed requiring any dogs kept on the property to be housed at all times in a suitable manner and structure so that noise from barking does not exceed the assigned background noise level at the boundary of the property. This would improve the appearance of the site when viewed from Albany Highway and reduce potential disturbance to neighbours from the dogs barking.

Car Parking Provision

The parking provisions of TPS 6 require one car bay per 30m² of office floor space with a minimum of four car bays for each office unit or tenancy. The terms "office unit" and "tenancy" are not defined, but could be reasonably interpreted as individually tenanted offices within an office suite.

The subject proposal is for an office building containing three office rooms. However it will operate as a single commercial entity and the individual rooms are not considered to be an "office unit" or "tenancy" for the purposes of TPS 6. Rather, the proposed office building should be considered as one "office unit". On this basis four carparking bays are required to meet TPS 6 standards. However, the applicant has advised that a maximum of six staff are employed in the business and it is therefore considered appropriate for at least seven bays to be provided on site (including one for clients) if the application is approved by Council.

Residential Amenity

The proposal, given it is for a non-residential use in a residential area, needs to be considered with regard to the potential impact on the amenity of the area. It is considered the proposed office would not pose an unacceptable or detrimental impact on the amenity of the area for the following reasons:

- The majority of the objections received were in relation to amenity disturbances pertaining to the dogs on site. These issues are governed by the Dog Act and Council's Dog Local Law, which, as of right, allows two dogs to be kept on the property. It is not open to Council to determine the subject application in a manner that would remove the owner's lawful right to keep two dogs on the property.

- An office is a relatively benign use in terms of its potential impact on the amenity of surrounding properties. While there is likely to be some additional traffic generated (around 10 vehicle trips per day), the potential impact is considered minor. This is mainly due to the fact that the subject site is located on Albany Highway where there is already a substantial amount of passing traffic. All vehicles entering or leaving the subject site would do so from Albany Highway.
- The subject site immediately abuts and is opposite from existing commercial activities.

CONCLUSION

It will be recommended that the application be approved subject to appropriate conditions and advice notes contained in the staff recommendation as it complies with TPS 6 provisions and is not expected to adversely impact on the amenity of the residential area.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr R Hoffman Seconded Cr C Fernandez

That Council, pursuant to clause 9.4.1 of Town Planning Scheme No. 6, grant retrospective planning approval for an office at 2338 (Lot 65) Albany Highway, Gosnells, 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 minimum of 7 carparking bays are to be provided for the purpose of the Office use (comprising at least one bay for the exclusive use of clients) within 60 days of the date of this approval and maintained to the satisfaction of the Manager Planning Implementation. The driveways, accessways and car bays are to be paved, drained and marked to the City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
3. Submission of a detailed carparking plan for approval by the Manager Planning Implementation within 30 days of the date of this approval.

4. The existing dog kennel enclosure at the front of the premises is to be removed or relocated so as not to be visible from Albany Highway to the satisfaction of the Manager Planning Implementation.
5. In accordance with Council's Dog Local Law, not more than two dogs may be kept on the property. Any dogs kept on the property must, at all times, be housed in such a manner and in such a structure, as to ensure that noise from barking dogs does not exceed the assigned background noise level at the boundary of the property. Relative to this requirement, details of the dog accommodation arrangements must be submitted to and approved by the Health and Ranger Services within 30 days of the date of this approval. The dogs shall thereafter be housed in accordance with those approved arrangements.
6. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.
7. All stormwater is to be disposed of on-site by the use of soakwells to the satisfaction of the City's Manager Building Services, within 60 days of the date of this approval. Soakwells are to be designed to accommodate a 1 in 5 year frequency storm event.
8. The site is to be connected to the reticulated sewerage system.
9. The office building shall not be occupied by more than a single business entity unless otherwise approved by Council.

Advice Notes

1. In relation to Condition 2, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001, with one (1) carparking bay for each 50 carparking bays provided on-site, or part thereof.
2. The applicant's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
3. A Certificate of Classification must be applied for and issued by the Manager Building Services prior to any occupation of the building for non-residential purposes.

4. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
5. The applicant's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
6. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.
7. This is a planning 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 approval are obtained prior to the commencement of any development covered by this approval.

Amendment

During debate Cr D Griffiths moved the following amendment to the staff recommendation:

"That the staff recommendation be amended by deleting the following words from the end of Condition 5 – "The dogs shall thereafter be housed in accordance with those approved arrangements"."

Cr D Griffiths provided the following written reason for the proposed amendment:

"To remove words that could be misinterpreted to allow the keeping of dogs on the property in any manner until another accommodation arrangement is approved in accordance with the condition. The preceding text of the condition provides sufficient clarity on the terms under which the dogs can be kept on the property, without the need for the final sentence in Condition 5".

Cr B Wiffen Seconded Cr D Griffiths's proposed amendment.

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

Moved Cr D Griffiths Seconded Cr B Wiffen

That the staff recommendation be amended by deleting the following words from the end of Condition 5 – “The dogs shall thereafter be housed in accordance with those approved arrangements”, with the amended recommendation to read:

“That Council, pursuant to clause 9.4.1 of Town Planning Scheme No. 6, grant retrospective planning approval for an office at 2338 (Lot 65) Albany Highway, Gosnells, 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 minimum of 7 carparking bays are to be provided for the purpose of the Office use (comprising at least one bay for the exclusive use of clients) within 60 days of the date of this approval and maintained to the satisfaction of the Manager Planning Implementation. The driveways, accessways and car bays are to be paved, drained and marked to the City’s standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
3. Submission of a detailed carparking plan for approval by the Manager Planning Implementation within 30 days of the date of this approval.
4. The existing dog kennel enclosure at the front of the premises is to be removed or relocated so as not to be visible from Albany Highway to the satisfaction of the Manager Planning Implementation.
5. In accordance with Council’s Dog Local Law, not more than two dogs may be kept on the property. Any dogs kept on the property must, at all times, be housed in such a manner and in such a structure, as to ensure that noise from barking dogs does not exceed the assigned background noise level at the boundary of the property. Relative to this requirement, details of the dog accommodation arrangements must be submitted to and approved by the Health and Ranger Services within 30 days of the date of this approval.
6. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.

7. All stormwater is to be disposed of on-site by the use of soakwells to the satisfaction of the City's Manager Building Services, within 60 days of the date of this approval. Soakwells are to be designed to accommodate a 1 in 5 year frequency storm event.
8. The site is to be connected to the reticulated sewerage system.
9. The office building shall not be occupied by more than a single business entity unless otherwise approved by Council.

Advice Notes

1. In relation to Condition 2, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001, with one (1) carparking bay for each 50 carparking bays provided on-site, or part thereof.
2. The applicant's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
3. A Certificate of Classification must be applied for and issued by the Manager Building Services prior to any occupation of the building for non-residential purposes.
4. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
5. The applicant's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.

6. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.
7. This is a planning 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 approval are obtained prior to the commencement of any development covered by this approval."

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

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

577 Moved Cr D Griffiths Seconded Cr B Wiffen

That Council, pursuant to clause 9.4.1 of Town Planning Scheme No. 6, grant retrospective planning approval for an office at 2338 (Lot 65) Albany Highway, Gosnells, 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 minimum of 7 carparking bays are to be provided for the purpose of the Office use (comprising at least one bay for the exclusive use of clients) within 60 days of the date of this approval and maintained to the satisfaction of the Manager Planning Implementation. The driveways, accessways and car bays are to be paved, drained and marked to the City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
3. Submission of a detailed carparking plan for approval by the Manager Planning Implementation within 30 days of the date of this approval.
4. The existing dog kennel enclosure at the front of the premises is to be removed or relocated so as not to be visible from Albany Highway to the satisfaction of the Manager Planning Implementation.

5. In accordance with Council's Dog Local Law, not more than two dogs may be kept on the property. Any dogs kept on the property must, at all times, be housed in such a manner and in such a structure, as to ensure that noise from barking dogs does not exceed the assigned background noise level at the boundary of the property. Relative to this requirement, details of the dog accommodation arrangements must be submitted to and approved by the Health and Ranger Services within 30 days of the date of this approval.
6. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.
7. All stormwater is to be disposed of on-site by the use of soakwells to the satisfaction of the City's Manager Building Services, within 60 days of the date of this approval. Soakwells are to be designed to accommodate a 1 in 5 year frequency storm event.
8. The site is to be connected to the reticulated sewerage system.
9. The office building shall not be occupied by more than a single business entity unless otherwise approved by Council.

Advice Notes

1. In relation to Condition 2, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001, with one (1) carparking bay for each 50 carparking bays provided on-site, or part thereof.
2. The applicant's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
3. A Certificate of Classification must be applied for and issued by the Manager Building Services prior to any occupation of the building for non-residential purposes.
4. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.

5. The applicant's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
6. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.
7. This is a planning 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 approval are obtained prior to the commencement of any development covered by this approval.

CARRIED 10/0

FOR: *Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.*

AGAINST: *Nil.*

12. MINUTES OF COMMITTEE MEETINGS

Cr W Barrett, due to being Presiding Member of the RoadWise Committee, disclosed at Item 2 of the Agenda "Declarations of Interest", an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.1 CITY OF GOSNELLS ROADWISE COMMITTEE MEETING – 7 NOVEMBER 2007

Author: S Kalbarczyk

Previous Ref: Nil

Appendix: 12.1A Minutes of the City of Gosnells RoadWise Committee Meeting held on Wednesday 7 November 2007

PURPOSE OF REPORT

For Council to receive the Minutes of the RoadWise Committee Meeting held on Wednesday 7 November 2007.

BACKGROUND

The City of Gosnells RoadWise Committee meets on the first Wednesday of every month. The Committee was established with the guiding principles to:

- Improve road safety in the City of Gosnells
- Raise community awareness of road safety issues and initiatives in the City of Gosnells
- Facilitate community planning, development and implementation of road safety programs and promotions
- Develop programmes and initiatives which target groups and issues identified in the State Road Safety Strategy

The Minutes of the meeting are attached as Appendix 12.1A.

DISCUSSION

There was one recommendation made at the meeting held on Wednesday, 7 November 2007 requiring Council's consideration.

Recommendation 14

"That Council approve membership on the RoadWise Committee for a Community Representative position offered to Ms Sandra Baraiolo of the Bickley Ward Progress Ratepayers Association."

The main points of discussion at the meeting were:

- **RoadWise Mobile Messages Display – Crash Trailer:** Discussion over the ownership of the trailer. RoadWise Bunbury was to obtain the trailer however it has been proposed that Gosnells receives ownership instead.

- **Random Breath Testing (RBT):** The RBT event held in October 2007 was a success with approximately 500 road safety bags handed out. Bags will be prepared for the next RBT scheduled for January 2008.
- **Fridge Stickers:** The stickers have not yet been delivered. Candor Stationery has been contacted several times and the stickers are being delayed. We are still waiting on a date for delivery.
- **Arrive Alive:** 'Arrive Alive' for local government is scheduled for 7 December 2007 and the aim of the event is to raise awareness of the importance of road safety over Christmas and to acknowledge the role of State Emergency Services, WA Police, Fire Brigade, etc.

FINANCIAL IMPLICATIONS

Nil.

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

578 Moved Cr B Wiffen Seconded Cr J Brown

That Council receive the Minutes of the Meeting of the City of Gosnells RoadWise Committee held on Wednesday 7 November 2007 attached as Appendix 12.1A.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

579 Moved Cr B Wiffen Seconded Cr J Brown

That Council adopt Recommendation 14 of the RoadWise Committee, which reads:

“That Council approves membership on the RoadWise Committee for a Community Representative position offered to Ms Sandra Baraiolo of the Bickley Ward Progress Ratepayers Association.”

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

Cr S Iwanyk, due to being a Council delegate to the Strategic Planning Committee, disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

12.2 STRATEGIC PLANNING COMMITTEE MEETING – 20 NOVEMBER 2007

Author: T Perkins

Previous Ref: Nil

Appendix: 12.2A Minutes of Strategic Planning Committee Meeting held 20 November 2007

PURPOSE OF REPORT

For Council to receive the Minutes of the Strategic Planning Committee meeting held on 20 November 2007 and adopt the recommendations therein.

BACKGROUND

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

The Minutes of the Strategic Planning Committee meeting held on Tuesday 20 November 2007 are attached as Appendix 12.2A.

DISCUSSION

There were a total of eight recommendations made at the meeting, of which only three require the consideration of Council.

Community Portfolio Briefing – 30 October 2007

Leisure World Review Report 2007

The Manager Leisure Services provided an overview of the findings of the Leisure World Review Report 2007 to the October Community Portfolio Briefing.

The purpose of the review was to assess the capacity of Leisure World to meet future community requirements with respect to existing programmes and services delivered through Leisure World. The Report also provides an objective assessment of Leisure World's capacity to meet community requirements into the future.

The Report's recommendations include:

- recognising that, based on the review's analysis of population data and leisure trends, Leisure World does not currently meet the community's requirements and is unable to meet the requirements of a growing community;
- that Leisure World is well located and should be retained in its current location if possible;
- that a feasibility study for investigating development options be undertaken;

- and that, at the conclusion of the feasibility study, the City approaches the Department of Sport and Recreation to assess its eligibility for Community Sport and Recreation Facility Fund (CSRFF) funding for any expansion or modification of Leisure World.

The Report and supporting presentation resulted in the following Committee Recommendation requiring Council determination.

Committee Recommendation 27:

“That Council:

1. *Endorse the Leisure World Review Report 2007 attached as Appendix 6.1.1B; and*
2. *Approve the commissioning of a Feasibility Study to investigate the costs, benefits and options for addressing the recommendations of the Leisure World Review Report 2007.”*

Should this recommendation be supported, following the feasibility study, a further report outlining potential options in relation to any proposal for development of Leisure World will be presented to Council for consideration.

Heritage Strategy

The Manager Library and Heritage Services provided a synopsis on the preparation and findings of the Draft Heritage Strategy which she compiled with the assistance of a cross directional Project Reference Group:

The draft strategy has been developed based on the following directions:

- Record and promote places and objects of significant heritage value
- Create a sustainable future for significant heritage items within the City of Gosnells
- Involve the community in protecting and promoting the history and heritage of the City of Gosnells

The document acknowledges that involving community is essential to ensure a successful outcome for the heritage strategy, hence the intent to widely advertise its existence.

The presentation and draft strategy resulted in the following Committee Recommendation requiring Council determination:

Recommendation 28:

“That Council endorse the draft Heritage Strategy attached as Appendix 6.1.1C for the purposes of advertising for public comment for a period of 42 days by way of:

1. *Advertisements in local newspapers*
2. *Display on the City’s website*
3. *Notification at the City’s Libraries*
4. *Forwarding to the Heritage Council of Western Australia*
5. *Forwarding to the City of Gosnells Heritage Advisory Committee.”*

Organisation Portfolio – 30 October 2007

Budget Timetable 2008/2009

The Director Corporate Services presented a report to the Committee in which he outlined the proposed budget timetable for the 2008/2009 financial year.

That timetable also makes provision for the development of the Five-Year Capital Works Programme and the development of a Ten-Year Financial Plan as outlined in the City’s Strategic Plan for the Future 2007-2010.

As a result the Committee resolved the following which requires Council determination:

Recommendation 31:

“That Council adopt the proposed timetable for adoption of the 2008/2009 Budget and Ten-Year Financial Plan, attached as Appendix 6.5.2A.”

FINANCIAL IMPLICATIONS

The financial implications are outlined in the individual reports contained within the 20 November 2007 Strategic Planning Committee Minutes attached as Appendix 12.2A and will be dependent upon the final resolution of Council.

STAFF RECOMMENDATION (1 of 4) AND COUNCIL RESOLUTION
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580 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council receive the Minutes of the Strategic Planning Committee Meeting held on 20 November 2007 attached as Appendix 12.2A.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 4) AND COUNCIL RESOLUTION
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581 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council adopt Recommendation 27 of the Strategic Planning Committee Meeting held on 20 November 2007 which reads:

“That Council:

- 1. Endorse the Leisure World Review Report 2007 attached as Appendix 6.1.1B; and*
- 2. Approve the commissioning of a Feasibility Study to investigate the costs, benefits and options for addressing the recommendations of the Leisure World Review Report 2007.”*

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 4) AND COUNCIL RESOLUTION
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582 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council adopt Recommendation 28 of the Strategic Planning Committee Meeting held on 20 November 2007 which reads:

“That Council endorse the draft Heritage Strategy attached as Appendix 6.1.1C for the purposes of advertising for public comment for a period of 42 days by way of:

- 1. Advertisements in local newspapers*
- 2. Display on the City’s website*
- 3. Notification at the City’s Libraries*
- 4. Forwarding to the Heritage Council of Western Australia*
- 5. Forwarding to the City of Gosnells Heritage Advisory Committee.”*

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (4 of 4) AND COUNCIL RESOLUTION

583 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council adopt Recommendation 31 of the Strategic Planning Committee Meeting held on 20 November 2007 which reads:

“That Council adopt the proposed timetable for adoption of the 2008/2009 Budget and Ten-Year Financial Plan, attached as Appendix 6.5.2A.”

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

12.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE

Author: R Wallington

Previous Ref:

Appendix: 12.3A Minutes of the Local Emergency Management Committee held on 21 November 2007

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Local Emergency Management Committee meeting held on 21 November 2007.

BACKGROUND

The Local Emergency Management Committee generally meets every third month to discuss emergency management planning, any major incidents that have occurred within the City and to update the Emergency Management Plan where changes have occurred.

The Minutes of the Local Emergency Management Committee meeting held on Wednesday 21 November 2007 are attached as Appendix 12.3A.

DISCUSSION

There were no recommendations made at the meeting which require the consideration of Council.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

584 Moved Cr B Wiffen Seconded Cr D Griffiths

That Council receive the Minutes of the Local Emergency Management Committee Meeting held on 21 November 2007 attached as Appendix 12.3A.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICER

13.1.1 LOCAL GOVERNMENT CHIEF OFFICERS GROUP

Author: D Simms
Previous Ref: Nil
Appendix: 13.1.1A Profile of the LGCOG

PURPOSE OF REPORT

To seek approval for the Chief Executive Officer to participate in and attend future meetings of the Local Government Chief Officers Group.

BACKGROUND

This group is an information knowledge sharing networking and mentoring group of innovative CEOs who meet several times per year, normally in Australia.

A requirement of membership to this group is that the Chief Executive Officer must attend three consecutive meetings otherwise membership to the Group will be forfeited.

The Local Government Chief Officers Group proposes to hold meetings three times per year. The meetings for 2008 include:

- February 2008 in Hobart, Tasmania
- July 2008 in Ipswich, Queensland (may be moved to coincide with LGMA National Congress)
- November 2008 in North Sydney and Parramatta, New South Wales

Locations for meetings are rotated throughout the Councils which the Chief Executive Officers within the group represent, with one meeting every two years being held within a New Zealand local government.

A copy of the Local Government Chief Officers Group's profile is attached as Appendix 13.1.1A.

DISCUSSION

The City requires that its Chief Executive Officer remain abreast of best practice and innovative management developments both on a national and international perspective, with a broad audience including authorities, corporations and other levels of government.

Accordingly, in November 2007, the Chief Executive Officer accepted an invitation to join the Local Government Chief Officers Group, subject to final approval by Council.

FINANCIAL IMPLICATIONS

The following costs provide an estimate of average expenditure for the Chief Executive Officer’s attendance at future Local Government Chief Officers Group meetings. It is noted that the Chief Executive Officers of the City of Armadale, City of Swan and previous CEO of the City of Melville are members of this group and therefore, it is likely that Western Australia will host meetings in the future, which will reduce the traveling costs associated with attendance at meetings within these member councils.

Registration – nominal as majority of costs covered by host council	\$200
Return Economy Airfare – depending on location	\$700
Accommodation (4 nights)	\$1,000
Out of Pocket Expenses	\$400
Total (estimated attendance per meeting)	<u>\$2,300</u>

Funds are available in Account GL 10-1410-3034 Chief Executive Office Staff Training/Conferences.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

585 Moved Cr C Fernandez Seconded Cr W Barrett

That Council authorise the Chief Executive Officer to participate in and attend future meetings of the Local Government Chief Officers Group with funds being met from Account Number GL 10-1410-3034 Chief Executive Office Staff Training/Conferences.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.1.2 2008 LOCAL GOVERNMENT MANAGERS AUSTRALIA NATIONAL CONGRESS, GOLD COAST, 25 MAY TO 28 MAY 2008

Author: D Simms

Previous Ref: Nil

Appendix: 13.1.2A Conference Programme

PURPOSE OF REPORT

To seek approval for an Elected Member and the Chief Executive Officer to attend the 2008 Local Government Managers' Association (LGMA) National Congress to be held in the Gold Coast from 25 May to 28 May 2008.

BACKGROUND

The LGMA Annual National Congress is to be held in the Gold Coast from 25 May to 28 May 2008. Attendance at the Congress allows Officers and Elected Members to keep abreast of trends and to network with members of other local governments throughout Australia.

DISCUSSION

The Congress is structured to provide a diverse range of thought provoking topics for both Elected Members and Officers of local government. Topics to be covered by speakers include:

- Sustainable Environment – “this congress will present the many local initiatives that contribute to making this world a better place for the next generation”
- Community Wellbeing – “this congress will present case studies that explore the great steps that Local Government has taken to improve community wellbeing”
- Executive Development – “this congress will present case studies that will explore the many Local Government initiatives to attract and retrain professionals”

It is also intended that the National Growth Areas Alliance will also hold a meeting to coincide with the National Congress, to further progress issues associated with funding of infrastructure for growth councils, for which the City of Gosnells is a member.

FINANCIAL IMPLICATIONS

The estimated cost of membership is as follows:

Registration (Early Bird)	\$1,375
Return Economy Airfare	\$1,000
Accommodation (4 nights)	\$1,000
Out of Pocket Expenses	\$400
Total per person	<u>\$3,775</u>

Funds are available in Account JL 94-94001-3034-000 Elected Members' Training and Conferences and Account GL 10-1410-3034 Chief Executive Office Staff Training/Conferences for attendance by a Councillor and the Chief Executive Officer respectively.

STAFF RECOMMENDATION

Moved Cr S Iwanyk Seconded Cr D Griffiths

That Council authorise Cr _____ and the Chief Executive Officer to attend the 2008 Local Government Managers Australia (LGMA) National Congress to be held in the Gold Coast from 25 May to 28 May 2008 with funds being met from Account Number JL 94-94001-3034-000 Elected Members Training/Conferences and GL 10-1410-3034 Chief Executive Office Staff Training/Conferences respectively.

Nominations

Cr B Wiffen nominated the Mayor, Cr O Searle, to attend the 2008 Local Government Managers Australia (LGMA) National Congress.

Cr C Fernandez nominated Cr L Griffiths to attend the 2008 Local Government Managers Australia (LGMA) National Congress.

Cr W Barrett nominated Cr P Morris to attend the 2008 Local Government Managers Australia (LGMA) National Congress.

Cr R Hoffman seconded the three nominations resulting in the following amendment to the staff recommendation:

Moved Cr B Wiffen, Cr C Fernandez and Cr W Barrett Seconded Cr R Hoffman

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 names "O Searle, Cr L Griffiths, Cr P Morris", with the amended recommendation to read:

"That Council authorise Cr O Searle, Cr L Griffiths, Cr P Morris and the Chief Executive Officer to attend the 2008 Local Government Managers Australia (LGMA) National Congress to be held in the Gold Coast from 25 May to 28 May 2008 with funds being met from Account Number JL 94-94001-3034-000 Elected Members Training/Conferences and GL 10-1410-3034 Chief Executive Office Staff Training/Conferences respectively."

CARRIED 8/2

FOR: Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Cr B Wiffen and Cr C Fernandez.

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

COUNCIL RESOLUTION

586 Moved Cr B Wiffen, Cr C Fernandez and Cr W Barrett Seconded Cr R Hoffman

That Council authorise Cr O Searle, Cr L Griffiths, Cr P Morris and the Chief Executive Officer to attend the 2008 Local Government Managers Australia (LGMA) National Congress to be held in the Gold Coast from 25 May to 28 May 2008 with funds being met from Account Number JL 94-94001-3034-000 Elected Members Training/Conferences and GL 10-1410-3034 Chief Executive Office Staff Training/Conferences respectively.

CARRIED 8/2

FOR: Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Cr D Griffiths and Cr B Wiffen.

13.2 COMMUNITY ENGAGEMENT

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 November 2007 to 30 November 2007.

DISCUSSION

Payments of \$5,301,677.46 as detailed in the cheque and EFT payment listing for the period 1 November 2007 to 30 November 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 November 2007 to 30 November 2007.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

587 Moved Cr J Brown Seconded Cr R Hoffman

That Council note the payment of accounts as shown in the cheque and EFT payment listing for the period 1 November 2007 to 30 November 2007.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.3.2 BUDGET VARIATIONS

Author: R Bouwer
 Previous Ref: Nil
 Appendix: Nil

PURPOSE OF REPORT

To seek approval from Council to adjust the 2007/2008 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
- 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 \$
JL31-95106-3000-000	Increase Expenditure	Switched on Business & Industry – Salaries	144,000	
JL31-95106-3034-000	Increase Expenditure	Switched on Business & Industry – Training	20,000	
JL31-95106-3038-000	Increase Expenditure	Switched on Business & Industry – Travel	3,000	
JL31-95106-3210-000	Increase Expenditure	Switched on Business & Industry – Advertising	13,450	
JL31-95106-3214-000	Increase Expenditure	Switched on Business & Industry – Consultancy	85,000	
JL31-95106-3762-000	Increase Expenditure	Switched on Business & Industry – Other	5,750	
JL31-95028-2224-000	Decrease Income	Business Development Programme – Maddington/Kenwick Revitalisation Reserve	15,000	
GL33-1360-3364	Decrease Expenditure	Economic Development – Strategies		15,000
JL31-95100-1426-000	Increase Income	Switch Your Thinking – Sponsorship		10,000
JL31-95106-1301-000	Increase Income	Government Grant		222,450
JL31-95106-2224-000	Increase Income	Maddington Kenwick Sustainable Communities – Reserve		15,000
JL31-95106-1405-000	Increase Income	Contributions – Other Local Organisations		8,750

Account Number	Type	Account Description	Debit \$	Credit \$
JL31-95028-3214-000	Decrease Expenditure	Business Development Programme – Consultancy		15,000
	Reason:	To set up accounts related to the “Switched on Business and Industry” project which is being funded predominantly by a federal government grant.		
JL14-85028-3800-499	Increase Expenditure	Mills Road – Footpath construction – Capital Purchase	40,000	
JL14-85028-1362-498	Increase Income	Grant – Department of Planning and Infrastructure		15,000
JL14-87024-3800-499	Decrease Expenditure	Mabel Davies Park – Footpath Rehabilitation – Capital Purchase		15,000
JL14-87015-3800-499	Decrease Expenditure	Pages Park – Footpath Rehabilitation – Capital Purchase		4,000
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – various locations – Capital Purchase		6,000
	Reason:	Upgrade existing 1.2m path to 2m shared path in Mills Road.		
JL14-85023-3800-499	Increase Expenditure	Orr Street – Footpath construction/cul-de-sac – Capital Purchase	15,000	
JL14-85025-3800-499	Increase Expenditure	Orr Street – Footpath construction – Capital Purchase	15,000	
JL14-85025-1362-498	Increase Income	Orr Street – Footpath construction – Grant Department of Planning and Infrastructure		15,000
JL14-85023-3800-499	Decrease Expenditure	Orr Street – Footpath construction/cul-de-sac – Capital Purchase		15,000
	Reason:	Construct 1.5m path in Orr Street between Blackburn Street and the cul-de-sac.		
JL14-85026-3800-499	Increase Expenditure	Harpenden Street – Footpath – Capital Purchase	3,500	
JL14-80032-1362-498	Decrease Income	Bus Shelters – Grant Department of Planning and Infrastructure	1,750	
JL14-80032-3800-499	Decrease Expenditure	Bus Shelters – Capital Purchase		3,500
JL14-85026-1362-498	Increase Income	Harpenden St – Footpath – Grant Department of Planning and Infrastructure		1,750
	Reason:	Construct shared path in Harpenden Street from Bus Stop 20831 to Huntingdale Road.		

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-85027-3800-499	Increase Expenditure	Goodall Street – Footpath construction – Capital Purchase	8,075	
JL14-87013-3800-499	Decrease Expenditure	Haven Street Reserve – Footpath Rehabilitation – Capital Purchase		4,500
JL14-85027-1362-498	Increase Income	Goodall Street – Grant Department of Planning and Infrastructure		3,575
	Reason:	Upgrade existing PAW in Goodall Street.		
JL41-40102-3214-499	Increase Expenditure	Local Bike Plan – Consultant	35,000	
JL41-40102-1301-498	Increase Income	Local Bike Plan – Grant Public Transport Authority		10,000
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – various locations – Capital Purchase		25,000
	Reason:	Updating of existing local Bike Plan.		
JL41-40102-3214-499	Increase Expenditure	Bike Rack – Kenwick Community Centre	1,500	
JL14-80136-1364-498	Increase Income	Bike Rack – Grant Public Transport Authority		750
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving various locations – Purchase		750
	Reason:	Install new Cora Bike Rack at Kenwick Community Centre.		
JL14-80134-3800-000	Increase Expenditure	Bike Rack – Kenwick Library – Capital Purchase	1,500	
JL14-80134-1364-498	Increase Income	Public Transport Authority – Grant		750
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – various locations – Capital Purchase		750
	Reason:	Install new Cora Bike Rack at Kenwick Library.		
JL14-80135-3800-499	Increase Expenditure	Bike Rack – Thornlie Community Centre – Capital Purchase	1,500	
JL14-80135-1364-498	Increase Income	Bike Rack – Grant Public Transport Authority		750
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – various locations – Capital Purchase		750
	Reason:	Install new Cora Bike Rack at Thornlie Community Centre.		
JL14-80133-3800-499	Increase Expenditure	Bike Rack – Council Administration Building – Capital Purchase	1,500	
JL14-80133-1364-498	Increase Income	Bike Rack – Grant Public Transport Authority		750
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – Capital Purchase		750

Account Number	Type	Account Description	Debit \$	Credit \$
	Reason:	Install new Cora Bike Rack at Council Administration Building.		
JL14-88017-3800-499	Increase Expenditure	Drainage – Gosnells Road West (2) – Capital Purchase	6,000	
JL14-88017-1364-498	Increase Income	Drainage – Grant Public Transport Authority		3,000
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – Capital Purchase		3,000
	Reason:	Convert Gully Grate to side entry pit at Gosnells Road West (2).		
JL14-88016-3800-499	Increase Expenditure	Drainage – The Crescent – Capital Purchase	4,000	
JL14-88016-1364-498	Increase Income	Drainage – Grant Public Transport Authority		2,000
JL14-80123-3800-499	Decrease Expenditure	Bus Stop Tactile Paving – Capital Purchase		2,000
	Reason:	Convert Gully Grate to side entry pit at The Crescent.		
JL14-88015-3800-499	Increase Expenditure	Drainage – Gosnells Road West (1) – Capital Purchase	2,000	
JL14-88016-1364-498	Increase Income	Public Transport Authority – Grant		1,000
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – Capital Purchase		1,000
	Reason:	Convert Gully Grate to side entry pit at Gosnells Road West (1).		
JL14-80132-3800-499	Increase Expenditure	Bike Rack – Leisure World – Capital Purchase	1,500	
JL14-80132-1364-498	Increase Income	Bike Rack – Grant Public Transport Authority		750
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – Capital Purchase		750
	Reason:	Install new Cora Bike Rack Leisure World Thornlie.		
JL14-80131-3800-499	Increase Expenditure	Burslem Drive Underpass – Capital Purchase	11,000	
JL14-80132-1364-498	Increase Income	Grant – Public Transport Authority		5,500
JL14-80123-3800-499	Decrease Expenditure	Bus Stops Tactile Paving – Capital Purchase		5,500
	Reason:	Upgrade Burslem Drive Underpass.		
GL42-0520-3204	Increase Expenditure	Health & Rangers – Equipment and Maintenance	585	
GL42-0740-3210	Decrease Expenditure	Health & Admin – Advertising & Promotions		585
	Reason:	To provide for leasing of black and white printer in Health & Rangers location due to increased workload.		
JL12-10029-3800-000	Increase Expenditure	Civic Complex Construction	3,576,528	

Account Number	Type	Account Description	Debit \$	Credit \$
GL99-9999-8600	Increase Income	Additional Loan Funds Civic Complex Construction		3,500,000
JL12-10029-2411-000	Increase Income	Transfer from Civic Complex Construction Reserve		76,528
	Reason:	To fund construction cost increases as per OCM Resolutions 370 and 371 of 14/8/2007.		
JL90-90600-3001-000	Increase Expenditure	Youth Services – Salaries Casual	4,500	
JL90-90619-3389-000	Decrease Expenditure	Wheeled Sports Facilities – Contractors		4,500
	Reason	To employ a casual 20 hours per week to implement Str8 talking project “Finding my Place”.		

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

588 Moved Cr D Griffiths Seconded Cr J Brown

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL31-95106-3000-000	Switched on Business & Industry – Salaries	144,000	
JL31-95106-3034-000	Switched on Business & Industry – Training	20,000	
JL31-95106-3038-000	Switched on Business & Industry – Travel	3,000	
JL31-95106-3210-000	Switched on Business & Industry – Advertising	13,450	
JL31-95106-3214-000	Switched on Business & Industry – Consultancy	85,000	
JL31-95106-3762-000	Switched on Business & Industry – Other	5,750	
JL31-95028-2224-000	Business Development Programme – Maddington/Kenwick Revitalisation Reserve	15,000	
GL33-1360-3364	Economic Development – Strategies		15,000
JL31-95100-1426-000	Switch Your Thinking – Sponsorship		10,000
JL31-95106-1301-000	Government Grant		222,450
JL31-95106-2224-000	Maddington Kenwick Sustainable Communities – Reserve		15,000
JL31-95106-1405-000	Contributions – Other Local Organisations		8,750
JL31-95028-3214-000	Business Development Programme – Consultancy		15,000

Account Number	Account Description	Debit \$	Credit \$
JL14-85028-3800-499	Mills Road – Footpath construction – Capital Purchase	40,000	
JL14-85028-1362-498	Grant – Department of Planning and Infrastructure		15,000
JL14-87024-3800-499	Mabel Davies Park – Footpath Rehabilitation – Capital Purchase		15,000
JL14-87015-3800-499	Pages Park – Footpath Rehabilitation – Capital Purchase		4,000
JL14-80123-3800-499	Bus Stops Tactile Paving – various locations – Capital Purchase		6,000
JL14-85023-3800-499	Orr Street – Footpath construction/cul-de-sac – Capital Purchase	15,000	
JL14-85025-3800-499	Orr Street – Footpath construction – Capital Purchase	15,000	
JL14-85025-1362-498	Orr Street – Footpath construction – Grant Department of Planning and Infrastructure		15,000
JL14-85023-3800-499	Orr Street – Footpath construction/cul-de-sac – Capital Purchase		15,000
JL14-85026-3800-499	Harpenden Street – Footpath – Capital Purchase	3,500	
JL14-80032-1362-498	Bus Shelters – Grant Department of Planning and Infrastructure	1,750	
JL14-80032-3800-499	Bus Shelters – Capital Purchase		3,500
JL14-85026-1362-498	Harpenden St – Footpath – Grant Department of Planning and Infrastructure		1,750
JL14-85027-3800-499	Goodall Street – Footpath construction – Capital Purchase	8,075	
JL14-87013-3800-499	Haven Street Reserve – Footpath Rehabilitation – Capital Purchase		4,500
JL14-85027-1362-498	Goodall Street – Grant Department of Planning and Infrastructure		3,575
JL41-40102-3214-499	Local Bike Plan – Consultant	35,000	
JL41-40102-1301-498	Local Bike Plan – Grant Public Transport Authority		10,000
JL14-80123-3800-499	Bus Stops Tactile Paving – various locations – Capital Purchase		25,000

Account Number	Account Description	Debit \$	Credit \$
JL41-40102-3214-499	Bike Rack – Kenwick Community Centre	1,500	
JL14-80136-1364-498	Bike Rack – Grant Public Transport Authority		750
JL14-80123-3800-499	Bus Stops Tactile Paving various locations – Purchase		750
JL14-80134-3800-000	Bike Rack – Kenwick Library – Capital Purchase	1,500	
JL14-80134-1364-498	Public Transport Authority – Grant		750
JL14-80123-3800-499	Bus Stops Tactile Paving – various locations – Capital Purchase		750
JL14-80135-3800-499	Bike Rack – Thornlie Community Centre – Capital Purchase	1,500	
JL14-80135-1364-498	Bike Rack – Grant Public Transport Authority		750
JL14-80123-3800-499	Bus Stops Tactile Paving – various locations – Capital Purchase		750
JL14-80133-3800-499	Bike Rack – Council Administration Building – Capital Purchase	1,500	
JL14-80133-1364-498	Bike Rack – Grant Public Transport Authority		750
JL14-80123-3800-499	Bus Stops Tactile Paving – Capital Purchase		750
JL14-88017-3800-499	Drainage – Gosnells Road West (2) – Capital Purchase	6,000	
JL14-88017-1364-498	Drainage – Grant Public Transport Authority		3,000
JL14-80123-3800-499	Bus Stops Tactile Paving – Capital Purchase		3,000
JL14-88016-3800-499	Drainage – The Crescent – Capital Purchase	4,000	
JL14-88016-1364-498	Drainage – Grant Public Transport Authority		2,000
JL14-80123-3800-499	Bus Stop Tactile Paving – Capital Purchase		2,000
JL14-88015-3800-499	Drainage – Gosnells Road West (1) – Capital Purchase	2,000	
JL14-88016-1364-498	Public Transport Authority – Grant		1,000
JL14-80123-3800-499	Bus Stops Tactile Paving – Capital Purchase		1,000
JL14-80132-3800-499	Bike Rack – Leisure World – Capital Purchase	1,500	
JL14-80132-1364-498	Bike Rack – Grant Public Transport Authority		750

Account Number	Account Description	Debit \$	Credit \$
JL14-80123-3800-499	Bus Stops Tactile Paving – Capital Purchase		750
JL14-80131-3800-499	Burslem Drive Underpass – Capital Purchase	11,000	
JL14-80132-1364-498	Grant – Public Transport Authority		5,500
JL14-80123-3800-499	Bus Stops Tactile Paving – Capital Purchase		5,500
GL42-0520-3204	Health & Rangers – Equipment and Maintenance	585	
GL42-0740-3210	Health & Admin – Advertising & Promotions		585
JL12-10029-3800-000	Civic Complex Construction	3,576,528	
GL99-9999-8600	Additional Loan Funds Civic Complex Construction		3,500,000
JL12-10029-2411-000	Transfer from Civic Complex Construction Reserve		76,528
JL90-90600-3001-000	Youth Services – Salaries Casual	4,500	
JL90-90619-3389-000	Wheeled Sports Facilities – Contractors		4,500

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.3.3 2007/2008 BUDGET – UNCOMPLETED WORKS

Author: F Sullivan
 Previous Ref: Nil
 Appendix: Nil

PURPOSE OF REPORT

To seek approval from Council to adjust the 2007/2008 Municipal Budget.

BACKGROUND

At the time the 2007/2008 Budget was adopted by Council on 3 July 2007, the annual financial statements for the 2006/2007 financial year had not been completed. The actual value of uncompleted works to be carried forward into the 2007/2008 Budget was therefore only an estimate.

DISCUSSION

The 2006/2007 annual financial statements have now been audited and the actual income and expenditure to be carried forward has been finalised.

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
- is authorised in advance by the Mayor or President in an emergency

Approval is therefore sought for the following budget adjustments.

The adjustments now required to amend the 2007/2008 Budget are listed hereunder and require Council approval:

FINANCIAL IMPLICATIONS

Account Number	Type	Account Description	Debit \$	Credit \$
JL10-10041-2400-000	Decrease Transfer from Reserve	Part Lot 75 Comrie Rd – POS Reserve	221,300	
JL10-10041-3384-000	Decrease Capital Expenditure	Part Lot 75 Comrie Rd – Carry forward Expenditure		224,800
JL11-50000-3384-000	Decrease Capital Expenditure	IT Equipment Renewal – Carry forward Expenditure		9,200
JL12-10009-2417-000	Decrease Transfer from Reserve	CSFFF – Thornlie Football Club Upgrade – Walter Padbury Park	20,325	

Account Number	Type	Account Description	Debit \$	Credit \$
JL12-10009-3384-000	Decrease Capital Expenditure	CSRFF – Thornlie Football Club Upgrade – Carry forward Expenditure		20,325
JL12-10026-2416-000	Decrease Transfer from Reserve	Redevelopment Operations Centre – Operations Centre	11,463	
JL12-10026-3384-000	Decrease Capital Expenditure	Redevelopment Operations Centre – Carry forward Expenditure		11,463
JL12-10027-2409-000	Decrease Transfer from Reserve	Harmony Fields – Stage 3 – Harmony Fields	352,803	
JL12-10027-3384-000	Decrease Capital Expenditure	Harmony Fields – Stage 3 – Carry forward Expenditure		352,803
JL12-10028-3384-000	Decrease Capital Expenditure	Tom Bateman Complex Pavilion Stage 1 – Carry forward Expenditure		380,591
JL12-10029-2411-000	Decrease Transfer from Reserve	Stage 1 – Redevelopment Civic Complex – Administration Building Construction	130,000	
JL12-10029-3384-000	Decrease Capital Expenditure	Stage 1 – Redevelopment Civic Complex – Carry forward Expenditure		201,528
JL12-10030-3384-000	Increase Capital Expenditure	Air-conditioning Maddington Community Centre – Carry forward Expenditure	6,784	
JL12-10046-3384-000	Increase Capital Expenditure	12 Partridge Wy Thornlie – Land Purchase – Carry forward Expenditure	4,182	
JL12-10062-3384-000	Increase Capital Expenditure	Fit out of Former Langford Library – Carry forward Expenditure	40,000	
JL12-50003-3384-000	Increase Capital Expenditure	Mobile display stand – Libraries – Carry forward Expenditure	1,860	
JL12-50020-3384-000	Increase Capital Expenditure	Miscellaneous office furniture – Carry forward Expenditure	2,673	
JL12-50036-3384-000	Increase Capital Expenditure	Information Management Services – Carry forward Expenditure	3,392	
JL13-30306-2407-000	Decrease Transfer from Reserve	54" Front Deck Mower – Plant & Equipment Reserve	22,000	
JL13-30306-3384-000	Decrease Capital Expenditure	54" Front Deck Mower – Carry forward Expenditure		22,000
JL13-30307-2407-000	Decrease Transfer from Reserve	John Deere Triplex Mower – Plant & Equipment Reserve	31,000	
JL13-30307-3384-000	Decrease Capital Expenditure	John Deere Triplex Mower – Carry forward Expenditure		31,000

Account Number	Type	Account Description	Debit \$	Credit \$
JL13-30319-2407-000	Decrease Transfer from Reserve	Case Tractor – 1AYC 204 – Parks – Plant & Equipment Reserve	38,000	
JL13-30319-3601-000	Decrease Sale Proceeds	Case Tractor – 1AYC 204 – Parks – Sale of Asset Proceeds	15,000	
JL13-30319-3384-000	Decrease Capital Expenditure	Case Tractor – 1AYC 204 – Parks – Carry forward Expenditure		53,000
JL13-30320-2407-000	Decrease Transfer from Reserve	Case Tractor – 1AYC 224 – Parks – Plant & Equipment Reserve	38,000	
JL13-30320-3601-000	Decrease Sale Proceeds	Case Tractor – 1AYC 224 – Parks – Sale of Asset Proceeds	15,000	
JL13-30320-3384-000	Decrease Capital Expenditure	Case Tractor – 1AYC 224 – Parks – Carry forward Expenditure		53,000
JL13-30327-2407-000	Decrease Transfer from Reserve	6W Mitsubishi FV547KW Tip Truck – Plant & Equipment Reserve	75,000	
JL13-30327-1501-000	Decrease Sale Proceeds	6W Mitsubishi FV547KW Tip Truck – Sale of Asset Proceeds	55,000	
JL13-30327-3384-000	Decrease Capital Expenditure	6W Mitsubishi FV547KW Tip Truck – Carry forward Expenditure		130,000
JL13-30334-2407-000	Decrease Transfer from Reserve	Ford Courier 4x4 Extra Cab Utility – Plant & Equipment Reserve	8,500	
JL13-30334-3601-000	Decrease Sale Proceeds	Ford Courier 4x4 Extra Cab Utility – Sale of Asset Proceeds	17,000	
JL13-30334-3384-000	Decrease Capital Expenditure	Ford Courier 4x4 Extra Cab Utility – Carry forward Expenditure		25,500
JL14-50032-3384-000	Decrease Capital Expenditure	Electronic Survey Equipment – Carry forward Expenditure		35,000
JL14-80000-3384-000	Decrease Capital Expenditure	Lissiman St – Medians – Carry forward Expenditure		31,000
JL14-80001-2504-000	Decrease Transfer from Reserve	Garden St, Warton Rd – Harpden St Construction – TPS 17	279,614	
JL14-80001-3384-000	Decrease Capital Expenditure	Garden St, Warton Rd – Harpden St Construction – Carry forward Expenditure		184,614
JL14-80002-3384-000	Decrease Capital Expenditure	Attfield St/Herbert St – Roundabout – Carry forward Expenditure		17,500
JL14-80003-1359-000	Decrease Capital Income	Harry St/James St – Roundabout – State Black Spot Funding	36,000	

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80003-3384-000	Decrease Capital Expenditure	Harry St/James St – Roundabout – Carry forward Expenditure		21,500
JL14-80004-3384-000	Decrease Capital Expenditure	Fremantle Rd/Homestead Rd – Junction Improvement – Carry forward Expenditure		8,609
JL14-80005-1359-000	Decrease Capital Income	Nicholson Rd/Wilfred Rd – L Turn Lane – State Black Spot Funding	9,602	
JL14-80005-3384-000	Decrease Capital Expenditure	Nicholson Rd/Wilfred Rd – L Turn Lane – Carry forward Expenditure		14,000
JL14-80006-1359-000	Decrease Capital Income	Warton Rd/Bronzewing St – Junction Improvement – State Black Spot Funding	28,000	
JL14-80006-3384-000	Decrease Capital Expenditure	Warton Rd/Bronzewing St – Junction Improvement – Carry forward Expenditure		40,000
JL14-80007-1359-000	Decrease Capital Income	Kelvin Rd/Davison St – Junction Improvement – State Black Spot Funding	11,000	
JL14-80007-3384-000	Decrease Capital Expenditure	Kelvin Rd/Davison St – Junction Improvement – Carry forward Expenditure		13,500
JL14-80008-3384-000	Increase Capital Expenditure	Spencer Rd/Southdown Pl – Junction Improvement – Carry forward Expenditure	1,000	
JL14-80012-3384-000	Increase Capital Expenditure	Ranford Rd, Nicholson Rd – Campbell Rd – 2nd Cwy – Carry forward Expenditure	24,182	
JL14-80013-1359-000	Decrease Capital Income	William St/Bickley Rd – Junction Improvement – State Black Spot Funding	12,000	
JL14-80013-3384-000	Decrease Capital Expenditure	William St/Bickley Rd – Junction Improvement – Carry forward Expenditure		13,000
JL14-80015-3384-000	Decrease Capital Expenditure	Southern River Rd – Install Lighting – Carry forward Expenditure		120
JL14-80016-3384-000	Decrease Capital Expenditure	William St/Luyer St – Roundabout – Carry forward Expenditure		33,040
JL14-80017-1359-000	Decrease Capital Income	Compton Rd – Lighting Improvement – State Black Spot Funding	1,333	
JL14-80017-3384-000	Decrease Capital Expenditure	Compton Rd – Lighting Improvement – Carry forward Expenditure		2,800
JL14-80019-3384-000	Decrease Capital Expenditure	Traffic Management Projects – Various – Carry forward Expenditure		183
JL14-80022-3384-000	Increase Capital Expenditure	Astley St/Station St – Roundabout/Medians – Carry forward Expenditure	8,500	

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80028-3384-000	Increase Capital Expenditure	Streetscape Minor Works – Carry forward Expenditure	699	
JL14-80033-3384-000	Increase Capital Expenditure	Dorothy St/Lissiman St – Splitter Island – Carry forward Expenditure	110	
JL14-80034-3384-000	Increase Capital Expenditure	Thornlie Av/Spring Rd – Roundabout – Carry forward Expenditure	3,500	
JL14-80038-3384-000	Decrease Capital Expenditure	Olga Rd/Attfield St – Traffic Signals – Carry forward Expenditure		68,812
JL14-80042-1357-000	Decrease Capital Income	Fremantle Rd to Lissiman St – Federal Black Spot Funding	48,000	
JL14-80042-3384-000	Increase Capital Expenditure	Fremantle Rd to Lissiman St – Carry forward Expenditure	10,000	
JL14-80046-3384-000	Increase Capital Expenditure	Ranford Rd/Campbell Rd Traffic Lights – Carry forward Expenditure	605	
JL14-80048-3384-000	Increase Capital Expenditure	Nicholson Rd / Amherst Rd – Carry forward Expenditure	2,000	
JL14-80057-1359-000	Decrease Capital Income	Yale Rd / Hargrave Dr – Median Island – State Black Spot Funding	12,000	
JL14-80059-3384-000	Decrease Capital Expenditure	Warton Rd/Garden St – Carry forward Expenditure		95,000
JL14-80062-3384-000	Decrease Capital Expenditure	Nicholson Rd/Wilfred Rd – Carry forward Expenditure		11,000
JL14-80067-2504-000	Decrease Transfer from Reserve	Garden St Extension DDRC – TPS 17	21,288	
JL14-80067-3384-000	Decrease Capital Expenditure	Garden St Extension DDRC – Carry forward Expenditure		21,288
JL14-80068-2506-000	Decrease Transfer from Reserve	Nicholson Rd – Garden St to Hughes St – CV ODP	5,798	
JL14-80068-3384-000	Increase Capital Expenditure	Nicholson Rd – Garden St to Hughes St – Carry forward Expenditure		5,652
JL14-80072-1477-000	Increase Capital Income	Lauterbach Dr – CC – Developer		40,000
JL14-80072-3384-000	Increase Capital Expenditure	Lauterbach Dr – Carry forward Expenditure	40,000	
JL14-80073-3384-000	Decrease Capital Expenditure	Packer St Area – Beckenham – Carry forward Expenditure		18,443

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80074-2406-000	Decrease Transfer from Reserve	Federation Pde South – Stage 1— Gosnells Revitalisation Reserve	124	
JL14-80074-3384-000	Increase Capital Expenditure	Federation Pde South – Stage 1 – Carry forward Expenditure	236	
JL14-80076-2412-000	Decrease Transfer from Reserve	Maddington Village Traffic Calming – Maddington/Kenwick Revitalisation	28,956	
JL14-80076-3384-000	Decrease Capital Expenditure	Maddington Village Traffic Calming – Carry forward Expenditure		28,956
JL14-80079-2412-000	Decrease Transfer from Reserve	Blackburn St Construction – Maddington/Kenwick Revitalisation	23,796	
JL14-80079-3384-000	Decrease Capital Expenditure	Blackburn St Construction – Carry forward Expenditure		23,796
JL14-80082-3384-000	Decrease Capital Expenditure	Thornlie Av – Opp Thornlie business Centre – Carry forward Expenditure		24,000
JL14-80083-3384-000	Decrease Capital Expenditure	Dorothy St/Digby St Intersections Lights – Carry forward Expenditure		2,670
JL14-80086-2506-000	Decrease Transfer from Reserve	Warton Rd/Amherst Rd Intersection – CV ODP	16,988	
JL14-80086-3384-000	Decrease Capital Expenditure	Warton Rd/Amherst Rd Intersection – Carry forward Expenditure		16,988
JL14-84022-1351-000	Decrease Capital Income	Anaconda Dr, Corfield St – Chamberlain St – Grants – RRG Rehabilitation	9,000	
JL14-84022-3384-000	Decrease Capital Expenditure	Anaconda Dr, Corfield St – Chamberlain St – Carry forward Expenditure		47,000
JL14-84027-1351-000	Decrease Capital Income	Spencer Rd – Grants – RRG Rehabilitation	6,965	
JL14-84027-3384-000	Decrease Capital Expenditure	Spencer Rd – Carry forward Expenditure		10,448
JL14-84028-1351-000	Decrease Capital Income	Warton Rd – Grants – RRG Rehabilitation	17,327	
JL14-84028-3384-000	Decrease Capital Expenditure	Warton Rd – Carry forward Expenditure		25,991
JL14-88002-3384-000	Decrease Capital Expenditure	Piping Open Drains – Carry forward Expenditure		35,000
JL14-88004-2504-000	Decrease Transfer from Reserve	Gay St – Infill Open Drain & Kerbing – TPS 17	26,902	

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-88004-3384-000	Decrease Capital Expenditure	Gay St – Infill Open Drain & Kerbing – Carry forward Expenditure		26,902
JL15-60010-3384-000	Increase Capital Expenditure	Packer Park – Carry forward Expenditure	5,300	
JL15-60023-3384-000	Decrease Capital Expenditure	Retic – Sutherlands Park – Carry forward Expenditure		48,080
JL15-60024-3384-000	Increase Capital Expenditure	Retic – Packer Park – Carry forward Expenditure	36,204	
JL15-60033-3384-000	Decrease Capital Expenditure	Retic – Hume Rd Reserve – Carry forward Expenditure		8,705
JL15-60034-3384-000	Decrease Capital Expenditure	Retic – Thornlie Oval – Carry forward Expenditure		14,221
JL15-60041-3384-000	Decrease Capital Expenditure	Landscaping – Mahogany Street Reserve – Carry forward Expenditure		11,000
JL15-60044-3384-000	Increase Capital Expenditure	Landscaping – Packer Park – Carry forward Expenditure	40,973	
JL15-60049-3384-000	Decrease Capital Expenditure	EAP – Brookland Greens – Carry forward Expenditure		13,000
JL15-60053-3384-000	Decrease Capital Expenditure	Hester Park – Park Development – Carry forward Expenditure		33,351
JL15-60055-2403-000	Increase Transfer from Reserve	Rehabilitation Kelvin Rd – Refuse Disposal Site Rehab Reserve		372
JL15-60055-3384-000	Increase Capital Expenditure	Rehabilitation Kelvin Rd – Carry forward Expenditure	372	
JL15-60056-3384-000	Decrease Capital Expenditure	Hester Park Riverfront – Rehabilitation – Carry forward Expenditure		43,788
JL15-60060-3384-000	Decrease Capital Expenditure	Baker Crt Reserve – Carry forward Expenditure		28,000
JL15-60061-1355-000	Decrease Capital Income	Tom Bateman Wetlands – Non Operating Grants	20,000	
JL15-60061-3384-000	Decrease Capital Expenditure	Tom Bateman Wetlands – Carry forward Expenditure		56,908
JL15-60062-3384-000	Decrease Capital Expenditure	Gosnells Sporting Oval UG bore & pump – Carry forward Expenditure		15,000
JL15-60063-3384-000	Decrease Capital Expenditure	Greenway Reserve – Play Eq. Sofffall & Sails – Carry forward Expenditure		20,000

Account Number	Type	Account Description	Debit \$	Credit \$
JL15-60064-3384-000	Decrease Capital Expenditure	Hovea PI – Play Equipment, Sofffall & Sails – Carry forward Expenditure		11,699
JL15-60066-3384-000	Decrease Capital Expenditure	Mills Park Water Catchment Area – Carry forward Expenditure		5,616
JL15-60067-3384-000	Decrease Capital Expenditure	Osprey Reserve – New Reticulation System – Carry forward Expenditure		15,000
JL15-60068-3384-000	Increase Capital Expenditure	Repairs, Sealing, Signage etc. – Carry forward Expenditure	204	
JL15-60069-2501-000	Decrease Transfer from Reserve	Peace Court Park – TPS 9A	25,984	
JL15-60069-3384-000	Decrease Capital Expenditure	Peace Court Park – Carry forward Expenditure		29,114
JL15-60070-3384-000	Decrease Capital Expenditure	Play ground Play Equipment/Shade Structures – Carry forward Expenditure		5,000
JL15-60071-3384-000	Decrease Capital Expenditure	Sutherlands Park Reserve – Carry forward Expenditure		9,187
JL15-60072-3384-000	Decrease Capital Expenditure	Turf Drainage – Admin Area & Carpark – Carry forward Expenditure		10,000
JL15-60073-3384-000	Increase Capital Expenditure	Ellis Brook Valley – Carry forward Expenditure	828	
JL15-60077-2413-000	Decrease Transfer from Reserve	Sutherlands Park Shade Provision – Sutherlands Park Reserve	12,562	
JL15-60077-3384-000	Decrease Capital Expenditure	Sutherlands Park Shade Provision – Carry forward Expenditure		11,457
JL15-60081-3384-000	Decrease Capital Expenditure	Harmony Fields (Stage 2) – Carry forward Expenditure		131,111
JL15-60084-3384-000	Decrease Capital Expenditure	Town Square – Carry forward Expenditure		5,752
JL15-60089-3384-000	Increase Capital Expenditure	The Reserve: Drainage Rectification – Carry forward Expenditure	19,632	
JL15-60091-3384-000	Decrease Capital Expenditure	Langford Oval Asset Refurbishment – Carry forward Expenditure		6,000
JL15-80029-3384-000	Decrease Capital Expenditure	Spencer Rd, Railway – Wilfred Rd – Streetscape – Carry forward Expenditure		534
JL15-88005-3384-000	Decrease Capital Expenditure	Lakeside Drive Reserve – Carry forward Expenditure		4,119

Account Number	Type	Account Description	Debit \$	Credit \$
GL40-0510-3384	Decrease Operating Expenditure	Bush Fire Brigade 2005/06 Surplus – Carry forward Expenditure		16,319
GL40-0530-3384	Decrease Operating Expenditure	State Emergency Service 2005/06 Surplus – Carry forward Expenditure		8,139
GL40-0510-3384	Increase Operating Expenditure	Service Agreement – Carry forward Expenditure	1,900	
GL40-0530-3384	Increase Operating Expenditure	Service Agreement – Carry forward Expenditure	1,900	
GL51-1415-3384	Decrease Operating Expenditure	RoadWise – Carry forward Expenditure		5,000
GL51-1415-3384	Decrease Operating Expenditure	TravelSmart – Carry forward Expenditure		7,993
GL51-1415-3384	Increase Operating Expenditure	TravelSmart – Carry forward Expenditure	14,533	
GL51-1415-3384	Decrease Operating Expenditure	Consultancy – Carry forward Expenditure		52,000
GL74-1419-3384	Decrease Operating Expenditure	Software Maintenance – Carry forward Expenditure		31,939
JL91-92309-3384-000	Increase Operating Expenditure	Gosnells Cricket Club Grant – Carry forward Expenditure	2,500	
JL91-92309-3384-000	Increase Operating Expenditure	Mission Australia Grant – Carry forward Expenditure	454	
JL91-92304-3384-000	Increase Operating Expenditure	Maddington Primary School Grant – Carry forward Expenditure	633	
JL91-92304-3384-000	Increase Operating Expenditure	Langford Titan Little Athletics Grant – Carry forward Expenditure	751	
JL91-92310-3384-000	Increase Operating Expenditure	Langford Titan Little Athletics Grant – Carry forward Expenditure	489	
JL91-92309-3384-000	Increase Operating Expenditure	Wirrabirra Grant – Carry forward Expenditure	5,500	
JL91-92309-3384-000	Increase Operating Expenditure	St Jude's Grant – Carry forward Expenditure	3,713	
JL91-92309-3384-000	Increase Operating Expenditure	Gosnells Baptist Church Grant – Carry forward Expenditure	3,750	
JL91-92306-3384-000	Increase Operating Expenditure	Older Women's Network Grant – Carry forward Expenditure	1,000	

Account Number	Type	Account Description	Debit \$	Credit \$
JL91-92306-3384-000	Increase Operating Expenditure	Continance Advisory Grant – Carry forward Expenditure	2,220	
JL91-92306-3384-000	Increase Operating Expenditure	Samoan Methodist Grant – Carry forward Expenditure	2,100	
JL91-92306-3384-000	Increase Operating Expenditure	East Kenwick Playgroup Grant – Carry forward Expenditure	5,000	
JL91-92304-3384-000	Increase Operating Expenditure	Friends of Brixton St Grant – Carry forward Expenditure	3,058	
JL91-92116-3381-000	Increase Operating Expenditure	South Metropolitan Public Health Unit – Carry forward Expenditure	16,364	
JL21-20101-3650-000	Decrease Operating Expenditure	Interest on Harmony Fields Loan – Interest on Harmony Fields Loan		50,462
JL40-40210-2634-000	Decrease Transfer from Reserve	Sanitation Surplus Transfer to Reserve – Sanitation Reserve	150,190	
GL99-9999-9600	Decrease to Opening Surplus	Equity	967,967	

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

589 Moved Cr R Hoffman Seconded Cr L Griffiths

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL10-10041-2400-000	Part Lot 75 Comrie Rd – POS Reserve	221,300	
JL10-10041-3384-000	Part Lot 75 Comrie Rd – Carry forward Expenditure		224,800
JL11-50000-3384-000	IT Equipment Renewal – Carry forward Expenditure		9,200
JL12-10009-2417-000	CSRFF – Thornlie Football Club Upgrade – Walter Padbury Park	20,325	
JL12-10009-3384-000	CSRFF – Thornlie Football Club Upgrade – Carry forward Expenditure		20,325
JL12-10026-2416-000	Redevelopment Operations Centre – Operations Centre	11,463	
JL12-10026-3384-000	Redevelopment Operations Centre – Carry forward Expenditure		11,463
JL12-10027-2409-000	Harmony Fields – Stage 3 – Harmony Fields	352,803	

Account Number	Account Description	Debit \$	Credit \$
JL12-10027-3384-000	Harmony Fields – Stage 3 – Carry forward Expenditure		352,803
JL12-10028-3384-000	Tom Bateman Complex Pavilion Stage 1 – Carry forward Expenditure		380,591
JL12-10029-2411-000	Stage 1 – Redevelopment Civic Complex – Administration Building Construction	130,000	
JL12-10029-3384-000	Stage 1 – Redevelopment Civic Complex – Carry forward Expenditure		201,528
JL12-10030-3384-000	Air-conditioning Maddington Community Centre – Carry forward Expenditure	6,784	
JL12-10046-3384-000	12 Partridge Wy Thornlie – Land Purchase – Carry forward Expenditure	4,182	
JL12-10062-3384-000	Fit out of Former Langford Library – Carry forward Expenditure	40,000	
JL12-50003-3384-000	Mobile display stand – Libraries – Carry forward Expenditure	1,860	
JL12-50020-3384-000	Miscellaneous office furniture – Carry forward Expenditure	2,673	
JL12-50036-3384-000	Information Management Services – Carry forward Expenditure	3,392	
JL13-30306-2407-000	54" Front Deck Mower – Plant & Equipment Reserve	22,000	
JL13-30306-3384-000	54" Front Deck Mower – Carry forward Expenditure		22,000
JL13-30307-2407-000	John Deere Triplex Mower – Plant & Equipment Reserve	31,000	
JL13-30307-3384-000	John Deere Triplex Mower – Carry forward Expenditure		31,000
JL13-30319-2407-000	Case Tractor – 1AYC 204 – Parks – Plant & Equipment Reserve	38,000	
JL13-30319-3601-000	Case Tractor – 1AYC 204 – Parks – Sale of Asset Proceeds	15,000	
JL13-30319-3384-000	Case Tractor – 1AYC 204 – Parks – Carry forward Expenditure		53,000
JL13-30320-2407-000	Case Tractor – 1AYC 224 – Parks – Plant & Equipment Reserve	38,000	

Account Number	Account Description	Debit \$	Credit \$
JL13-30320-3601-000	Case Tractor – 1AYC 224 – Parks – Sale of Asset Proceeds	15,000	
JL13-30320-3384-000	Case Tractor – 1AYC 224 – Parks – Carry forward Expenditure		53,000
JL13-30327-2407-000	6W Mitsubishi FV547KW Tip Truck – Plant & Equipment Reserve	75,000	
JL13-30327-1501-000	6W Mitsubishi FV547KW Tip Truck – Sale of Asset Proceeds	55,000	
JL13-30327-3384-000	6W Mitsubishi FV547KW Tip Truck – Carry forward Expenditure		130,000
JL13-30334-2407-000	Ford Courier 4x4 Extra Cab Utility – Plant & Equipment Reserve	8,500	
JL13-30334-3601-000	Ford Courier 4x4 Extra Cab Utility – Sale of Asset Proceeds	17,000	
JL13-30334-3384-000	Ford Courier 4x4 Extra Cab Utility – Carry forward Expenditure		25,500
JL14-50032-3384-000	Electronic Survey Equipment – Carry forward Expenditure		35,000
JL14-80000-3384-000	Lissiman St – Medians – Carry forward Expenditure		31,000
JL14-80001-2504-000	Garden St, Warton Rd – Harpenden St Construction – TPS 17	279,614	
JL14-80001-3384-000	Garden St, Warton Rd – Harpenden St Construction – Carry forward Expenditure		184,614
JL14-80002-3384-000	Attfield St/Herbert St – Roundabout – Carry forward Expenditure		17,500
JL14-80003-1359-000	Harry St/James St – Roundabout – State Black Spot Funding	36,000	
JL14-80003-3384-000	Harry St/James St – Roundabout – Carry forward Expenditure		21,500
JL14-80004-3384-000	Fremantle Rd/Homestead Rd – Junction Improvement – Carry forward Expenditure		8,609
JL14-80005-1359-000	Nicholson Rd/Wilfred Rd – L Turn Lane – State Black Spot Funding	9,602	
JL14-80005-3384-000	Nicholson Rd/Wilfred Rd – L Turn Lane – Carry forward Expenditure		14,000

Account Number	Account Description	Debit \$	Credit \$
JL14-80006-1359-000	Warton Rd/Bronzewing St – Junction Improvement – State Black Spot Funding	28,000	
JL14-80006-3384-000	Warton Rd/Bronzewing St – Junction Improvement – Carry forward Expenditure		40,000
JL14-80007-1359-000	Kelvin Rd/Davison St – Junction Improvement – State Black Spot Funding	11,000	
JL14-80007-3384-000	Kelvin Rd/Davison St – Junction Improvement – Carry forward Expenditure		13,500
JL14-80008-3384-000	Spencer Rd/Southdown Pl – Junction Improvement – Carry forward Expenditure	1,000	
JL14-80012-3384-000	Ranford Rd, Nicholson Rd – Campbell Rd – 2nd Cwy – Carry forward Expenditure	24,182	
JL14-80013-1359-000	William St/Bickley Rd – Junction Improvement – State Black Spot Funding	12,000	
JL14-80013-3384-000	William St/Bickley Rd – Junction Improvement – Carry forward Expenditure		13,000
JL14-80015-3384-000	Southern River Rd – Install Lighting – Carry forward Expenditure		120
JL14-80016-3384-000	William St/Luyer St – Roundabout – Carry forward Expenditure		33,040
JL14-80017-1359-000	Compton Rd – Lighting Improvement – State Black Spot Funding	1,333	
JL14-80017-3384-000	Compton Rd – Lighting Improvement – Carry forward Expenditure		2,800
JL14-80019-3384-000	Traffic Management Projects – Various – Carry forward Expenditure		183
JL14-80022-3384-000	Astley St/Station St – Roundabout/Medians – Carry forward Expenditure	8,500	
JL14-80028-3384-000	Streetscape Minor Works – Carry forward Expenditure	699	
JL14-80033-3384-000	Dorothy St/Lissiman St – Splitter Island – Carry forward Expenditure	110	
JL14-80034-3384-000	Thornlie Av/Spring Rd – Roundabout – Carry forward Expenditure	3,500	
JL14-80038-3384-000	Olga Rd/Attfield St – Traffic Signals – Carry forward Expenditure		68,812

Account Number	Account Description	Debit \$	Credit \$
JL14-80042-1357-000	Fremantle Rd to Lissiman St – Federal Black Spot Funding	48,000	
JL14-80042-3384-000	Fremantle Rd to Lissiman St – Carry forward Expenditure	10,000	
JL14-80046-3384-000	Ranford Rd/Campbell Rd Traffic Lights – Carry forward Expenditure	605	
JL14-80048-3384-000	Nicholson Rd / Amherst Rd – Carry forward Expenditure	2,000	
JL14-80057-1359-000	Yale Rd / Hargrave Dr – Median Island – State Black Spot Funding	12,000	
JL14-80059-3384-000	Warton Rd/Garden St – Carry forward Expenditure		95,000
JL14-80062-3384-000	Nicholson Rd/Wilfred Rd – Carry forward Expenditure		11,000
JL14-80067-2504-000	Garden St Extension DDRC – TPS 17	21,288	
JL14-80067-3384-000	Garden St Extension DDRC – Carry forward Expenditure		21,288
JL14-80068-2506-000	Nicholson Rd – Garden St to Hughes St – CV ODP	5,798	
JL14-80068-3384-000	Nicholson Rd – Garden St to Hughes St – Carry forward Expenditure		5,652
JL14-80072-1477-000	Lauterbach Dr – CC – Developer		40,000
JL14-80072-3384-000	Lauterbach Dr – Carry forward Expenditure	40,000	
JL14-80073-3384-000	Packer St Area – Beckenham – Carry forward Expenditure		18,443
JL14-80074-2406-000	Federation Pde South – Stage 1 – Gosnells Revitalisation Reserve	124	
JL14-80074-3384-000	Federation Pde South – Stage 1 – Carry forward Expenditure	236	
JL14-80076-2412-000	Maddington Village Traffic Calming – Maddington/Kenwick Revitalisation	28,956	
JL14-80076-3384-000	Maddington Village Traffic Calming – Carry forward Expenditure		28,956
JL14-80079-2412-000	Blackburn St Construction – Maddington/Kenwick Revitalisation	23,796	
JL14-80079-3384-000	Blackburn St Construction – Carry forward Expenditure		23,796

Account Number	Account Description	Debit \$	Credit \$
JL14-80082-3384-000	Thornlie Av – Opp Thornlie business Centre – Carry forward Expenditure		24,000
JL14-80083-3384-000	Dorothy St/Digby St Intersections Lights – Carry forward Expenditure		2,670
JL14-80086-2506-000	Warton Rd/Amherst Rd Intersection – CV ODP	16,988	
JL14-80086-3384-000	Warton Rd/Amherst Rd Intersection – Carry forward Expenditure		16,988
JL14-84022-1351-000	Anaconda Dr, Corfield St – Chamberlain St – Grants – RRG Rehabilitation	9,000	
JL14-84022-3384-000	Anaconda Dr, Corfield St – Chamberlain St – Carry forward Expenditure		47,000
JL14-84027-1351-000	Spencer Rd – Grants – RRG Rehabilitation	6,965	
JL14-84027-3384-000	Spencer Rd – Carry forward Expenditure		10,448
JL14-84028-1351-000	Warton Rd – Grants – RRG Rehabilitation	17,327	
JL14-84028-3384-000	Warton Rd – Carry forward Expenditure		25,991
JL14-88002-3384-000	Piping Open Drains – Carry forward Expenditure		35,000
JL14-88004-2504-000	Gay St – Infill Open Drain & Kerbing – TPS 17	26,902	
JL14-88004-3384-000	Gay St – Infill Open Drain & Kerbing – Carry forward Expenditure		26,902
JL15-60010-3384-000	Packer Park – Carry forward Expenditure	5,300	
JL15-60023-3384-000	Retic – Sutherlands Park – Carry forward Expenditure		48,080
JL15-60024-3384-000	Retic – Packer Park – Carry forward Expenditure	36,204	
JL15-60033-3384-000	Retic – Hume Rd Reserve – Carry forward Expenditure		8,705
JL15-60034-3384-000	Retic – Thornlie Oval – Carry forward Expenditure		14,221
JL15-60041-3384-000	Landscaping – Mahogany Street Reserve – Carry forward Expenditure		11,000
JL15-60044-3384-000	Landscaping – Packer Park – Carry forward Expenditure	40,973	
JL15-60049-3384-000	EAP – Brookland Greens – Carry forward Expenditure		13,000
JL15-60053-3384-000	Hester Park – Park Development – Carry forward Expenditure		33,351

Account Number	Account Description	Debit \$	Credit \$
JL15-60055-2403-000	Rehabilitation Kelvin Rd – Refuse Disposal Site Rehab Reserve		372
JL15-60055-3384-000	Rehabilitation Kelvin Rd – Carry forward Expenditure	372	
JL15-60056-3384-000	Hester Park Riverfront – Rehabilitation – Carry forward Expenditure		43,788
JL15-60060-3384-000	Baker Crt Reserve – Carry forward Expenditure		28,000
JL15-60061-1355-000	Tom Bateman Wetlands – Non Operating Grants	20,000	
JL15-60061-3384-000	Tom Bateman Wetlands – Carry forward Expenditure		56,908
JL15-60062-3384-000	Gosnells Sporting Oval UG bore & pump – Carry forward Expenditure		15,000
JL15-60063-3384-000	Greenway Reserve – Play Eq. Sofffall & Sails – Carry forward Expenditure		20,000
JL15-60064-3384-000	Hovea PI – Play Equipment, Sofffall & Sails – Carry forward Expenditure		11,699
JL15-60066-3384-000	Mills Park Water Catchment Area – Carry forward Expenditure		5,616
JL15-60067-3384-000	Osprey Reserve – New Reticulation System – Carry forward Expenditure		15,000
JL15-60068-3384-000	Repairs, Sealing, Signage etc. – Carry forward Expenditure	204	
JL15-60069-2501-000	Peace Court Park – TPS 9A	25,984	
JL15-60069-3384-000	Peace Court Park – Carry forward Expenditure		29,114
JL15-60070-3384-000	Play ground Play Equipment/Shade Structures – Carry forward Expenditure		5,000
JL15-60071-3384-000	Sutherlands Park Reserve – Carry forward Expenditure		9,187
JL15-60072-3384-000	Turf Drainage – Admin Area & Carpark – Carry forward Expenditure		10,000
JL15-60073-3384-000	Ellis Brook Valley – Carry forward Expenditure	828	
JL15-60077-2413-000	Sutherlands Park Shade Provision – Sutherlands Park Reserve	12,562	
JL15-60077-3384-000	Sutherlands Park Shade Provision – Carry forward Expenditure		11,457

Account Number	Account Description	Debit \$	Credit \$
JL15-60081-3384-000	Harmony Fields (Stage 2) – Carry forward Expenditure		131,111
JL15-60084-3384-000	Town Square – Carry forward Expenditure		5,752
JL15-60089-3384-000	The Reserve: Drainage Rectification – Carry forward Expenditure	19,632	
JL15-60091-3384-000	Langford Oval Asset Refurbishment – Carry forward Expenditure		6,000
JL15-80029-3384-000	Spencer Rd, Railway – Wilfred Rd – Streetscape – Carry forward Expenditure		534
JL15-88005-3384-000	Lakeside Drive Reserve – Carry forward Expenditure		4,119
GL40-0510-3384	Bush Fire Brigade 2005/06 Surplus – Carry forward Expenditure		16,319
GL40-0530-3384	State Emergency Service 2005/06 Surplus – Carry forward Expenditure		8,139
GL40-0510-3384	Service Agreement – Carry forward Expenditure	1,900	
GL40-0530-3384	Service Agreement – Carry forward Expenditure	1,900	
GL51-1415-3384	RoadWise – Carry forward Expenditure		5,000
GL51-1415-3384	TravelSmart – Carry forward Expenditure		7,993
GL51-1415-3384	TravelSmart – Carry forward Expenditure	14,533	
GL51-1415-3384	Consultancy – Carry forward Expenditure		52,000
GL74-1419-3384	Software Maintenance – Carry forward Expenditure		31,939
JL91-92309-3384-000	Gosnells Cricket Club Grant – Carry forward Expenditure	2,500	
JL91-92309-3384-000	Mission Australia Grant – Carry forward Expenditure	454	
JL91-92304-3384-000	Maddington Primary School Grant – Carry forward Expenditure	633	
JL91-92304-3384-000	Langford Titan Little Athletics Grant – Carry forward Expenditure	751	
JL91-92310-3384-000	Langford Titan Little Athletics Grant – Carry forward Expenditure	489	
JL91-92309-3384-000	Wirrabirra Grant – Carry forward Expenditure	5,500	
JL91-92309-3384-000	St Jude's Grant – Carry forward Expenditure	3,713	
JL91-92309-3384-000	Gosnells Baptist Church Grant – Carry forward Expenditure	3,750	

Account Number	Account Description	Debit \$	Credit \$
JL91-92306-3384-000	Older Women's Network Grant – Carry forward Expenditure	1,000	
JL91-92306-3384-000	Continance Advisory Grant – Carry forward Expenditure	2,220	
JL91-92306-3384-000	Samoan Methodist Grant – Carry forward Expenditure	2,100	
JL91-92306-3384-000	East Kenwick Playgroup Grant – Carry forward Expenditure	5,000	
JL91-92304-3384-000	Friends of Brixton St Grant – Carry forward Expenditure	3,058	
JL91-92116-3381-000	South Metropolitan Public Health Unit – Carry forward Expenditure	16,364	
JL21-20101-3650-000	Interest on Harmony Fields Loan – Interest on Harmony Fields Loan		50,462
JL40-40210-2634-000	Sanitation Surplus Transfer to Reserve – Sanitation Reserve	150,190	
GL99-9999-9600	Equity	967,967	

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.3.4 2007/2008 BUDGET– OPENING SURPLUS

Author: F Sullivan
 Previous Ref: Nil
 Appendix: Nil

PURPOSE OF REPORT

To seek approval from Council to adjust the 2007/2008 Municipal Budget.

DISCUSSION

The 2006/2007 annual financial statements have now been audited and the actual income and expenditure to be carried forward has been finalised. After all adjustments are processed, an additional \$809,475 has become available.

The largest proportion of the savings were generated from over-budget revenue from building fees and investment earnings and under-budget wages due to the labour shortage currently being experienced.

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.

It is recommended by the Executive Team that savings from the 2006/2007 financial year be allocated to the Nicholson Road construction project to enable its completion, outlined in more detail at Item 13.4.8 Nicholson Road Canning Vale, Garden Street to Birnam Road – Budget Amendment.

The adjustment now required to amend the 2007/2008 Budget is listed hereunder and requires Council approval:

FINANCIAL IMPLICATIONS

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80068-3384-000	Increase Capital Expenditure	Nicholson Rd – Garden St to Hughes St – Carry forward Expenditure	809,475	
GL99-9999-9600	Increase to Opening Surplus	Equity		809,475

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

590 Moved Cr J Brown Seconded Cr W Barrett

That Council approve the following adjustment to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL14-80068-3384-000	Nicholson Rd – Garden St to Hughes St – Carry forward Expenditure	809,475	
GL99-9999-9600	Equity		809,475

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.3.5 ADOPTION OF MATERIALITY LEVEL FOR BUDGET TO ACTUAL VARIANCES WITHIN THE STATEMENT OF FINANCIAL ACTIVITY

Author: F Sullivan
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

To adopt a materiality level for determining variances between budget and actual revenues and expenditure in the Statement of Financial Activity report to Council.

BACKGROUND

Financial Management Regulation 34 requires that a statement of Financial Activity be prepared each month reporting on the sources and application of funds as set out in the annual budget.

Further, the statement is to report material variances between the amended budget and actual sources and application of funds.

Each financial year, a local government is required to adopt a percentage or value, calculated in accordance with Australian Accounting Standard 5 (AAS5), to be used in statements of financial activity for reporting material variances.

DISCUSSION

AAS5 paragraph 4.1 states that information is material if its omission, misstatement or non-disclosure has the potential to adversely effect:

- decisions about the allocation of scarce resources made by users of the financial report; or
- the discharge of accountability by the management or governing body of the entity.

AAS5 paragraph 4.1.6 states that:

- an amount which is equal to or greater than 10% of the appropriate base amount may be presumed to be material unless there is evidence to the contrary; and
- an amount which is equal to or less than 5% of the appropriate base amount may be presumed not to be material unless there is evidence, or convincing argument, to the contrary.

AAS5 paragraph 4.1.8 states that further indications of materiality may be evident from making assessments of the items in an absolute and relative context. That is to say the use of a dollar amount (absolute context) and a percentage (relative context) may better provide an assessment of whether a variance is material.

With reference to AAS5 and consideration of the special characteristics of the finances of the City of Gosnells it appears reasonable to determine a level of materiality for the reporting of variances in the Statement of Financial Activity at Variances \geq 10% OR \$250,000.

This level of materiality has worked well for the period 1 July 2006 to 30 June 2007 therefore allowing the status quo to remain appears prudent.

FINANCIAL IMPLICATIONS

Nil

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

591 Moved Cr J Brown Seconded Cr C Fernandez

That Council adopt a materiality level for the reporting of material variances in the Statement of Financial Activity at Variances \geq 10% OR \$250,000.

CARRIED 10/0

***FOR:** Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.*

***AGAINST:** Nil.*

13.4 INFRASTRUCTURE

13.4.1 TENDER 29/2007 - PURCHASE OF TWO ONLY TWO WHEEL DRIVE TRACTORS

Author: D Denton
 Previous Ref: Nil
 Appendix: Nil

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 29/2007 – Purchase of Two Only Two Wheel Drive Tractors and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tender 29/2007 was advertised in The West Australian newspaper on 27 October 2007 and closed on 14 November 2007 for the purchase of two only two wheel drive tractors, and trading two Kubota tractors, fleet numbers V30150 and V30151, registration numbers 1BFA176 and 1BEZ800 respectively.

Submissions were received from the following organisations:

Name	Address
Wattleup Tractors	7 Burchell Way, Kewdale WA 6105
Western Ag Pty Ltd	5 Hodgson Way, Kewdale WA 6105
CJD Equipment Pty Ltd	52 Great Eastern Highway, South Guildford WA 6055
E and MJ Rosher Pty Ltd	1748 Albany Highway, Kenwick WA 6107
Wanneroo Agricultural Machinery	489 Wanneroo Road, Wangara WA 6026
Boya Equipment Pty Ltd	16 Foley Street, Balcatta WA 6021

DISCUSSION

The following matrix details the submissions received:

Company	Tractor make and model	Cost for two (2) tractors \$	Trade V30150 (1BFA176) \$	Trade V30151 (1BEZ800) \$	Net Changeover Cost \$
Wattleup Tractors	Massey Ferguson 5435	110,000.00	15,000.00	15,000.00	80,000.00
Western Ag Pty Ltd	Landini Powerfarm 85.4C	98,000.00	15,200.00	15,200.00	67,600.00
CJD Equipment Pty Ltd	John Deere 5425	119,700.00	20,616.00	20,616.00	78,468.00
E and MJ Rosher Pty Ltd	Kubota M7040FC	89,500.00	13,636.36	13,636.36	62,227.27
Wanneroo Agricultural Machinery	Case IH JX1070	122,920.00	13,500.00	12,727.27	96,692.73
Boya Equipment Pty Ltd	Kubota M7040FC	92,300.00	15,500.00	15,500.00	61,300.00

The City's Fleet Supervisor and tractor operators have inspected the tractors offered and they are of the agreed opinion that all tractors meet the required specifications and any of the units would meet the City's operational requirements.

The following matrix details the evaluations of the submissions received in accordance with criteria enclosed in the tender documentation:

Tenderer	Ability to supply parts	Mechanical Assessment	Driver Assessment	Price	Total Score
	10%	10%	20%	60%	
Wattleup Tractors	10	5	20	45.98	80.98
Western Ag Pty Ltd	10	5	20	54.41	89.41
CJD Equipment Pty Ltd	10	8	20	46.87	84.87
E and MJ Rosher Pty Ltd	10	10	20	59.11	99.11
Wanneroo Agricultural Machinery	10	9	20	38.04	77.04
Boya Equipment Pty Ltd	10	10	20	60.00	100.00

As can be seen from the above evaluation, the tender offered by Boya Equipment Pty Ltd for the supply of two Kubota tractors, trading fleet numbers V30150 and V30151 represents the most advantageous arrangement for the City and will therefore be recommended for adoption.

FINANCIAL IMPLICATIONS

The 2007/2008 budget has allowed for a net changeover cost of \$76,000 (\$38,000 per tractor), therefore the net changeover cost of \$61,300 is within anticipated budget.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

592 Moved Cr D Griffiths Seconded Cr J Brown

That Council award Tender 29/2007 – Purchase of Two Only Two Wheel Drive Tractors to Boya Equipment Pty Ltd, 16 Foley Street, Balcatta WA 6021 for the supply of two Kubota M7040 FC tractors at a cost of \$46,150 each, giving a net changeover cost of \$61,300 by trading fleet numbers V30150 (1BFA176) and V30151 (1BEZ800) for \$15,500 each.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.4.2 RIVERS REGIONAL COUNCIL - NEW ESTABLISHMENT AGREEMENT AND DEED OF AMENDMENT

Author:	D Harris
Previous Ref:	OCM 27 November 2007 (Resolution 563)
Appendix:	13.4.2A Modified Draft Establishment Agreement of the Rivers Regional Council
	13.4.2B Deed of Amendment of the Establishment Agreement of the South East Metropolitan Regional Council
	13.4.2C Explanatory Memorandum

PURPOSE OF REPORT

To seek Council agreement to the adoption of a new Establishment Agreement and a Deed of Amendment of the Establishment Agreement of the Rivers Regional Council (formerly the South East Metropolitan Regional Council).

BACKGROUND

In consideration of a report on a new Establishment Agreement and a Deed of Amendment of the Establishment Agreement of the Rivers Regional Council, Council at its meeting of 27 November resolved to adopt Resolution 563, which reads:

“That Council advise the South East Metropolitan Regional Council that it supports in principle the New Establishment Agreement for the Council, attached as Appendix 13.4.2A, subject to:

- 1) *further amendment to address the following (but not limited to) issues:*
 - a) *the election of Chairman and Deputy Chairman following the “operative date”*
 - b) *the election of a presiding member when the Chairman and Deputy Chairman are not available*
- 2) *a further report being presented to Council following the incorporation of those amendments to the Agreement.”*

DISCUSSION

In response to questions put to Mr John Woodhouse of Woodhouse Legal at the pre-Ordinary Council Meeting Briefing it became apparent that some further amendments of the Establishment Agreement may be necessary.

John Woodhouse has taken into consideration the effect of comments made by the City and the other Member Councils and incorporated some necessary changes to the Draft Establishment Agreement.

Mr Woodhouse has advised that in terms of ‘*the election of a presiding member when the Chairman and Deputy Chairman are not available*’ section 5.35 of the Local Government Act 1995 will prevail.

The Draft Establishment Agreement that was presented to the 27 November 2007 Ordinary Council Meeting has been modified in the following areas:

- The definition of “Waste” has been deleted and replaced with a definition for “Household Waste”. “**Household Waste**” means all waste from residential premises within the district of a Participant which is collected by or on behalf of a Participant but excludes that waste where it is garden waste, recyclable waste or bulk rubbish collected from other waste.
- Section 5. Regional Purposes part (a) has been modified to include the word “Household”
- Under section 5 Regional Purposes a new clause has been added which reads:

“(c) without limiting any of the other regional purposes set out in this clause::

- (i) to investigate and assess the possibilities and methodologies of undertaking the processing, recycling, treatment, sale and disposal of waste, other than Household Waste, which is delivered by the Participants (but not to carry out that undertaking); and*
- (ii) to acquire any interest in land considered by the RRC to be necessary or desirable to accommodate facilities for the processing, recycling, treatment, sale and disposal of waste referred to in sub-paragraph (i);”*

- In section 6.3 Election of Chairman and deputy chairman, clause (1) (a) has been delete and clauses (b) (i) and (ii) have been reformatted to clauses (1) (a) and (b) respectively.

It is now believed that the modified Draft New Establishment Agreement accommodates the necessary clauses to provide for the proper functioning of the Rivers Regional Council, the establishment of the resource recovery facility as well as the capacity to consider any other service or facility on a regional basis.

Copies of the Draft New Establishment Agreement of the Rivers Regional Council, the Draft Deed of Amendment of the Establishment Agreement of the South East Metropolitan Regional Council and the Explanatory Memorandum are attached as Appendices 13.4.2A, 13.4.2B and 13.4.2C respectively.

The Establishment Agreement may need to be amended from time-to-time to accommodate any agreed activities that do not accord with the current definition of regional purposes.

FINANCIAL IMPLICATIONS

The involvement of the additional councils in the Regional Council will reduce the City of Gosnells financial exposure to future activities of the Regional Council.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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593 Moved Cr R Hoffman Seconded Cr J Brown

That Council adopt the Draft New Establishment Agreement of the Rivers Regional Council (formerly South East Metropolitan Regional Council attached in Appendix 13.4.2A.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

594 Moved Cr R Hoffman Seconded Cr J Brown

That Council resolve to adopt the Draft Deed of Amendment to the Establishment Agreement of the Rivers Regional Council (formerly South East Metropolitan Regional Council) as attached in Appendix 13.4.2B.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.4.3 PROPOSED DEMOLITION OF FOUR PROPERTIES IN THE CITY OF GOSNELLS

Author: R Edom
Previous Ref: OCM 8 April 1997 (Resolution 588)
OCM 14 November 2006 (Resolution 567)
Appendix: 13.4.3A Photographs of Facilities

PURPOSE OF REPORT

To seek Council approval to demolish the following facilities:

1. Toilet Block, Gibbs Park, Maddington
2. Toilet Block, Homestead Park, Thornlie
3. Cardington Way Tennis Shelter and Courts, Huntingdale
4. House on Lot 79 Comrie Road, Canning Vale

BACKGROUND

A Councillor workshop was held on 30 October 2006 to discuss the Asset Rationalisation Programme and seek support for the rationale behind the Programme. There was clear support for the actions proposed and the first round of seven demolitions was given unanimous approval at the Ordinary Council Meeting of 14 November 2006.

DISCUSSION**1. Gibbs Park Toilet Block, Maddington**

This disused toilet block has reached the end of its useful life with fixtures and fittings in need of replacement. Cubicle doors are in need of replacement and both interior and exterior walls are in need of repainting.

The general appearance and functionality of the structure is not in keeping with current standards and therefore removal is recommended. The toilet block has been boarded up for the past three months to stop any further vandal damage and use for illegal pursuits, with no complaints from park users or the general public.

2. Homestead Park Toilet Block, Thornlie

This facility was constructed in 1976 and has reached the end of its useful life with fixtures and fittings in need of replacement. Cubicle doors and external doors are due for replacement and interior walls are in need of repainting. The passive park on which this facility resides does not warrant public conveniences. Current usage is generally not by park users.

The general appearance and functionality of the structure is not in keeping with current standards and therefore removal is recommended. Constant graffiti attacks on the building have escalated along with the maintenance costs for this otherwise little used structure.

3. Cardington Way Tennis Shelter and Courts, Huntingdale

The Cardington Way tennis shelter and toilets with two bitumen tennis courts were constructed in 1983 on Cardington Way Reserve. Termite activity within the structure has caused extensive damage to wall and roof members. The court surface has degraded over time to a point where resurfacing is the only solution if the courts were to be reused for tennis. The demolition of the structure and removal of the courts has been flagged by The Tennis Facility Review as a requirement of the overall re-structure of tennis facilities provided by the City. Repairs required to the structure are estimated at \$2,500 and resurfacing of the courts has been quoted at \$15,000. There have been no bookings for this facility for a number of years.

4. House on Lot 79 Comrie Road, Canning Vale

This property was purchased in 2002 using funds from the Canning Vale Outline Development Plan (ODP) development contribution arrangement, principally for future drainage requirements for the area. The house has been heavily vandalised over the years and is subject to frequent graffiti attacks. Due to the flooding problems in the area in the winter of 2007 it is now imperative that the construction of the compensating basin is progressed as soon as possible. To facilitate this project the house will have to be demolished.

FINANCIAL IMPLICATIONS

The estimated costs for the demolition of these facilities, as indicated below, have been provided for in the 2007/2008 proactive building maintenance budget, and from Drainage Construction Account Number 88014 Lot 79 Comrie Road, Canning Vale.

1.	Gibbs Park toilet block, Maddington	\$7,500
2.	Homestead Park Toilet Block, Thornlie	\$7,500
3.	Cardington Way Tennis Courts and Shelter, Huntingdale	\$9,500
4.	House on Lot 79, Comrie Road, Canning Vale	\$17,500

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

595 Moved Cr D Griffiths Seconded Cr C Fernandez

That Council approve the demolition of the following facilities:

1. Gibbs Park Toilet Block, Maddington
2. Homestead Park Toilet Block, Thornlie
3. Cardington Way Tennis Courts and Shelter, Huntingdale
4. House on Lot 79 Comrie Road, Canning Vale.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

**13.4.4 KENWICK SENIOR FOOTBALL CLUB INC AND MADDINGTON SPORTING CLUB INC - SHARED LICENCE FOR MILLS PARK PAVILION
(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 1998 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.

13.4.5 TOM BATEMAN SPORTING ASSOCIATION INC - LEASE OF PORTION OF TOM BATEMAN PAVILION 1 AT TOM BATEMAN RESERVE

Author: J Flatow
Previous Ref: OCM 25 October 2005 (Resolution 482)
Appendix: 13.4.5A Plan of Leased Area

PURPOSE OF REPORT

To seek Council approval to lease portion of Tom Bateman Pavilion 1 at Tom Bateman Reserve to the Tom Bateman Sporting Association Inc.

BACKGROUND

At its meeting held on 25 October 2005 Council granted approval for an application to be made to the Department of Sport and Recreation for funding of extensions to the existing change rooms and public toilets to provide facilities for the Gaelic Athletics Association of Western Australia Inc and the Gosnells Hawks Baseball Club. The matter has also been raised with Council Members in workshops associated with Tom Bateman Reserve Master Planning.

The application for funding was successful and the building was officially opened on 11 October 2007.

DISCUSSION

Negotiations have been conducted since 2005 that included a substantial contribution to the facility by the Gaelic Athletics Association of Western Australia and the Gosnells Hawks Baseball Club of \$170,000 in cash and in kind.

The Gaelic Athletic Association of Western Australia Inc and the Gosnells Hawks Baseball Club Inc have joined together to form the Tom Bateman Sporting Association Inc for the purposes of sharing, and managing the use of the Tom Bateman Pavilion 1 on a seasonal basis.

The lease is based on the City's standard lease documentation and the recommended rent based on Council Policy.

Given the cash contribution it was considered reasonable to offer the Club an extended tenancy of an initial term of 10 years with two further options of five years each.

Terms of the proposed lease are detailed in the Staff Recommendations.

The Association agrees with the terms of the proposed lease.

As the Association has sporting objectives and members are not entitled to receive any pecuniary profit from body's transactions there are no requirements under the provisions of the *Local Government Act 1995* to advertise the proposed disposition.

FINANCIAL IMPLICATIONS

Rental revenue of \$5,075 per annum increased by CPI annually.

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

596 Moved Cr J Brown Seconded Cr R Hoffman

That Council approve of the leasing of portion of the building known as the Tom Bateman Pavilion 1 on Reserve 49160 at the Tom Bateman Reserve to the Tom Bateman Sporting Association Inc in accordance with the lease plan attached as Appendix 13.4.5A.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

597 Moved Cr J Brown Seconded Cr R Hoffman

That Council approve of the following terms of lease to the Tom Bateman Sporting Association Inc for its use of Tom Bateman Pavilion on Reserve 49160:

Rental:	\$5,075 per annum plus GST
Rental Reviews:	Annual CPI adjustment after first year compounding.
Lease Term:	10 years
Lease Options:	Two only five year options.
Lease Commencement:	1 November 2007

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

Cr W Barrett, due to being a founding member of the Beyond 2000 Task Force, disclosed at Item 2 of the Agenda "Declarations of Interest", an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.4.6 WALTER PADBURY MASTER PLAN

Author: R Watkins
Previous Ref: Nil
Appendix: 13.4.6A Master Plan

PURPOSE OF REPORT

For Council to adopt the Walter Padbury Master Plan.

BACKGROUND

The Walter Padbury Master Planning process commenced in 2002 and this is the second plan to be developed. Driven initially by the Thornlie Football and Sports Club Inc's Beyond 2000 Taskforce, the City in developing the Master Plan has sought comment from all user groups, City staff, Councillors and local residents.

Walter Padbury Reserve in Thornlie is a tri-reserve complex consisting of three very distinct active areas – Berehaven Oval, Cassidy Road Oval and Hume Road Oval.

The three reserves are all well utilised on a year-round basis and are subject to increased demand every year. The Master Plan has considered the venue in light of the future demands to ensure the viability of the grounds.

Active recreation has been addressed with increased active play space, increased and improved car parking, a new family area with a district level playground, gazebos and barbeques, improved facilities and new signs and branding for the Reserves.

Passive recreation has been addressed ensuring the Reserve caters for the local residents and their need for space for free play, walking and exercising dogs and other activities.

The Walter Padbury Master Plan Report has been work-shopped with Councillors, Executive and the community during the first weeks of October 2007. The community has endorsed the Plan and asked that it be taken to an Ordinary Council Meeting for the consideration of Council.

DISCUSSION

Copies of the Walter Padbury Master Plan Report were distributed at the workshops.

It is believed that this Plan provides options that will take the site into the future with increased active reserve space, safer access and increased supporting infrastructure such as car parks, new district playground and family area, passive recreation areas and dual use path networks.

The Walter Padbury Master Plan has seventeen recommendations:

“Recommendation One

That the internal central car park and the road way from the residences in Rushbrook Way to this car park be removed.

Recommendation Two

That a new car park be established at the corner of Berehaven Road and Cassidy Road extending alongside Cassidy Road.

Recommendation Three

That the car park at the Berehaven Oval Pavilion be extended from the pavilion to Elvington Road.

Recommendation Four

That the car park at Hume Road Oval be extended to the Water Corporation site and road side parking be developed alongside the residences in Rushbrook Way.

Recommendation Five

That a family area consisting of a district level playground, barbeques, gazebos and shade shelters be established in the centre of the Reserve where the three ovals meet. This will be supported by off road car parking that will be installed in Elvington Way for general public access to the site.

Recommendation Six

That the public toilet block be removed and replaced with a new universally accessible public toilet that is closer to the family area.

Recommendation Seven

That the front of Cassidy Road Pavilion be upgraded with a new undercover area and terraced steps.

Recommendation Eight

That the cricket wicket be removed from Cassidy Road Oval.

Recommendation Nine

That Hume Road Oval is reconfigured to support two cricket pitches.

Recommendation Ten

That two new change rooms be added to the Cassidy Road Pavilion provided there is a cost contribution from the users of Cassidy Road Oval. State funding will be sought for this project.

Recommendation Eleven

That a path network linking all the ovals be established.

Recommendation Twelve

That all internal fencing is removed.

Recommendation Thirteen

That the perimeter fencing be removed and replaced with bollard fencing.

Recommendation Fourteen

That all developments including car parks, path ways and the family area are landscaped in accordance with the Safe City Principles.

Recommendation Fifteen

That Hume Road Oval landscaping includes consideration of shade trees around the perimeter for the increased level of summer use.

Recommendation Sixteen

That the storage sheds on Hume Road be removed.

Recommendation Seventeen

That the use of Hume Road Pavilion be reviewed to ensure current use is appropriate for that facility.”

It is suggested that a consultative committee of staff and user group delegates meet on a regular basis during the implementation of the Walter Padbury Master Plan to discuss the progress and specifications of the development.

FINANCIAL IMPLICATIONS

The Walter Padbury Master Plan has been staged over five years. The proposed first year of implementation is 2007/2008 financial year utilising the funds in the Walter Padbury Reserve Account.

The costs to undertake the Walter Padbury Master Plan will be funded from a combination of municipal, reserve, state and club funds. Every effort will be made to attract additional funding from outside the City.

The figures presented include contingencies for price escalations and overheads.

The breakdown of the funding over the five-year period is currently estimated as follows:

Projects for 2007/2008

- New car park Berehaven/ Cassidy
- Removal of internal car park
- New cricket practice nets
- Removal of cricket practice nets, playground
- Turf installation (old car park site/ family area)
- Landscaping

Total Estimated Costs 2007/2008**\$325,000****Projects for 2008/2009**

- New car park Cassidy Road
- New car park Berehaven Oval
- Removal of internal fencing
- Retaining wall Hume and Cassidy Ovals
- Fill to family and retained areas
- New cricket pitch Hume Road Oval
- Landscaping

Total Estimated Costs 2008/2009**\$820,000****Projects for 2009/2010**

- New Car park Hume Road
- Removal of playground and sheds Hume Road
- New Entry Statements
- Undercover area Cassidy Road
- Landscaping

Total Estimated Costs 2009/2010**\$760,000**

Projects for 2010/2011

- New playground, gazebos, barbeques
- New public toilet block
- Demolition of old toilet block, retaining wall and concrete steps
- New off road parking Elvington Way
- Landscaping

Total Estimated Costs 2010/2011**\$870,000****Projects for 2011/2012**

- Additional change rooms Cassidy Road
- Landscaping
- Path network

Total Estimated Costs 2011/2012**\$1,200,000****TOTAL ESTIMATED PROJECT COSTS OVER FIVE YEARS****\$4,085,000**

STAFF RECOMMENDATION (1 of 4) AND COUNCIL RESOLUTION
--

598 Moved Cr W Barrett Seconded Cr R Hoffman

That Council adopt the Walter Padbury Master Plan, attached as Appendix 13.4.6A.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

599 Moved Cr W Barrett Seconded Cr R Hoffman

That Council approve the allocation of \$325,000 from Reserve Account 9713 Walter Padbury Reserve to carry out the first phase of the Master Plan in 2007/2008

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 4) AND COUNCIL RESOLUTION
--

600 Moved Cr W Barrett Seconded Cr R Hoffman

That Council consider listing the following amounts in the future capital works programme to develop the Walter Padbury Master Plan from a combination of municipal, reserve, state and club funds:

2008/2009	\$ 820,000
2009/2010	\$ 760,000
2010/2011	\$ 870,000
2011/2012	\$ 1,200,000

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

601 Moved Cr W Barrett Seconded Cr R Hoffman

That Council approve the allocation of future funds in Reserve Account 9713 Walter Padbury Reserve as per the Walter Padbury Master Plan Report.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

Notation

Cr P Morris asked that it be noted she had indicated she wished to speak to item 13.4.6 prior to the staff recommendations being put to the vote.

The Mayor advised the meeting that Cr D Griffiths, due to owning property at 19B Astley Street, had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

8.28pm – Cr D Griffiths left the meeting.

13.4.7 STREETScape REMOVAL - ASTLEY STREET GOSNELLS

Author: G Bremner
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

To advise Council on the recommendations for the removal of four (4) large street tree specimens currently growing at the western end of Astley Street, Gosnells

BACKGROUND

There are four (4) specimens of *Ficus hilli* growing at the western end of Astley Street which are currently in excess of 20 metres in height. These trees are growing on a narrow verge and are within seven metres of the adjoining dwellings. This species of tree has the characteristic of a large buttress root system which can extend to the same distance from the trunk as the canopy, which has the potential to have a spread of 30 to 40 metres. The roots of these specimens have caused considerable disruption to City Infrastructure in this section of the street with both the kerbs and footpaths requiring constant maintenance. This is especially the case for the footpaths which have had numerous hot-mix overlays in order to retain them in a trafficable state for pedestrians.

DISCUSSION

The *Ficus hilli* can best be described as a large spreading forest tree which as a single specimen can present as an imposing feature in most landscapes. This however has implications for its use in a streetscape situation where it dominates and impinges on the surrounding infrastructure.

The size of these specimens has also impacted on adjoining trees within the streetscape which have suffered from the lack of light and have attempted to grow towards a light source, thereby distorting the shape of the trees. A further three Queensland Box trees are suggested for removal, as these will be unsuited for retention should the *Ficus hilli* be removed.

Whilst the trees do not present any structural conditions which would indicate an unacceptable level of risk to surrounding public and private infrastructure, the continued growth of the roots are having an impact on the footpaths and kerbs in the vicinity. The roots have the potential to damage the road and services infrastructure in the verge (water main and Telstra cables). City officers have also fielded numerous complaints about these trees overhanging the private property, with lack of sunlight and leaves fouling roofs and courtyards adjoining being the principal concerns.

It will therefore be recommended that the four specimens of *Ficus hilli* be removed to prevent the ongoing and potential future damage to City infrastructure. It is also recommended that the three Queensland Box trees be removed as these will have little amenity value once the *Ficus hilli* trees are removed.

City staff will inform affected residents prior to the implementation of the removals, however given the current level of complaints in relation to the trees it is not expected that there will be significant objection to their removal. Replacement trees of a suitable species will be provided to this section of the street.

FINANCIAL IMPLICATIONS

The removal of the proposed seven specimens has been quoted at \$9,650 (plus GST). In addition the cost of replacement trees, verge remediation and footpath repairs is estimated at \$4,750. Total estimated costs of \$14,400 will be met from the respective maintenance accounts within the 2007/2008 budgets.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

602 Moved Cr B Wiffen Seconded Cr L Griffiths

That Council approve the removal of four *Ficus hilli* and three Queensland Box trees from the western end of Astley Street, Gosnells at an estimated cost of \$14,400, with a suitable species of street tree to be used as a replacement.

CARRIED 9/0

FOR: Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

8:29 pm - Cr D Griffiths returned to the meeting.

13.4.8 NICHOLSON ROAD CANNING VALE, GARDEN STREET TO BIRNAM ROAD - BUDGET AMENDMENT

Author: S Bell
Previous Ref: OCM 11 April 2006 (Resolution 166) – Regional Road Programme
Appendix: Nil

PURPOSE OF REPORT

The purpose of this report is to advise Council about the current funding shortfall in regard to the construction of the new road carriageway and rehabilitation of the existing road carriageway at Nicholson Road Canning Vale between Garden Street and Birnam Road.

Council will be requested to approve the reallocation of funds within the 2007/2008 annual budget to facilitate the completion of the Nicholson Road project.

BACKGROUND

In the 2004/2005 financial year, the City of Gosnells commenced the much anticipated dualling of Nicholson Road, between Garden Street and Birnam Road. Throughout the course of the design and construction phases, the City has faced significant delays and cost increases that have affected the ability of the Infrastructure Directorate to successfully complete the project. While all projects have a range of issues to deal with the delays and cost increases associated with this project have been excessive and to a large extent beyond the City's control.

The major delays and cost increases have been related to issues such as:

- The need to relocate services (Telstra and Western Power plant particularly)
- The need to resume land for road widening purposes
- Rehabilitation of the existing road carriageway as a result of pavement deficiencies and height disparities in relation to the new carriageway
- Necessary approvals from Main Roads Western Australia (MRWA) for traffic signals and line marking respectively

At its meeting of 24 October 2006, Council considered a report prepared by the then Manager Technical Services which detailed a request for the project budget to be increased by \$1,432,000 in the 2006/2007 financial year, as stated in Resolution 543, which reads:

“That Council approve the following budget variation to enable the allocation of funds for the dualling of Nicholson Road, between Garden Street to Hughes Street, Canning Vale as detailed in the table below:

Account No.	Project	Debit \$	Credit \$
<i>JL 14-90068-3800 (Expense)</i>	<i>Nicholson Road, Canning Vale Garden to Hughes</i>	<i>1,032,286</i>	
<i>JL 14-80068-1353 (Grant)</i>	<i>Nicholson Road, Canning Vale Garden to Hughes</i>		<i>1,032,286</i>
<i>JL 14-80027-1353 (Grant)</i>	<i>Federation Parade (North), Gosnells Albany to Main</i>	<i>399,714</i>	
<i>JL 14-80027-1353 (Grant)</i>	<i>Federation Parade (North), Gosnells Albany to Main</i>		<i>399,714</i>
<i>JL 14-80068-3800 (Expense)</i>	<i>Nicholson Road, Canning Vale Garden to Hughes</i>	<i>399,714</i>	
<i>JL 14-80027-3800 (Expense)</i>	<i>Federation Parade (North), Gosnells Albany to Main</i>		<i>399,714</i>

Whilst the majority of the services have now been relocated (with the exception of Western Power) and the land purchased, the resultant cost increases have severely undermined the ability of the Engineering Operations branch to successfully deliver the project to the expectation of both Council and the community.

In October 2007 the City's Engineering Operations Branch was requested to prepare a cost estimate to complete the Nicholson Road project. This cost has now been received and it is estimated that an additional \$1,150,000 will be required to compliment those funds allocated in the 2007/2008 annual budget.

DISCUSSION

There is currently a total of \$2,863,823 budgeted in the accounts for Nicholson Road – Garden Street to Hughes Street (14-80068-3384-000) and Nicholson Road – Birnam Road to Hughes Street (14-80071-3384-000). The total funds held in the above accounts include an amount of \$809,475 which is the budget surplus for the 2006/2007 financial year. The proposed transfer of the budget surplus to Nicholson Road is the subject of a separate report to Council in this agenda (Item 13.3.4).

The estimated additional \$1,150,000 required to complete the project is required to rehabilitate the existing road carriageway, install pipe drainage and concrete pathways, and to undertake a minimal amount of landscaping.

The \$1,150,000 does not include an allowance to extensively landscape the central median to a standard similar to works already carried out by the City of Canning. Whilst this is considered to be an important component of the project, it is recommended that this work be deferred until 2008/2009 to lessen the impact on the 2007/2008 annual budget and to align the implementation of the works with the traditional wet weather period of June to October annually.

As stated in the background to this report, much of the funding allocated in the 2007/2008 budget has been used to construct the new road carriageway, complete the land resumptions, and to relocate services, of which the Telstra invoice has yet to be received. The Telstra relocation totals \$1,046,841.59, GST exclusive, which leaves very little funding to complete the remaining works.

In 2008/2009, the City of Gosnells has been allocated Metropolitan Regional Road Group (MRRG) funding to rehabilitate Nicholson Road from Garden Street to Saddleback Grove. A request has been made to MRWA to bring forward the MRRG funding to enable the works to be undertaken during the 2007/2008 financial year. This request has been approved by MRWA and the amount of grant funding to be allocated is \$287,861 (GST Exclusive), which must be matched by the City on a two thirds one third funding split. Hence, the City will need to allocate a total of \$143,921 to match the MRRG grant funding.

In 2007/2008, Council allocated a total of \$582,286 towards the design and construction of Federation Parade North. This funding is allocated from the Roads to Recovery programme. Whilst the Federation Parade North project is important for the development and improvement of Gosnells Town Centre, parcels of land required to facilitate the improvement are either privately owned or owned by the Department for Planning and Infrastructure (DPI). Negotiations for the purchase of land have been progressing for some time, however it is not anticipated that these negotiations will be concluded during the 2007/2008 financial year. Hence, it is recommended that the Roads to Recovery funding (\$582,286) be transferred to Nicholson Road and that a small amount of funds be retained to facilitate the survey and design of the new road improvements. The transfer of funds to Federation Parade North is the subject of a separate report to Council.

The issue of ongoing funding for the completion of Federation Parade North will be the subject of a future Councillor Workshop.

FINANCIAL IMPLICATIONS

The funding required to complete the remaining works on Nicholson Road can be sourced from the budget surplus (available for transfer to Nicholson Road), MRRG grant funding and reallocation of Roads to Recovery funding from Federation Parade North. The funding breakdown for Nicholson Road is as follows:

DESCRIPTION	FUNDING
Council funding from budget surplus	\$135,932
Council contribution to MRRG funding from budget surplus	\$143,921
Roads to Recovery funding – transferred from Federation Parade North	\$582,286
MRRG funding – brought forward from 2008/2009	\$287,861
Total Project Cost	\$1,150,000

The budget surplus available for transfer to Nicholson Road is \$809,475. However, due to the MRRG grant being brought forward from 2008/2009 (\$287,861) and the reallocation of the Roads to Recovery funding (\$582,286), a portion of the budget surplus can be freed up for use on other projects, more particularly, to match grant funding recently provided by Main Roads Western Australia under the State Blackspot programme. The reallocation of these funds is covered under separate report.

It is therefore recommended that Council approve the following budget variation to accommodate the additional funds required to complete the dualling and upgrade of Nicholson Road between Garden Street and Birnan Road.

Account Number	Project	Type	Debit \$	Credit \$
JL 14-80027-1353 (R2R Grant)	Federation Parade North	Decrease Income	\$582,286	
JL 14-80068-1353 (R2R Grant)	Nicholson Road Canning Vale – Garden Street to Hughes Street	Increase Income		\$582,286
JL 14-80027-3800 (R2R Grant)	Federation Parade North	Decrease Expenditure		\$582,286
JL 14-80068-3800 (R2R Grant)	Nicholson Road Canning Vale – Garden Street to Saddleback Grove	Increase Expenditure	\$582,286	
JL 14-80068-1351 (MRRG Rehabilitation Grant)	Nicholson Road Canning Vale – Garden Street to Hughes Street	Increase Income		\$287,861
JL 14-80068-3800 (MRRG Grant)	Nicholson Road Canning Vale – Garden Street to Saddleback Grove	Increase Expenditure	\$287,861	

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr J Brown

That Council approve the following budget variation to enable the allocation of funds for the dualling and upgrade of Nicholson Road, between Garden Street and Hughes Street, Canning Vale as detailed in the table below:

Account Number	Project	Type	Debit \$	Credit \$
JL 14-80027-1353 (R2R Grant)	Federation Parade North	Decrease Income	\$582,286	
JL 14-80068-1353 (R2R Grant)	Nicholson Road Canning Vale – Garden Street to Hughes Street	Increase Income		\$582,286
JL 14-80027-3800 (R2R Grant)	Federation Parade North	Decrease Expenditure		\$582,286
JL 14-80068-3800 (R2R Grant)	Nicholson Road Canning Vale – Garden Street to Saddleback Grove	Increase Expenditure	\$582,286	
JL 14-80068-1351 (MRRG Rehabilitation Grant)	Nicholson Road Canning Vale – Garden Street to Hughes Street	Increase Income		\$287,861
JL 14-80068-3800 (MRRG Grant)	Nicholson Road Canning Vale – Garden Street to Saddleback Grove	Increase Expenditure	\$287,861	

(ABSOLUTE MAJORITY REQUIRED)

Additional Motion

During debate Cr P Morris moved the following additional motion to the staff recommendation:

“That Council, in order to reinstate the funds budgeted for the Federation Parade (North), Gosnells project in 2007/2008 reallocated to the dualling and upgrade of Nicholson Road, between Garden Street and Hughes Street, Canning Vale, list for consideration in the 2008/2009 budget an amount of \$582,286 for the Federation Parade (North), Gosnells project.”

Cr P Morris provided the following reason for the motion:

“The original plan for Gosnells Town Centre Revitalisation was that Federation Parade was part of the viability/sustainability of business. Consideration needs to be given to the 2008/09 budget and the proposed workshop for Council relating to this project.”

Cr R Hoffman seconded Cr P Morris’s additional motion.

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

COUNCIL RESOLUTION

603 Moved Cr P Morris Seconded Cr R Hoffman

That Council, in order to reinstate the funds budgeted for the Federation Parade (North), Gosnells project in 2007/2008 reallocated to the dualling and upgrade of Nicholson Road, between Garden Street and Hughes Street, Canning Vale, list for consideration in the 2008/2009 budget an amount of \$582,286 for the Federation Parade (North), Gosnells project.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

The Mayor then put the staff recommendation, which reads:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

604 Moved Cr D Griffiths Seconded Cr J Brown

That Council approve the following budget variation to enable the allocation of funds for the dualling and upgrade of Nicholson Road, between Garden Street and Hughes Street, Canning Vale as detailed in the table below:

Account Number	Project	Type	Debit \$	Credit \$
JL 14-80027-1353 (R2R Grant)	Federation Parade North	Decrease Income	\$582,286	
JL 14-80068-1353 (R2R Grant)	Nicholson Road Canning Vale – Garden Street to Hughes Street	Increase Income		\$582,286
JL 14-80027-3800 (R2R Grant)	Federation Parade North	Decrease Expenditure		\$582,286
JL 14-80068-3800 (R2R Grant)	Nicholson Road Canning Vale – Garden Street to Saddleback Grove	Increase Expenditure	\$582,286	
JL 14-80068-1351 (MRRG Rehabilitation Grant)	Nicholson Road Canning Vale – Garden Street to Hughes Street	Increase Income		\$287,861
JL 14-80068-3800 (MRRG Grant)	Nicholson Road Canning Vale – Garden Street to Saddleback Grove	Increase Expenditure	\$287,861	

That Council, in order to reinstate the funds budgeted for the Federation Parade (North), Gosnells project in 2007/2008 reallocated to the dualling and upgrade of Nicholson Road, between Garden Street and Hughes Street, Canning Vale, list for consideration in the 2008/2009 budget an amount of \$582,286 for the Federation Parade (North), Gosnells project.

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

The Mayor advised the meeting that Cr D Griffiths due to owning property at 70 Mills Road West had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

8:32 pm – Cr D Griffiths left the meeting.

13.4.9 NEW STATE BLACKSPOT AND COUNCIL FUNDED PROJECTS – BUDGET VARIATIONS

Author: S Bell
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

The purpose of this report is to seek the approval of Council to adjust the 2007/2008 annual budget to accommodate the following new and existing projects:

- Six projects funded from the State Blackspot Program (New)
- Road Reservation Study – Mills Road West (New)
- Drainage study – Canning Vale (New)
- Federation Parade North – Survey and Design (Existing)
- Wayfinding project (New)
- Corfield Street and King Street – Relocation of Telstra plant (Existing)

BACKGROUND

1. State Blackspot Projects

In November 2007, the Infrastructure Directorate was advised by Main Roads Western Australia (MRWA) that additional State Blackspot funding was available and that the City's reserve Blackspot projects could be funded. The reserve State Blackspot projects are those that did not make the original list of approved projects in May of this year and as such were not funded.

Officers from the Infrastructure Directorate have advised MRWA that the City would be prepared to accept the Blackspot funding of the reserve projects and MRWA have since confirmed that six projects will be funded. This is on the condition that the City expends the funds by 30 June 2008 and contributes one third of the total project cost.

The six projects identified for funding under the State Blackspot programme are as follows:

Project	Project Description	Council Contribution	Blackspot Contribution	Total Funding
Connemara Drive from Spencer Road to Camberley Street	Install median island and bus embayment, upgrade footpath to shared path	\$80,000	\$160,000	\$240,000
Bickley Road at Brook Road	Upgrade Street lighting	\$5,000	\$10,000	\$15,000
Maddington Road at Alcock Street	Construct roundabout	\$26,000	\$52,000	\$78,000

Continued

Project	Project Description	Council Contribution	Blackspot Contribution	Total Funding
Maddington Road at Eva Street	Construct roundabout	\$26,000	\$52,000	\$78,000
Forest Lakes Drive from Ovens Road to Towncentre Drive	Install median island	\$60,000	\$120,000	\$180,000
Spencer Road from Yale Road to Thornlie Avenue	Upgrade Street lighting	\$33,000	\$66,000	\$99,000
TOTAL		\$230,000	\$460,000	\$690,000

The project guidelines for State Blackspot funding are to be changed in 2008/2009 and hence many of the projects identified for improvement may not attract funding under the new Blackspot funding criteria. Hence, it is considered prudent that the City takes advantage of the grant funding to rectify the identified blackspots, particularly when two-thirds of the total funding is allocated by the State.

The total cost identified for the construction of the roundabouts at Maddington Road and Alcock Street and Maddington Road and Eva Street is considered low and hence if the projects are to be implemented, the City will need to allocate additional funds to ensure that the projects are delivered successfully. The recommended budget adjustment allows for a further \$52,000 to be added to Council's contribution thereby bringing the total project cost to \$130,000. When the works are integrated with the proposed rehabilitation of Maddington Road, it is expected that the total amount of funds allocated to the project will be sufficient.

2. Road Reservation Study – Mills Road West

The Metropolitan Region Scheme (MRS) identifies Mills Road West and Ferres Drive as Primary Regional Roads, running from Gosnells Road West / Albany Highway to the Tonkin Highway. With the implementation of the Gosnells Town Centre Revitalisation project, the construction of the Tonkin Highway and the potential for sections of land between the Tonkin Highway and Canning River to be developed, the requirement for Mills Road West and Ferres Drive to remain as Primary Regional Roads and their impact on development of the area needs to be reassessed as a matter of priority.

The City has previously provided a commitment to both the Department for Planning and Infrastructure (DPI) and MRWA that it would contribute towards the cost of the road reservation study (one-third of the total project cost). In addition, a brief has been prepared and signed off by all key stakeholders.

Consultants have been invited to submit fee proposals for the work and there is an expectation from the DPI and MRWA that the study will be progressed this financial year. However, the City has not allocated any funds in the 2007/2008 annual budget to enable the study to be progressed. Therefore, Council is requested to approve a budget variation to facilitate completion of the study during 2007/2008.

3. Drainage study – Canning Vale

During the months of August to September 2007, many parts of Canning Vale were affected by rising groundwater and floodwater, particularly in the public open space areas. The Infrastructure Directorate has sought quotations from specialist hydrological and hydraulic engineering Consultants to undertake a review of the Canning Vale drainage system and to report on measures that can be implemented prior to next winter to reduce the impact of rising groundwater and surface water levels in Canning Vale.

In the 2007/2008 Budget, there are no funds to enable the drainage study to be progressed. Therefore, Council is requested to approve a budget variation to facilitate completion of the drainage study during 2007/2008.

4. Federation Parade North

In 2007/2008, Council allocated a total of \$582,286 towards the construction of Federation Parade North. This funding is allocated from the Roads to Recovery Programme. Whilst the Federation Parade North project is important for the development and improvement of Gosnells Town Centre, parcels of land required to facilitate the improvement are either privately owned or owned by the Department for Planning and Infrastructure (DPI). Negotiations for the purchase of land have been progressing for sometime, however it is not anticipated that these negotiations will be concluded during the 2007/2008 financial year.

The issue of ongoing funding for the completion of Federation Parade North will be the subject of a future Councillor Workshop.

Therefore it is suggested that the Roads to Recovery funding be transferred to Nicholson Road and that a small amount of funds be allocated from the municipal fund to facilitate the survey and design of the new road improvements in Federation Parade North. In this regard, \$50,622 is considered sufficient to facilitate completion of the survey and preliminary design drawings until such time as funds are provided to purchase the land necessary to accommodate the road and streetscape improvements.

5. Wayfinding Project

The initial work involves the preparation of a signage strategy that will be undertaken by a Consultant who specialises in walking. Auditing central Gosnells to identify barriers to walking and formulating recommendations for improvements to the pedestrian environment is an integral part of the project and the types of signs required with proposed locations will be identified in the strategy report.

Wayfinding signage will assist people to utilise public transport in conjunction with walking rather than drive to destinations. Walking is the major recreation activity for most Australians and an excellent substitute for short car trips. Making places more walkable, legible and liveable combats obesity, climate change and pollution plus gives people the type of environment they want to live in. The aim is to raise awareness of the public transport options available and to show how easy it is to walk from the public transport network to destinations within the Gosnells Town Centre from the train station.

The design objective for the signs is to create a progressive, modern look whilst connecting to the area's unique architectural heritage. The City of Gosnells corporate colours will be used to attract and build recognition across the signage system. The maps are worlds best practice, '*where you are is what you see*' heads-up mapping'. Beyond the mapping panels the wayfinding system includes independent directional signs around the periphery of the City centre to facilitate walking beyond the centrally mapped zone.

The Wayfinding project is a vital component of the Integrated Transport Strategy, the preparation and adoption of which is identified as a key strategic objective of the City. The total cost of the Wayfinding project is \$15,000 of which the City will contribute \$10,000 and the Department of Health \$5,000.

6. Corfield Street and King Street

In 2007/2008, the City has been allocated State Blackspot funding to construct a left-turn slip lane from Corfield Street to King Street. The total cost of the project is \$75,000 which comprises a \$50,000 grant and \$25,000 contribution from the City.

The design for the project has been completed and in order to construct the new left turn lane Telstra plant needs to be relocated. A quotation has been received from Telstra to relocate the plant away from the left-turn lane and the total amount of the relocation is \$75,000.

If the Telstra plant is not relocated then the left turn lane cannot be constructed and the Blackspot funding will need to be returned to MRWA. There are high numbers of vehicles that negotiate the left turn and the slip lane is required to eliminate an identified Blackspot at the intersection. Therefore, Council is requested to approve a budget variation to facilitate relocation of the Telstra plant and construction of the left-turn lane during 2007/2008.

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
- 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 \$
JL14-80138-3800-499	Increase Expenditure	Connemarra Drive – Spencer Road to Camberley Street – Capital Purchase	240,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street – Carryforward Expenditure		80,000
JL14-80138-1359-498	Increase Income	Connemarra Drive – Spencer Road to Camberley Street – MRWA Grant		160,000
	Reason:	To install median island, bus embayment and upgrade footpath. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80139-3800-499	Increase Expenditure	Bickley Road and Brook Road – Capital Purchase	15,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		5,000
JL14-80139-1359-498	Increase Income	Bickley Road and Brook Road – MRWA Grant		10,000
	Reason:	To upgrade Street lighting in Bickley Road and Brook Road. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80140-3800-499	Increase Expenditure	Maddington Road at Alcock Street – Capital Purchase	130,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		78,000
JL14-80140-1359-498	Increase Income	Maddington Road at Alcock Street – MRWA Grant		52,000
	Reason:	To construct Roundabout in Maddington Road at Alcock Street. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80141-3800-499	Increase Expenditure	Maddington Road at Eva Sreet – Capital Purchase	130,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street Carryforward Expenditure		78,000
JL14-80141-1359-498	Increase Income	Maddington Road at Eva Street – MRWA Grant		52,000
	Reason:	To construct Roundabout in Maddington Road at Eva Street. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80142-3800-499	Increase Expenditure	Forest Lakes Drive – Ovens Road to Towncentre Drive – Capital Purchase	180,000	

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		60,000
JL14-80142-1359-498	Increase Income	Forest Lakes Drive – Ovens Road to Towncentre Drive – MRWA Grant		120,000
	Reason:	To install median islands in Forest Lakes Drive – Ovens Road to Towncentre Drive. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80143-3800-499	Increase Expenditure	Spencer Road – Yale Road to Thornlie Avenue – Capital Purchase	99,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		33,000
JL14-80143-1359-498	Increase Income	Spencer Road – Yale Road to Thornlie Avenue – MRWA Grant		66,000
	Reason:	To upgrade Street lighting in Spencer Road – Yale Road to Thornlie Avenue. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80106-3800-499	Increase Expenditure	Corfield Street at King Street – Capital Purchase	75,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		75,000
	Reason:	To install Left turn slip lane in Corfield Street at King Street. Insufficient funds in current budget to relocate Telstra payment plant away from the proposed left turn lane. Additional funding will allow the works to proceed rather than having to hand back the grant funding to MRWA.		
JL41-40105-3214-499	Increase Expenditure	Wayfinding Project – Consultancy	15,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		10,000
JL41-40105-1301-498	Increase Income	Wayfinding Project – Department of Health Grant		5,000
	Reason:	The allocation of Council funding combined with the Department of Health grant will enable the Wayfinding project to be completed during 2007/2008. The Wayfinding project form part of the much larger Integrated Transport Strategy.		
JL41-40104-3214-499	Increase Expenditure	Mills Road West – Road Reservation study – Consultancy	75,000	

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		25,000
JL41-40104-1301-498	Increase Income	Mills Road West – Road Reservation study – MRWA and DPI Grant		50,000
	Reason:	A study to be undertaken jointly by the City, DPI and MRWA to determine the future road reservation and road hierarchy requirements for Mills Rd West. No allowance made in 07/08 budget for Council contribution (1/3) towards the study.		
JL41-40103-3214-499	Increase Expenditure	Canning Vale Drainage Study – Consultancy	35,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		35,000
	Reason:	To allow for the engagement of a Consultant to undertake a detailed drainage study in Canning Vale. No allowance made in 07/08 budget for the drainage study to be undertaken.		
JL14-80027-3800-499	Decrease Expenditure	Federation Parade North – Capital Purchase		582,286
JL14-80027-3384-499	Increase Expenditure	Federation Parade North – Carryforward	50,622	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward		50,622
JL14-80027-1353-498	Decrease Income	Federation Parade North – RTR Grant	582,286	
	Reason:	To remove the Roads to Recovery funding from Federation Parade North as the project will not be constructed in 07/08. Funds to be transferred to allow for the survey and preparation of a preliminary design for the proposed improvements to Federation Parade North.		
JL14-80068-3800-499	Increase Expenditure	Nicholson Road – Garden Street to Hughes Street – Capital Purchase	870,147	
JL14-80068-1351-498	Increase Income	Nicholson Road – Garden Street to Hughes Street - MRRG Road Rehabilitation Funding		287,861
JL14-80068-1353-498	Increase Income	Nicholson Road – Garden Street to Hughes Street – Roads to Recovery Grant		582,286
	Reason:	Transfer Roads to Recovery funding to Nicholson Road from Federation Parade North. Increased grant funding from MRRG (road rehabilitation) brought forward from 2008/2009.		

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

605 Moved Cr B Wiffen Seconded Cr R Hoffman

That Council approve the following adjustments to the Municipal Budget:

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80138-3800-499	Increase Expenditure	Connemarra Drive – Spencer Road to Camberley Street – Capital Purchase	240,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street – Carryforward Expenditure		80,000
JL14-80138-1359-498	Increase Income	Connemarra Drive – Spencer Road to Camberley Street – MRWA Grant		160,000
	Reason:	To install median island, bus embayment and upgrade footpath. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80139-3800-499	Increase Expenditure	Bickley Road and Brook Road – Capital Purchase	15,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		5,000
JL14-80139-1359-498	Increase Income	Bickley Road and Brook Road – MRWA Grant		10,000
	Reason:	To upgrade Street lighting in Bickley Road and Brook Road. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80140-3800-499	Increase Expenditure	Maddington Road at Alcock Street – Capital Purchase	130,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		78,000
JL14-80140-1359-498	Increase Income	Maddington Road at Alcock Street – MRWA Grant		52,000
	Reason:	To construct Roundabout in Maddington Road at Alcock Street. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80141-3800-499	Increase Expenditure	Maddington Road at Eva Street – Capital Purchase	130,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street Carryforward Expenditure		78,000
JL14-80141-1359-498	Increase Income	Maddington Road at Eva Street – MRWA Grant		52,000

Account Number	Type	Account Description	Debit \$	Credit \$
	Reason:	To construct Roundabout in Maddington Road at Eva Street. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80142-3800-499	Increase Expenditure	Forest Lakes Drive – Ovens Road to Towncentre Drive – Capital Purchase	180,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		60,000
JL14-80142-1359-498	Increase Income	Forest Lakes Drive – Ovens Road to Towncentre Drive – MRWA Grant		120,000
	Reason:	To install median islands in Forest Lakes Drive – Ovens Road to Towncentre Drive. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80143-3800-499	Increase Expenditure	Spencer Road – Yale Road to Thornlie Avenue – Capital Purchase	99,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		33,000
JL14-80143-1359-498	Increase Income	Spencer Road – Yale Road to Thornlie Avenue – MRWA Grant		66,000
	Reason:	To upgrade Street lighting in Spencer Road – Yale Road to Thornlie Avenue. This is a reserve Blackspot project that is now being funded by a MRWA Grant.		
JL14-80106-3800-499	Increase Expenditure	Corfield Street at King Street - Capital Purchase	75,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		75,000
	Reason:	To install Left turn slip lane in Corfield Street at King Street. Insufficient funds in current budget to relocate Telstra payment plant away from the proposed left turn lane. Additional funding will allow the works to proceed rather than having to hand back the grant funding to MRWA.		
JL41-40105-3214-499	Increase Expenditure	Wayfinding Project – Consultancy	15,000	
JL14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		10,000
JL41-40105-1301-498	Increase Income	Wayfinding Project – Department of Health Grant		5,000

Account Number	Type	Account Description	Debit \$	Credit \$
	Reason:	The allocation of Council funding combined with the Department of Health grant will enable the Wayfinding project to be completed during 2007/2008. The Wayfinding project form part of the much larger Integrated Transport Strategy.		
JL41-40104-3214-499	Increase Expenditure	Mills Road West – Road Reservation study – Consultancy	75,000	
JL 14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		25,000
JL41-40104-1301-498	Increase Income	Mills Road West – Road Reservation study – MRWA and DPI Grant		50,000
	Reason:	A study to be undertaken jointly by the City, DPI and MRWA to determine future road reservation and road hierarchy requirements for Mills Rd West. No allowance made in 07/08 budget for Council contribution (1/3) towards the study.		
JL41-40103-3214-499	Increase Expenditure	Canning Vale Drainage Study - Consultancy	35,000	
JL 14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward Expenditure		35,000
	Reason:	To allow for the engagement of a Consultant to undertake a detailed drainage study in Canning Vale. No allowance made in 07/08 budget for the drainage study to be undertaken.		
JL 14-80027-3800-499	Decrease Expenditure	Federation Parade North – Capital Purchase		582,286
JL 14-80027-3384-499	Increase Expenditure	Federation Parade North – Carryforward	50,622	
JL 14-80068-3384-499	Decrease Expenditure	Nicholson Road – Garden Street to Hughes Street – Carryforward		50,622
JL 14-80027-1353-498	Decrease Income	Federation Parade North – RTR Grant	582,286	
	Reason:	To remove the Roads to Recovery funding from Federation Parade North as the project will not be constructed in 07/08. Funds to be transferred to allow for the survey and preparation of a preliminary design for the proposed improvements to Federation Parade North.		

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-80068-3800-499	Increase Expenditure	Nicholson Road – Garden Street to Hughes Street – Capital Purchase	870,147	
JL14-80068-1351-498	Increase Income	Nicholson Road – Garden Street to Hughes Street - MRRG Road Rehabilitation Funding		287,861
JL14-80068-1353-498	Increase Income	Nicholson Road – Garden Street to Hughes Street – Roads to Recovery Grant		582,286
	Reason:	Transfer Roads to Recovery funding to Nicholson Road from Federation Parade North. Increased grant funding from MRRG (road rehabilitation) brought forward from 2008/2009.		

CARRIED BY ABSOLUTE MAJORITY 9/0

FOR: Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

8:33 pm – Cr D Griffiths returned to the meeting.

Notation

The Mayor, upon the return of Cr D Griffiths to the meeting, advised that Council had endorsed the staff recommendation as contained in the Agenda.

13.5 PLANNING AND SUSTAINABILITY

13.5.1 AMENDMENT NO. 75 TO TOWN PLANNING SCHEME NO. 6 – FINALISATION – MODIFYING THE BOUNDARY OF THE LOCAL OPEN SPACE RESERVE ON TOWNCENTRE DRIVE, THORNLIE AND REZONING A PORTION OF LOT 9006 MURDOCH ROAD, THORNLIE FROM RESIDENTIAL R30 AND DISTRICT CENTRE TO RESIDENTIAL R80 (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 1998 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.

13.5.2 DEVELOPMENT APPROVAL - STATE ADMINISTRATIVE TRIBUNAL ORDER – INVITATION TO RECONSIDER THE REVOCATION OF 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 1998 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.

13.5.3 DEVELOPMENT APPLICATION – PROPOSED MIXED USE DEVELOPMENT – 2210 (LOT 800) ALBANY HIGHWAY, GOSNELLS

Author:	C Donnelly
Reference:	305337
Application No:	DA07/02812
Applicant:	City of Gosnells
Owner:	City of Gosnells
Location:	2210 (Lot 800) Albany Highway, Gosnells
Zoning: MRS:	Urban
TPS No. 6:	District Centre
Review Rights:	Yes. State Administrative Tribunal against any discretionary decision of Council.
Area:	2,691m ²
Previous Ref:	11 September 2007 (Resolution 420) 27 February 2007 (Resolution 47)
Appendix:	13.5.3A Development Application Plans – Lot 800 Albany Highway

PURPOSE OF REPORT

For Council to consider an application for planning approval for a proposed mixed use development at 2210 (Lot 800) Albany Highway, Gosnells (former library site). The application is referred to Council for determination due to:

- Its strategic importance in the context of the Gosnells Town Centre.
- The development being proposed on land owned by the City of Gosnells.
- The uses proposed within the commercial component of the development are outside the authority delegated to staff to approve.

BACKGROUND

The subject site was originally developed as a Catholic Church and was later purchased by the City to operate as the Gosnells library. The building was demolished in April 2005 as part of the Gosnells Town Centre revitalisation programme to enable the development of the Town Square and to provide a future development site.

Council resolved to sell the subject site at its meeting on 11 September 2001 (Resolutions 758 and 759). A business plan was later prepared for sale of the property in accordance with the Local Government Act 1995, which was approved for public advertising by Council on 28 March 2006 (Resolution 146). No submissions were received during public advertising of the Business Plan and Council at its meeting held on 23 May 2006 (Resolution 247) subsequently approved the sale of the property by public tender or auction, once the subdivision process to create the subject site was complete.

The sale of Lot 800 did not proceed immediately because it took considerable time to satisfy conditions of subdivision approval relating to the excision of the subject site from the original Gosnells Town Square site (namely relating to sewerage connection). During that time City staff identified an opportunity to add value to the property prior to sale, by granting planning approval for an appropriate form of development that could run with the land and potentially make the property more commercially attractive than if no approval was in place.

In early 2007 City staff began work on a development concept for Lot 800, based on the design principles contained in Council's Gosnells Town Centre Revitalisation Strategy and Gosnells Town Centre Consolidation Strategy.

At its meeting on 27 February 2007 Council considered the Minutes of the Strategic Planning Committee meeting held on 20 February 2007 and resolved (Resolution 47) to adopt Recommendation 4 of the Committee, which reads:

"That the Strategic Planning Committee recommends that Council adopt in principle the Gosnells Town Centre Consolidation Strategy to provide a range of development options for significant land parcels within Gosnells town centre."

City staff subsequently engaged a consultant to prepare formal plans for development on Lot 800, generally in accordance with the design principles espoused for the site by the Consolidation Strategy. These plans were presented to Council's Natural and Built Environment Portfolio Briefing on 30 July 2007. City staff have since completed their technical assessment of the plans and now submit this report to Council to consider granting planning approval for the development.

It is however important to note that the City of Gosnells is not proposing to construct the development subject of this application, nor is there any guarantee (or requirement) that the eventual purchaser of Lot 800 will act on the approval if granted. Instead, the proposal will, if approved, provide certainty and commercial confidence for any prospective purchaser on the form of development and nature of concessions and variations that Council is prepared to approve on the site if Council's design objectives are achieved.

DISCUSSION

Proposal

The proposal involves a three storey commercial/retail building facing Albany Highway and a three to four storey residential building facing Federation Parade, comprising 14 multiple dwellings. The two buildings are separated by a private courtyard and will present an active frontage to the Town Square. Basement car parking, storage and service areas will optimise use of the sloping site.

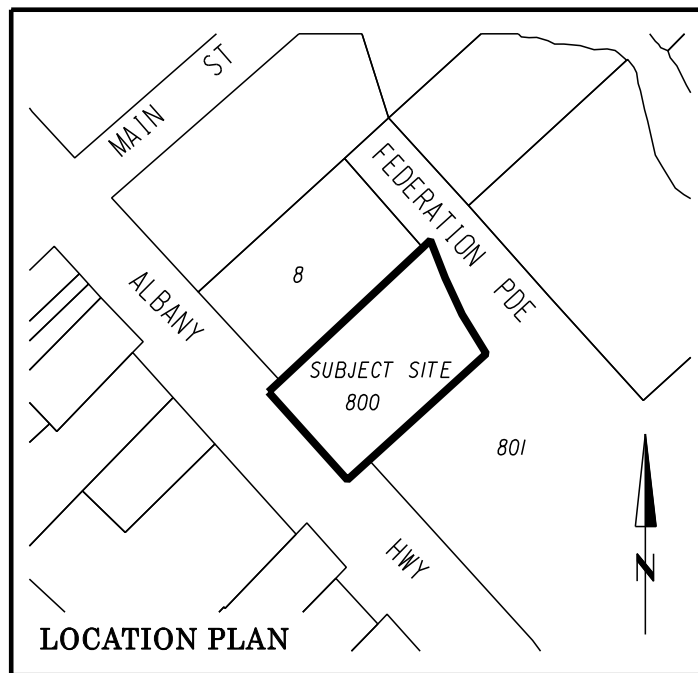
Actual uses of the commercial component are not specified in the proposal. However, it will be recommended that should Council approve the application it should impose a condition that outlines a list of commercial uses that may occupy the commercial tenancies without the need for a separate or subsequent planning approval. Council has previously taken this approach with similar forms of mixed use development.

The plans for this proposal are attached as Appendix 13.5.3A.

Site Description

The subject land gently slopes from Albany Highway down towards the Canning River, is mostly cleared of native vegetation, and has some areas of hardstand surface resulting from the site's former use as a library.

A survey of the site has identified that part of the Gosnells Town Square falls within Lot 800 along the southeastern boundary. Additionally, a pedestrian path, slip lane and car parking bays are located within the south-western portion of the lot abutting Albany Highway. These public areas will be protected by easements on Lot 800 prior to its sale.



Zoning

The subject site is zoned "District Centre" and is located within the Gosnells Town Centre Special Control Area under Council's Town Planning Scheme No. 6 (TPS 6). Clause 6.2 of TPS 6 requires that in considering applications for planning approval within the Special Control Area, Council shall have regard for the Gosnells Town Centre Urban Design Guidelines and any other planning policy formally adopted by Council over the Gosnells Town Centre.

Council at its meeting of 12 June 2007 (Resolutions 249 and 251) revoked the Gosnells Town Centre Urban Design Guidelines and adopted the Gosnells Town Centre Development Policy in its place, to guide the development of the Town Centre. As such, the proposal has been assessed against this Policy and not the Urban Design Guidelines.

Consultation

Town Planning Scheme No. 6

Apart from the multiple dwellings, which are a “D” (discretionary) use under TPS 6 in the District Centre zone, no specific uses are proposed in the subject application. As such, the application does not need to be advertised for public comment under TPS 6 on the basis of any proposed use.

Residential Design Codes of Western Australia and Local Planning Policy – Residential Development

The subject application has been assessed against the Residential Design Codes of Western Australian (R-Codes) and the City’s Residential Development Policy, where assessment against the Performance Criteria is required.

Clause 5 of the operational section of the Policy identifies when applications will be referred to surrounding landowners for comment and states:

- “5. *Unless otherwise stated, applications that fall outside the relevant standards specified in Column B but which do not meet any of the standards specified in Column C of the Policy Table will be referred to surrounding landowners for comment in accordance with applicable City Policies, prior to being determined.*”

In no instances does the subject application fall outside the relevant standards specified in Column B nor does it meet any of the standards specified in Column C of the Policy Table. As such, the application has not been referred to surrounding landowners for comment.

Local Planning Policy – Gosnells Town Centre Development

Clause 3.2 of the Gosnells Town Centre Development Policy specifies that:

- “Applications for planning approval that do not comply with the standards specified in the Controls column of Table 1 of this Policy will generally be refused, unless in Council’s opinion, the requirements of the Objectives column are met by an alternative form of development. In this instance, Council may refer the application to surrounding landowners for comment, prior to being determined.”*

In all instances where the subject proposal does not comply with the standards specified in the Controls column of Table 1 of the Policy, City staff are of the opinion that the requirements of the Objectives column have been met by an alternative form of development or that a condition(s) can be imposed to ensure compliance with the Control or Objective.

City staff consider that the subject proposal is of a form that is highly desirable within the Gosnells Town Centre. The proposed development incorporates both commercial and residential components in a built form that is consistent with the intent of the original Gosnells Town Centre Revitalisation Strategy, Gosnells Town Centre Consolidation Strategy and Gosnells Town Centre Development Policy, the latter of which has been previously advertised for public comment before being adopted by

Council. Taking this into consideration, City staff consider it unnecessary to refer the application to surrounding landowners for comment.

Town Planning Scheme No. 6

An assessment of the proposed development against the relevant provisions of TPS 6 is detailed in the table below:

	Town Planning Scheme No. 6 Provision	Assessment/Comment
1.	<p>4.3.3 – A change in the use of land from one use to another is permitted if:</p> <p>(a) the local government has exercised its discretion by granting planning approval;</p>	<p>Planning approval is sought for the development as well as for a range of uses to occupy the commercial component.</p>
2.	<p>5.8.4 – Where a mixed residential/commercial or residential development is proposed in a commercial zoned area the following provisions shall apply:</p> <p>(b) Where an application for planning approval proposes residential uses to be developed in conjunction with commercial uses, Council will require:</p> <p>(ii) All necessary rubbish bin areas, letter boxes, drying areas and similar facilities and services to be clearly separated between the residential and commercial uses.</p>	<p>Two separate rubbish bin storage areas are provided for the residential and commercial components of the development. Further discussion pertaining to rubbish storage and collection is contained in the Residential Design Codes Assessment Table and the Other Considerations section later in this report.</p> <p>The proposal has made no specific provision of or information in respect to letter boxes. It is therefore proposed to impose a condition requiring the provision of letter box facilities in accordance with Clause 5.8.4(b)(ii) of TPS 6.</p> <p>The proposal does not identify an area(s) set aside for drying. This issue is discussed in the Residential Design Codes table later in this report (see 3.10.3 (A3.3)).</p>
3.	<p>5.8.4 – Where a mixed residential/commercial or residential development is proposed in a commercial zoned area the following provisions shall apply:</p> <p>(b) Where an application for planning approval proposes residential uses to be developed in conjunction with commercial uses, Council will require:</p> <p>(iii) An appropriate level of amenity and security for all uses, with development being designed to avoid problems such as overlooking, overshadowing and disturbances from the commercial component of the development.</p>	<p>The northeastern façade of the commercial component overlooks the residential component of the development, with at least a 9m separation between the two buildings.</p> <p>Furthermore, occupants of residential buildings in a commercial zone should expect a different level of amenity, and potentially a reduced level of privacy, to that available in a residential area.</p> <p>In this regard, City staff consider that the proposal complies with Clause 5.8.4(b)(iii) of TPS 6.</p>
4.	<p>5.13.1 – Unless otherwise provided by the Scheme, all non-residential development (other than a Residential Building) is required to provide concrete or bitumen sealed, kerbed, marked and drained onsite car parking in accordance with the requirements in Table No's. 3A and 3B. All residential development is to comply with the car parking requirements of the Residential Design Codes (2002).</p>	<p>Number of Car Parking Bays</p> <p>The subject proposal is located within the Gosnells Town Centre area and is subject to the provisions of the Gosnells Town Centre Special Control Area. This special control area requires Council to have regard to the Gosnells Town Centre Development Policy when considering applications for planning approval.</p>

Town Planning Scheme No. 6 Provision	Assessment/Comment
<p>Where a development is not specified in Table No. 3A the Council shall determine car parking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety, convenience and amenity standards.</p>	<p>The parking provisions of the Gosnells Town Centre Development Policy are more relaxed than the requirements of Clause 5.13.1 of TPS 6 and apply to the subject site.</p> <p>An assessment of the number of car parking bays required by the Policy and that provided by the subject proposal is contained in the Gosnells Town Centre Policy table later in this report (see 6.2(ii)).</p> <p>Parking Design Requirements</p> <p>Car parking bays numbered 1 and 8 in the lower basement car parking area do not comply with the width requirement of Table 3B of TPS 6. These bays are situated adjacent to walls or other obstructions which affect door opening and are required to be at least 2.8m wide however, they are only 2.6m and 2.5m wide respectively.</p> <p>Furthermore, the aisle width proposed does not comply with that of Table 3B. The aisle width is required to be 6.2m however, it is only 6m wide.</p> <p>To ensure compliance with Clause 5.13.1 of TPS 6, it is proposed to impose a condition requiring the proposed car parking bays to comply with Table 3B : Parking Design Requirements of TPS 6.</p>
<p>5. 5.13.8 – Council may require developments to include parking and access arrangements for:</p> <p>(a) bicycles;</p> <p>(b) motor cycles;</p> <p>(c) gophers.</p> <p>Council shall have regard to the nature of the proposed use, and its likely generation of such traffic, in determining the requirement for alternative vehicle parking.</p>	<p>To provide for bicycle access to, and parking at the subject site, City staff will recommend that a condition be imposed requiring the provision of bicycle parking facilities.</p> <p>Compliance with relevant Australian Standards for universal access (for gophers and the like) will be a matter addressed through the assessment of a building licence for the site.</p>

Residential Design Codes of Western Australia and Local Planning Policy – Residential Development

As the proposed development includes a residential component, it is necessary to assess the application against the Residential Design Codes of Western Australia (R-Codes).

The R-Codes include Acceptable Development provisions (prefixed by “A”) and a related set of Performance Criteria (prefixed by “P”). Applications not complying with the Acceptable Development provisions can be assessed against the relevant Performance Criteria. It should be noted however that Council has the discretion to accept or reject a proposals compliance with the relevant Performance Criteria as prescribed by the R-Codes.

Furthermore, where residential development is proposed to be located in commercial zones or mixed with commercial development, Clause 5.8.4(d) of TPS 6 allows Council the discretion to vary any provision of the R-Codes it deems necessary to achieve a suitable standard of development.

Clause 5.8.4(d) identifies that where this discretion is exercised, the Council may require the proposal to be advertised. In both instances where this Scheme provision has been applied, City staff are of the view that the variation to the R-Codes is minor in nature and does not warrant advertising of the proposal.

The proposal complies with all elements of the R-Codes Acceptable Development provisions with the exception of those detailed in the Assessment Table below. Assessment against the related R-Code Performance Criteria is guided by the City's Residential Development Policy.

The Policy prescribes:

- Standards used to determine whether certain Performance Criteria are met (column B).
- Standards of development that the City considers to be unacceptable (column C).

Assessment of the residential component of this proposal (ie facing Federation Parade) against the relevant R-Code Acceptable Development provisions, the related Performance Criteria and the provisions of the City's Residential Development Policy are detailed below:

R-Code and Policy Provisions		Assessment/Comment
1.	<p>3.2.1 Set Back of Buildings Generally</p> <p>A1 Buildings other than carports or garages set back from the primary street in accordance with Table 1.</p> <p>P1 Buildings set back an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> • Contribute to the desired streetscape; • Provide adequate privacy and open space for dwellings; and • Allow safety clearances for easements for essential service corridors <p>Local Planning Policy – Residential Development</p> <p>Column B –</p> <p>Buildings, other than carports and garages, set back from street boundaries such that:</p> <p>i) The front entry to the dwelling is readily identifiable;</p> <p>ii) At least one window from a habitable room is capable of providing surveillance of the street;</p>	<p>For a residential density of R80 (which the proposal can be considered against given the District Centre zoning and the provisions of clause 5.8.4 of TPS 6), Table 1 of the R-Codes requires buildings to be set back a minimum of 4m from the primary street. The setback of the proposed building varies however between 0m and 3.2m.</p> <p>The proposed building is located within the Gosnells Town Centre area and is subject to the provisions of the Gosnells Town Centre Development Policy. To contribute to the desired streetscape, control 1.2(i) of the Town Centre Policy promotes a nil setback to primary streets at ground level, which for the most part is achieved by the residential component of the development (see Gosnells Town Centre Development Policy table later in this report for more detail).</p> <p>The proposal complies with the standards set out in Column B.</p>

R-Code and Policy Provisions		Assessment/Comment
	<p>iii) Sightlines between the property and the street and pedestrian and vehicular safety are not compromised;</p> <p>iv) No fencing is proposed on or within the front boundary that inappropriately limits identification of the front entry to the dwelling, passive surveillance of the street or vehicle sightlines; and</p> <p>v) Safety clearances for service easements are not compromised.</p> <p>Column C – Development which does not comply with standards set out in Column B.</p>	<p>As the proposal complies with the standards set out in Column B, Column C is not applicable.</p>
2.	<p>3.2.6 Sightlines at Vehicle Access Points and Street Corners</p> <p>A6 Walls and fences truncated or reduced to no higher than 0.75m within 1.5m of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.</p> <p>P6 Walls or fences to primary or secondary streets, rights-of-ways or communal streets so that adequate sightlines are provided at vehicle access points.</p> <p>Local Planning Policy – Residential Development</p> <p>Column B – Development deemed to comply with 3.2.6 Performance Criteria P6.</p> <p>Column C – Development that does not comply with 3.2.6 Performance Criteria P6.</p>	<p>The application proposes walls higher than 0.75m within 1.5m of where the walls adjoin a vehicle access point (where the proposed driveway meets Federation Parade).</p> <p>Federation Parade has not been formally dedicated as a public road though it has been constructed on land under the City's control. Public access is currently unimpeded. It is therefore considered appropriate to regard Federation Parade as a public street for the purpose of assessment against this provision of the R-Codes.</p> <p>Sightlines between the property and the street are not compromised. The vehicular entrance to the basement car park has been set back between 1.8m and 3.2m from the footpath abutting Federation Parade. This setback improves adequate sightlines for vehicles departing the basement car park and provides for pedestrian safety.</p> <p>In this context, it is considered that the Performance Criteria has been met.</p> <p>As detailed above, it is considered that the development complies with 3.2.6 Performance Criteria P6.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B.</p>
3.	<p>3.3.1 Buildings Set Back from the Boundary</p> <p>A1 Buildings which are set back in accordance with the following provisions, subject to any additional measures in other Elements of the Codes:</p> <p>i. Buildings set back in accordance with Table 1, Table 2 (for all heights 10m and less) and Figure 2 and Figure 3 (for wall heights in excess of 10m).</p>	<p>Based on the provisions of Figure 3 of the R-Codes:</p> <ul style="list-style-type: none"> • The proposed building is required to be setback 3.5m from the southeast lot boundary, however it is only setback between 1.3m and 1.4m. • The proposed building is required to be setback 3.25m from the northwest lot boundary, however it is only setback between 0m and 0.8m.

	R-Code and Policy Provisions	Assessment/Comment
	<p>P1 Buildings set back from boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • provide adequate direct sun and ventilation to the building; • ensure adequate direct sun and ventilation being available to adjoining properties; • provide adequate direct sun to the building and appurtenant open spaces; • assist with protection of access to direct sun for adjoining properties. • assist in ameliorating the impacts of building bulk on adjoining properties; and • assist in protecting privacy between adjoining properties. <p>Local Planning Policy – Residential Development</p> <p>Column B – Buildings setback in accordance with Acceptable Development provisions 3.4, 3.7, 3.8 and 3.9.</p>	<p>The proposed setbacks to the southeast and northwest lot boundaries are not considered to compromise the provision of direct sun and/or ventilation to either the subject lot or adjoining properties. This is evident by the proposal's compliance with the R-Codes Acceptable Development provision 3.9.1(A1) regarding solar access.</p> <p>Whilst a greater setback may reduce the impact of the building's bulk on the adjoining property to the west, it should be taken into account that the subject land and the adjoining property are located within the Gosnells Town Centre area where development is guided by the Gosnells Town Centre Development Policy. The Policy sets an expectation that similar multi-story development will continue throughout the Town Centre area.</p> <p>The proposed blank wall abutting the adjoining property to the west will assist in protecting privacy. It is also proposed to impose a condition requiring the balconies of dwellings 12 and 14 to be appropriately screened to prevent overlooking of the abutting property to the west, pursuant to the R-Codes Acceptable Development provision 3.8.1(A1).</p> <p>To the east of the subject lot is the Gosnells Town Square. Whilst the residential component of the proposed development may impose considerable bulk on the Town Square, this can be offset by the high level of physical and visual interaction between the commercial component of the development and the Town Square.</p> <p>It should also be noted that the Town Square is a public space where physical and visual interaction is encouraged, rather than high levels of privacy.</p> <p>In this context, it is considered that the Performance Criteria has been met.</p> <p>The building does not meet Acceptable Development provision 3.4.1(A1) regarding open space provision. The Gosnells Town Centre Development Policy however sets an alternative open space requirement which prevails over that of the R-Codes.</p> <p>It is proposed to impose a condition to ensure the subject proposal complies with Acceptable Development provision 3.8.1(A1) regarding visual privacy.</p> <p>In this context, it is considered that the subject proposal complies with Column B standards and is therefore considered to have met the relevant Performance Criteria.</p>

R-Code and Policy Provisions		Assessment/Comment
	Column C – Development which does not comply with Acceptable Development provisions of 3.4, 3.7, 3.8 and 3.9 and the cumulative effects of variations to these provisions are considered to represent overdevelopment.	The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B.
4.	<p>3.4.1 Open Space Provision</p> <p>A1 Open Space provided in accordance with Table 1 and Elements 2 and 3.</p>	<p>For a residential density of R80, Table 1 of the R-Codes requires a minimum total of 60 percent of the site as open space, however only 46.8 percent is provided.</p> <p>The subject proposal is located within the Gosnells Town Centre area and is subject to the provisions of the Gosnells Town Centre Development Policy. Control 1.2(ii) of the Policy permits a maximum building site coverage of 80 percent. In essence, this requires a minimum of 20 percent open space, which is easily met by the proposed development.</p> <p>The Gosnells Town Centre Development Policy states that where there is any inconsistency between the Policy and the Residential Design Codes or any other Policy of Council, the Gosnells Town Centre Development Policy shall prevail to the extent of that inconsistency.</p> <p>As such, the variation to the Acceptable Development provision does not require assessment against the related R-Code Performance Criteria or Residential Development Policy.</p>
5.	<p>3.5.1 On-Site Parking Provision</p> <p>A1 On-site parking spaces provided in accordance with the following:</p> <p>iii. Multiple Dwellings</p> <ul style="list-style-type: none"> • 0.35 spaces per dwelling plus 0.015 spaces per square metre of plot ratio area, to a maximum of two spaces per dwelling; and • at least one space per dwelling provided for the exclusive use of each dwelling and where two or more spaces are provided, two may be in tandem; or • in the case of Single Bedroom Dwelling of not less than 60m² of plot ratio area or Aged or Dependent Persons' dwellings of not more than 80m² of plot ratio area – 0.75 spaces per dwelling; or • in the case of a site coded R-IC the total number of spaces reduced by one third, or as provided in a Local Planning Policy; and 	<p>The Acceptable Development provisions require a total of 26 car parking spaces for the 11 two bedroom dwellings and three single bedroom dwellings, with three of these spaces being for the exclusive use of visitors. The development however proposes only 14 car parking spaces; one space for each dwelling and no visitor spaces.</p>
	<ul style="list-style-type: none"> • not less than 10 per cent of the 	

R-Code and Policy Provisions	Assessment/Comment
<p style="text-align: right;">required spaces provided for exclusive use of visitors where more than four dwellings are provided;</p> <p>P1 Adequate car parking provided on-site in accordance with projected need related to:</p> <ul style="list-style-type: none"> • the type, number and size of dwellings; • the availability of on-street and other off-site parking; • the location of the proposed development in relation to public transport and other facilities. <p>Local Planning Policy – Residential Development</p> <p>Column B – Development deemed to comply with 3.5.1 Performance Criteria P1.</p> <p>Column C – Development deemed to not comply with 3.5.1 Performance Criteria P1.</p>	<p>The proposed one and two bedroom multiple dwellings will attract smaller household sizes, most likely without children. This will reduce the need for multiple vehicle parking spaces for each dwelling.</p> <p>It should also be noted that the lower basement level of the proposed development provides an additional 19 car parking bays. Whilst these bays may be in use during usual office hours for the commercial portion of the development, they may be available outside office hours for residential occupants and visitors.</p> <p>Within the subject lot abutting Albany Highway are 10 car parking spaces. These spaces would be available for use by both the residential and commercial components of the development and for visitors.</p> <p>There are also numerous areas of on-street parking available on Federation Parade. In close proximity to the subject proposal, over 15 on-street car parking spaces are available.</p> <p>The subject site is well located to access public transport services in the locality. The Gosnells Railway Station is located less than 200m from the proposed development. This station provides access to a frequent rail service between Perth (and beyond) and Armadale. Furthermore, bus routes transfer at the railway station or pass the subject site on Albany Highway.</p> <p>The proposed development is located within the Gosnells Town Centre area and is well served by commercial, community and recreational facilities within a walkable distance. When combined with a high level of pedestrian and cyclist amenity in the Town Centre, this reduces the need for private vehicles and private vehicle use.</p> <p>As detailed above, it is considered that the development complies with 3.5.1 Performance Criteria P1.</p> <p>The subject proposal complies with Column B standards and is therefore considered to have met the relevant Performance Criteria.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B.</p>

R-Code and Policy Provisions		Assessment/Comment
6.	<p>3.5.3 Design of Parking Spaces</p> <p>A3.2 Spaces in accordance with AS 2890.1 with the following minimum dimensions where parking is at right angles to a street:</p> <p>Width – 2.4m plus 0.3m for any side confined by a wall, fence, column or pier;</p> <p>Depth – 5.4m internal dimension; - in the case of tandem bays, 10m where no barrier separates the bays;</p> <p>Spaces for Disabled Persons’ Parking – 6m deep x 3.8m wide.</p> <p>Manoeuvring depth – 6m from garage/carport opening to nearest impediment.</p>	<p>Car parking bay number 9 in the upper basement car parking area does not comply with the width requirement of Acceptable Development provision 3.5.2(A3.2). This bay is confined by a wall and is required to be 2.7m wide however, it is only 2.6m wide.</p> <p>To ensure compliance with the Acceptable Development provision, it is proposed to impose a condition requiring all car parking bays in the upper basement area to be in accordance with R-Code Acceptable Development Provision 3.5.3(A3.2).</p> <p>With the imposition of this condition, the Acceptable Development provision will be met and therefore assessment against the Performance Criteria and relevant Policy provisions in not required.</p>
7.	<p>3.5.4 Vehicular Access</p> <p>A4.2 Primary or secondary street driveways, where their provision is necessary, are limited as follows:</p> <ul style="list-style-type: none"> • no single driveways wider than 6m and driveways in aggregate no greater than 9m for any one property. <p>P4 Vehicular Access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.</p> <p>Local Planning Policy – Residential Development</p> <p>Column B – Development that complies with 3.5.4 Acceptable Development provisions A4.1-4.4.</p>	<p>The driveway accessing the basement car parking area is 9.2m in width; 3.2 metres wider than that permitted and 0.2m greater than the permitted aggregate for driveways on any one property.</p> <p>The proposed development minimises the number of crossovers by having only one crossover to serve 14 multiple residential dwellings and a three storey commercial development.</p> <p>Four major openings to habitable rooms and two balconies are located above the crossover and entrance to the basement car park. Whilst a 9.2m wide crossover could be viewed as detracting from the streetscape, the built form proposed above would offset any visual detractions.</p> <p>In terms of safety, the wider crossover and building setback allows for improved sightlines, especially for vehicles exiting the subject site. The crossover does however require pedestrians utilising the adjoining footpath to traverse a 9.2m wide vehicle accessway without refuge.</p> <p>To address this issue, it is proposed to impose a condition requiring the provision of a pedestrian refuge island within the vehicular crossover where it traverses the pedestrian path abutting Federation Parade.</p> <p>The subject proposal does not comply with 3.5.4 Acceptable Development provision A4.2.</p>

R-Code and Policy Provisions	Assessment/Comment
<p>Column C – Development that does not comply with 3.5.4 Acceptable Development provisions A4.1-4.4.</p>	<p>The subject proposal meets Column C – unacceptable development standards.</p> <p>Clause 5.8.4(d) of TPS 6 permits Council to vary any provision of the R-Codes where residential development is proposed to be located in commercial zones or mixed with commercial development to achieve a suitable standard of development. In this regard, it is considered appropriate that Council grant a variation to the maximum 6m driveway width and 9m aggregate requirement, to permit a width of 9.2m and an aggregate of 9.2m for the following reasons:</p> <ul style="list-style-type: none"> • The variation complies with the abovementioned Performance Criteria in that it minimises the number of crossovers, is not considered to detract from the streetscape, and with the imposition of an appropriate condition, will be safe in use. • The vehicle accessway abuts what can be considered the secondary street of the property and as such will not be as highly visible. <p>Clause 5.8.4(d) identifies that where discretion is exercised to vary a provision of the R-Codes, the Council may require the proposal to be advertised. In this instance, City staff consider that the variation to the R-Codes is minor in nature and does not warrant advertising.</p>
<p>8. 3.5.4 Vehicular Access</p> <p>A4.3 Driveways</p> <ul style="list-style-type: none"> • No closer than 0.5m to a side boundary or street pole; <p>P4 Vehicular Access so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.</p> <p>Local Planning Policy – Residential Development</p> <p>Column B – Development that complies with 3.5.4 Acceptable Development provisions A4.1-4.4.</p> <p>Column C – Development that does not comply with 3.5.4 Acceptable Development provisions A4.1-4.4.</p>	<p>A portion of the proposed driveway is closer than 0.5m to the side boundary.</p> <p>Only 1.5m of the proposed 8.5m long driveway is closer than 0.5m to the side boundary. This minor variation is not considered to detract from the streetscape and is considered to be safe in use.</p> <p>The subject proposal does not comply with Acceptable Development provision A4.3.</p> <p>The subject proposal meets Column C – unacceptable development standards.</p> <p>Clause 5.8.4(d) of TPS 6 permits Council to vary any provision of the R-Codes where residential development is proposed to be located in commercial zones or mixed with commercial development to achieve a suitable standard of development. In this regard, it is considered appropriate that Council vary the requirement for driveways to be no closer than 0.5m to a side boundary to allow a portion of the driveway within 0.5m of the side boundary for the following reasons:</p>
	<ul style="list-style-type: none"> • The variation is only minor in nature.

R-Code and Policy Provisions		Assessment/Comment
		<ul style="list-style-type: none"> The variation complies with the abovementioned Performance Criteria in that it is not considered to detract from the streetscape and is considered to be safe in use. <p>Clause 5.8.4(d) identifies that where discretion is exercised to vary a provision of the R-Codes, the Council may require the proposal to be advertised. In this instance, City staff consider that the variation to the R-Codes is minor in nature and does not warrant advertising.</p>
9.	<p>3.6.1 Excavation or Fill</p> <p>A1.2 Excavation or filling within the perimeter of the external walls of a building – limited only by compliance with building height limits.</p> <p>P1 Development that retains the visual impression of the natural level of a site, as seen from the street or other public place, or from an adjoining property.</p> <p>Local Planning Policy – Residential Development</p> <p>Column B – Development deemed to comply with 3.6.1 Performance Criteria P1 and Acceptable Development provisions of Elements 8 and 9.</p> <p>Column C – Development deemed to not comply with Performance Criteria 3.6.1 P1.</p>	<p>The subject proposal will involve excavation within the perimeter of the external walls of the building to allow for a basement, however the building does not comply with the height limits imposed by the Gosnells Town Centre Development Policy.</p> <p>A variation to the maximum building height control of the Gosnells Town Centre Development Policy is supported by City staff in this instance (see Gosnells Town Centre Development Policy assessment table later in this report).</p> <p>As stated above, the excavation is required to allow for a basement parking area. This is not considered to adversely affect the visual impression of the natural level of the site as seen from the street or other public place, or from any adjoining property.</p> <p>In this context, it is considered that the Performance Criteria has been met.</p> <p>As detailed above, it is considered that the development complies with 3.6.1 Performance Criteria P1.</p> <p>The subject proposal, in its current format, does not comply with Acceptable Development provision 3.8.1(A1). It is however proposed to impose a condition to ensure the development complies with this provision regarding visual privacy.</p> <p>With the imposition of this condition, it is considered that the subject proposal complies with Column B standards and has met the relevant Performance Criteria.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B.</p>

R-Code and Policy Provisions		Assessment/Comment
10.	<p>3.8.1 Visual Privacy</p> <p>A1 Major openings to active habitable spaces or their equivalent which have a floor level more than 0.5m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, to comply with at least one of the following:</p> <ol style="list-style-type: none"> i. are set back, in direct line of sight within the cone of vision, from the boundary a minimum of: <ul style="list-style-type: none"> • 4.5 metres in the case of bedrooms; • 6.0 metres in the case of habitable rooms other than bedrooms; and • 7.5 metres in the case of unenclosed outdoor active habitable spaces (balconies, decks, verandahs and the like); or ii. are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space. iii. are provided with permanent horizontal screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining property if closer than 25m to the opening or equivalent. 	<p>The balconies of dwellings 12 and 14 do not comply with the Acceptable Development provisions insofar as they overlook part of the property to the west and do not comply with A1(i-iii).</p> <p>Whilst the abutting property does not currently house a residential use (currently a pharmacy, newsagent and medical centre), it does have the potential to be developed for residential purposes. In this regard, it is considered appropriate to ensure that the Acceptable Development provisions of visual privacy are met.</p> <p>To ensure compliance with Acceptable Development provision 3.8.1(A1), it is proposed to impose a condition requiring the balconies of dwellings 12 and 14 to be appropriately screened to prevent overlooking of the abutting property to the west.</p> <p>With the imposition of this condition, it is considered that the Acceptable Development provision can be met and assessment against the related Performance Criteria and relevant Policy provisions is not required.</p>
11.	<p>3.10.3 Essential Facilities</p> <p>A3.2 Where rubbish bins are not collected from the street immediately adjoining a dwelling, there is provision of a communal pick-up area or areas which are:</p> <ol style="list-style-type: none"> i. conveniently located for rubbish and recycling pick-up; ii. accessible to residents; iii. adequate in area; and iv. fully screened from view from the primary or secondary street. <p>P3 Provision made for external storage, rubbish collection/storage areas, and clothes-drying areas that is:</p> <ul style="list-style-type: none"> • adequate for the needs of residents; and • without detriment to the amenity of 	<p>Two separate rubbish bin storage and collection areas are provided within the basement of the proposed development; one for the commercial component and one for the residential component.</p> <p>The application does not however identify whether the rubbish bins will be collected from within the basement or from the street (ie Federation Parade).</p> <p>Twenty eight bins will have to be sited within the bin storage area (ie one regular and one recycling bin for each dwelling), with each bin taking up 1m² of floor area. As an absolute minimum, the storage area would have to be 28m², with additional area being provided to allow for access. The proposed storage area is however only 17.2m².</p> <p>The size of the bin collection/storage area is not considered adequate for the needs of residents.</p>

	R-Code and Policy Provisions	Assessment/Comment
	the locality.	
	<p>Local Planning Policy – Residential Development</p> <p>Column B – For a multiple dwelling:</p> <ul style="list-style-type: none"> i) Storage space within each dwelling; or ii) Communal storage space available for sole use of residents of the dwellings; and iii) Provision for rubbish bins that meet Acceptable Development provision 3.10.3 A3.2. <p>Column C – Development deemed to not comply with 3.10.3 Performance Criteria P3 or the related standards set out in Column B.</p>	<p>The proposed provision for rubbish bins does not meet Acceptable Development provision 3.10.3 A3.2.</p> <p>The development does not comply with 3.10.3 Performance Criteria P3 or the related standards set out in Column B.</p> <p>The subject proposal therefore meets Column C – unacceptable development standards, and does not comply with the Performance Criteria.</p> <p>Further discussion pertaining to rubbish storage and collection is contained in the Other Considerations section later in this report.</p>
12.	<p>3.10.3 Essential Facilities</p> <p>A3.3 Multiple Dwelling developments:</p> <ul style="list-style-type: none"> • provided with an adequate area set aside for clothes-drying, screened from view from the primary or secondary street; or • clothes drying facilities screened from public view provided for each Multiple Dwelling. 	<p>Whilst the subject proposal does not specifically identify an area(s) set aside for clothes-drying, it would be possible to utilise the rear balcony of each multiple dwelling for clothes drying. Clothes drying on the rear balconies could be achieved through the use of a stand alone drying rack or one that is attached to the building.</p> <p>To ensure compliance with Acceptable Development provision 3.10.3(A3.3), it is proposed to impose a condition requiring the rear balcony of each dwelling to incorporate a drying rack.</p> <p>With the imposition of this condition, it is considered that the Acceptable Development provision can be met.</p>

Local Planning Policy – Gosnells Town Centre Development

The Gosnells Town Centre Development Policy applies to all development within the Gosnells Town Centre special control area, as shown on the TPS 6 Scheme map.

The Policy prescribes:

- Objectives for various development considerations which are provided to guide high standards of development and built form in the town centre; and
- Controls which development must comply with in order for the relevant Policy Positions to be satisfied.

Assessment of the proposal against the Gosnells Town Centre Development Policy is detailed in the table below:

Policy Provision		Assessment/Comment
1.	<p>1. Controls – Building Orientation</p> <p>1.2 The built form of new development in the town centre is to comply with the following:</p> <ul style="list-style-type: none"> i) A nil setback to principal streets at ground level. <p>1. Objectives – Building Orientation</p> <p>1.1 The built form of new development is to be sited and orientated to:</p> <ul style="list-style-type: none"> i) Contribute to a consistent town centre streetscape and directly address public streets. ii) Contribute to the vitality of the town centre. iii) Provide opportunities to enhance safety in the town centre. iv) Minimise impacts on the amenity of surrounding properties. 	<p>The subject proposal does not comply with control 1.2(i). The building is setback 18.1m from Albany Highway and between 0m and 3.2m from Federation Parade.</p> <p>The increased setback to Albany Highway is required in this instance to maintain the existing car parking area and access road abutting Albany Highway which service The Agonis building. It should be noted that this access road is protected by an easement and as such, buildings cannot encroach upon it. A lesser setback (as per the Policy) is therefore not achievable.</p> <p>Where the building is provided with a vehicle access point, it has been setback between 1.8m and 3.2m from the footpath abutting Federation Parade. This setback improves sightlines for vehicles departing the basement car park and provides for pedestrian safety. In this context, a variation to the street setback requirement is considered acceptable.</p> <p>Notwithstanding these variations, the proposed development contributes to a high quality and consistent town centre streetscape and directly addresses public streets. The varied setback on Federation Parade also enhances pedestrian and vehicular safety in the town centre. The variations are not expected to impact on the amenity of surrounding properties.</p> <p>It is therefore considered that the building orientation objective of the Policy is achieved by the proposed development and that Council should permit a variation to the Policy in this instance.</p>
2.	<p>2. Controls – Building Envelope</p> <p>2.2 The built form of new development in the town centre is to comply with the following:</p> <ul style="list-style-type: none"> ii) A maximum building height of 11 metres. <p>2. Objectives – Building Envelopes</p> <p>2.1 The built form of new development in the town centre is to:</p> <ul style="list-style-type: none"> i) Contribute to the revitalisation of Gosnells traditional town centre. 	<p>The subject development does not comply with control 2.2(ii) as it proposes a maximum building height of 13.5m.</p> <p>A variation to the control in this instance facilitates a basement car parking area. This aspect of the development is consistent with the Policy objective of having built form contribute to the revitalisation of the Gosnells traditional town centre by minimising the prominence of car parking areas.</p>

	Policy Provision	Assessment/Comment
	<ul style="list-style-type: none"> ii) Be of a height and scale that is appropriate for a town centre iii) Be consistent with urban village design principles iv) Promote a mix of uses. 	<p>Notwithstanding the variation, the building is considered to be of a height and scale that is appropriate for a town centre, is consistent with urban village design principles and would be comparable to the overall height of the Agonis community facility on the eastern side of the Town Square. The development also promotes a mix of uses including residential and commercial.</p> <p>It is therefore considered that the building envelope objective of the Policy is achieved by the proposed development and that Council should permit a variation to the Policy in this instance.</p>
3.	<p>2. Controls – Building Envelope</p> <p>2.2 The built form of new development in the town centre is to comply with the following:</p> <ul style="list-style-type: none"> iii) A maximum of 3 storeys. <p>2. Objectives – Building Envelopes</p> <p>2.1 The built form of new development in the town centre is to:</p> <ul style="list-style-type: none"> i) Contribute to the revitalisation of Gosnells traditional town centre. ii) Be of a height and scale that is appropriate for a town centre iii) Be consistent with urban village design principles iv) Promote a mix of uses. 	<p>The subject proposal does not comply with control 2.2(iii) as it proposes 4 storeys of development.</p> <p>The residential component of the proposed development is effectively 4 storeys, one of which will be a basement car parking area.</p> <p>City staff consider this variation to the control consistent with Policy objective 2.1 for the same reasons as the building height variation (see above).</p> <p>It is therefore considered that the building envelope objective of the Policy is achieved by the proposed development and that Council should permit a variation to the Policy in this instance.</p>
4.	<p>3. Controls – Active Frontages</p> <p>3.2 The built form of new development is to incorporate activated street frontages which provide:</p> <ul style="list-style-type: none"> ii) Entrance and window elements that form a minimum of 50 percent of the surface area of the ground floor façade. <p>3. Objectives – Active Frontages</p> <p>3.1 All building façades at ground level which face public streets in the town centre are to provide active frontages. The predominant elements of active frontages are entrances and windows. Active frontages provide:</p> <ul style="list-style-type: none"> i) Physical and visual permeability between public and private domains. ii) Vitality and interest in the streetscape. 	<p>The subject development does not comply with control 3.2(ii) as entrances and window elements do not form a minimum of 50 percent of the surface area of the ground floor façade of the residential component of the development.</p> <p>Part of the ground floor façade of the residential component of the development is comprised of the basement car parking area and its entrance. This prevents the ability of the ground floor façade to have a minimum of 50 percent of the surface area as entrances and window elements.</p> <p>As previously described, the proposal for a basement car parking area is consistent with the intent of the Local Planning Policy – Gosnells Town Centre Development and henceforth, its provision is supported.</p>

	Policy Provision	Assessment/Comment
	iii) Opportunities for passive surveillance. iv) Shelter for pedestrians within the streetscape.	<p>Furthermore, it must be considered that the development proposes 14 balconies and 16 major openings on the remaining 3.5 storeys of the 4 storey façade overlooking Federation Parade.</p> <p>City staff consider that the residential façade of the proposal provides an active frontage with the predominant element being entrances and windows. The façade provides physical and visual permeability between public and private domains, adds vitality and interest in the streetscape and provides many opportunities for passive surveillance.</p> <p>It is therefore considered that the active frontages objective of the Policy is achieved by the proposed development and that Council should permit a variation to the Policy in this instance.</p>
5.	3. Controls – Active Frontages 3.2 The built form of new development is to incorporate activated street frontages which provide: iii) Continuous awnings above all ground floor façades.	<p>The subject proposal does not comply with control 3.2(iii) as a portion of the ground floor façade of the residential component of the development is not provided with a continuous awning.</p> <p>To ensure compliance with Policy control 3.2(iii), it is proposed to impose a condition requiring a continuous awning for the full length of the ground floor façade of the residential component of the development.</p> <p>With the imposition of this condition, it is considered that the Policy control can be met.</p>
6.	3. Controls – Active Frontages 3.2 The built form of new development is to incorporate activated street frontages which provide: iv) Minimum awning widths of 2.5 metres.	<p>The subject proposal does not comply with control 3.2(iv) as the awnings proposed are between 2 and 2.2m in width.</p> <p>To ensure compliance with Policy control 3.2(iv), it is proposed to impose a condition requiring all awnings to be a minimum width of 2.5m.</p> <p>With the imposition of this condition, it is considered that the Policy control can be met.</p>
7.	3. Controls – Active Frontages 3.2 The built form of new development is to incorporate activated street frontages which provide: vi) Maximum length of a blank wall is 2m.	<p>The subject proposal does not comply with control 3.2(vi) as:</p> <ul style="list-style-type: none"> • Blank walls are proposed in excess of 2m in length on the Albany Highway frontage. These blank walls exist due to the stairwells which serve the commercial portion of the development. • Blank walls are proposed in excess of 2m in length on the Federation Parade frontage. These blank walls exist due to the stairwells which serve the residential portion of the development. • Other blank walls in excess of 2m in length are proposed on the Federation Parade frontage.

	Policy Provision	Assessment/Comment
	<p>3. Objectives – Active Frontages</p> <p>3.1 All building façades at ground level which face public streets in the town centre are to provide active frontages. The predominant elements of active frontages are entrances and windows. Active frontages provide:</p> <ul style="list-style-type: none"> i) Physical and visual permeability between public and private domains. ii) Vitality and interest in the streetscape. iii) Opportunities for passive surveillance. iv) Shelter for pedestrians within the streetscape. 	<p>To ensure partial compliance with Policy control 3.2(vi), it is proposed to impose a condition requiring the installation of wider or additional windows on the stairwell walls referred to above to ensure no length of blank wall exceeds 2m.</p> <p>Whilst the development proposes blank walls in excess of 2m in length on the Federation Parade frontage, it should be taken into account that the proposed development has 14 balconies and 16 major openings on the Federation Parade façade.</p> <p>City staff consider that the residential façade of the proposal provides an active frontage with the predominant element being entrances and windows. The façade provides physical and visual permeability between public and private domains, adds vitality and interest in the streetscape and provides many opportunities for passive surveillance.</p> <p>It is therefore considered that the active frontages objective of the Policy is achieved by the proposed development and that Council should permit a variation to the Policy in this instance.</p>
8.	<p>6. Controls – Car Parking</p> <p>6.2 All vehicle parking areas in the town centre require:</p> <ul style="list-style-type: none"> ii) Car parking bays to be provided in accordance with the provisions of the Parking Requirements Map. <p>6. Objectives – Car Parking</p> <p>6.1 Car parking areas are to be unobtrusively located and not to dominate the streetscape. New development is to provide sufficient vehicle parking bays to meet the needs of occupants and users. Access to parking areas should minimise impacts on the active frontages of development.</p>	<p>Based on the provisions of the Policy's Parking Requirements Map, the commercial (ie non-residential) component of the development is required to have 21 car parking bays. The development however proposes only 19 basement car parking bays, of which 2 are identified as disabled car parking bays.</p> <p>Within the subject lot, abutting Albany Highway, are 10 existing car parking spaces. These spaces would be available for use by both the residential and commercial components of the development and for visitors.</p> <p>There are numerous areas of on-street parking available on Federation Parade. In close proximity to the subject proposal, over 15 on-street car parking spaces are available.</p> <p>The subject site is well located in regard to public transport provisions. The Gosnells Railway Station is located less than 200m from the proposed development. This station provides a frequent rail service to the Perth Central Area and Armadale, running through the southeast corridor of the Perth Metropolitan Region. Furthermore, public bus services frequently operate on Albany Highway, abutting the subject site.</p>

Policy Provision		Assessment/Comment
		<p>The proposed development is located within the Gosnells Town Centre area and is well served by commercial, community and recreational facilities within a walkable distance. When combined with a high level of pedestrian and cyclist amenity in the Town Centre, this reduces the need for the private vehicles and private vehicle use.</p> <p>Taking these parking and transport aspects into consideration, it is considered that the proposed development provides sufficient vehicle parking bays to meet the needs of occupants and users. It is therefore considered that the car parking objective of the Policy is achieved by the proposed development and that Council should permit a variation to the Policy in this instance.</p>
9.	<p>6. Controls – Car Parking</p> <p>6.2 All vehicle parking areas in the town centre require:</p> <p>iv) Where access to vehicle parking areas can only be provided via the principle street the crossover is to be a maximum of:</p> <p>b) 6 metres wide for development providing over 6 parking spaces</p> <p>6. Objectives – Car Parking</p> <p>6.1 Car parking areas are to be unobtrusively located and not to dominate the streetscape. New development is to provide sufficient vehicle parking bays to meet the needs of occupants and users. Access to parking areas should minimise impacts on the active frontages of development.</p>	<p>The subject proposal does not comply with control 6.2(iv)(b) as it proposes a crossover of 9.2m in width to Federation Parade. It is considered however that Albany Highway is the principal street in this development, not Federation Parade. Notwithstanding this, the proposed 9.2m wide crossover is at variance to the Policy control.</p> <p>Four major openings to habitable rooms and two balconies are located directly above the crossover and entrance to the basement car park. Whilst a crossover of 9.2m in width could be viewed as detracting from the streetscape, the built from proposed above would minimise the impacts of the wider crossover on the active frontage of the development.</p> <p>It is therefore considered that the car parking objective of the Policy is achieved by the proposed development and that Council should permit a variation to the Policy in this instance.</p>

Other Considerations

Rubbish Storage and Collection

The subject proposal raises some issues in relation to rubbish storage and collection which are discussed in the following table.

Issue	Discussion
Bin types	The City's Waste Services section has advised that the residential and commercial components of the subject proposal will likely be provided with regular mobile bins. Larger skip bins are not able to be collected from the basement storage area.
Size of bin storage areas	Twenty eight bins will be required for the residential component of the development, with each bin taking up 1m ² of floor area. As an absolute minimum, the storage area would have to be 28m ² , with additional area being provided to allow for access. The proposed storage area is however not of an adequate size at only 17.2m ² .

Issue	Discussion
	The City's Waste Services section has advised that the City provides one regular and one recycling mobile bin per commercial rate-able property/unit. The nature and number of tenancies that will occupy the commercial component of the development is not known, however, given the amount of commercial floorspace provided it is considered that the maximum number of tenancies that could be accommodated would be approximately 10. In this regard, the size of the bin storage area for the commercial component of the development is considered adequate.
Entrance to bin storage areas	The development proposes openings to the bin storage areas that are 1.6m in width. Whilst this may be acceptable, there is uncertainty over the method of bin collection, which may result in a need for wider openings.
Rubbish collection	<p>From the plans submitted, it is unlikely that a rubbish collection truck (typically of 4.3m in height) will be able to enter the basement of the development to empty the bins.</p> <p>If entry to the basement is not possible for the rubbish collection truck, all bins will have to be collected from the street (ie Federation Parade). This raises several issues:</p> <ul style="list-style-type: none"> • A large number of bins being located on Federation Parade at one time could result in concerns over amenity. • The bins would be located on a footpath, presenting potential safety concerns. • The use of on-street car parking bays may restrict the ability of a rubbish collection truck to empty the bins. <p>The City's Waste Services section has advised that all recycling bins will have to be collected from the street (ie Federation Parade).</p>

City staff consider that the above issues can be addressed through the preparation of a waste disposal management plan. Such a plan may require modifications to the submitted development application plans, further information to be provided and/or arrangements made to ensure appropriate bin storage and collection. It will be recommended that such a plan, should Council resolve to approve the proposal, be required as a condition of approval.

Building Contained within Lot

A portion of the proposed building appears to extend outside of the boundary of Lot 800 where it abuts Federation Parade. To address this drafting error, it will be recommended that Council, should it resolve to approve the application, impose a condition requiring the submission of amended plans to ensure the building is wholly contained within Lot 800.

Windows on Boundary

The ensuite and kitchen windows of units 12 and 14 abut the boundary of Lot 800 to the northeast. To ensure compliance with the Building Code of Australia fire rating requirements, it is proposed to impose a condition requiring the deletion of these windows.

Should these windows be retained, they would have to be constructed of fire rated glass, which can be cost-prohibitive and would potentially need to be obscured to prevent future overlooking of the adjoining property.

Entrance from Town Square

The ground floor plan does not identify any entrances to the commercial portion of the development where it fronts the Town Square, although the southeast elevation does illustrate two double doors opening from the ground floor onto the Town Square. To address this drafting anomaly it is proposed to impose a condition requiring the ground floor plan to depict the entrances on the southeast side of the ground floor of the commercial portion of the building.

Permeable Timber Screen

The proposed permeable timber screen on the southeast (Town Square) elevation of the development consists of horizontal timber slats. This is not considered appropriate given that such slats may be used as a ladder and would present a security and safety concern.

To address this situation, it is proposed to impose a condition requiring the permeable timber screen to consist of vertical timber slats rather than horizontal slats.

Access Arrangement from Albany Highway

Lot 800 currently has a crossover to Albany Highway and an accessway which allows for traffic to enter and exit the abutting Lots 8 and 801. The location of the proposed building will necessitate a redesign of the intersection between the crossover and accessway on Lot 800 to maintain access to and from Lot 8 to the west.

It is therefore proposed to impose a condition requiring modifications to the access arrangement and also to remove the traffic island wholly contained within Lot 800, which due to the location of the proposed building, will serve no purpose.

Lighting

Clause 3.4.5 of the R-Codes and Policy control 4.5 of the Gosnells Town Centre Development Policy specify lighting requirements. The application does not however provide any detail with regard to lighting. It is therefore proposed to impose a condition requiring the submission of a lighting strategy for the development site and adjoining public realm in accordance the R-Codes and Gosnells Town Centre Development Policy.

Easements/Restrictive Covenants

As previously detailed, part of the Gosnells Town Square falls within Lot 800. To ensure the retention of this portion of the Town Square and to allow for access to the entrance of the proposed communal open space area and residential dwellings, a mechanism such as an easement or restrictive covenant is required to be registered on the title of Lot 800.

The proposed building will abut the Town Square and Federation Parade, both of which are owned privately (freehold title) by the City of Gosnells. It is a requirement of the Building Code of Australia that specific types of development are setback 3m from adjoining properties that are in private ownership, allowing for fire protection. The proposed building is not however setback 3m from Federation Parade nor the Town Square.

To ensure compliance with the Building Code of Australia requirement, it is proposed to register an encumbrance on title of the Town Square and Federation Parade lot (Lot 801) in the form of an easement or restrictive covenant. In essence, this easement or restrictive covenant will restrict development on certain portions of the Town Square and Federation Parade, ensuring the required 3m fire setback is achieved between the proposed building and any future development on the Town Square or Federation Parade.

Should Council approve the subject application, it will be recommended that Council authorise City staff to make the necessary arrangements with Council's solicitors to register an easement/restrictive covenants on the titles of Lot 800 and Lot 801, as discussed above.

Sale of Lot 800

Approval of this proposed development will add value to Lot 800, enabling the sale of the property to proceed in accordance with the approved Business Plan and Council's Resolution 247 from 23 May 2006. However, to ensure the property does not sit idly undeveloped it will be recommended that Council require an arrangement to be put in place requiring any prospective purchaser to commence development on the site within two years from settlement occurring. This is considered ample time for the future owner to obtain finance and necessary approvals and engage a builder to commence construction, in order to continue the momentum of growth and revitalisation of the Gosnells Town Centre.

CONCLUSION

The proposed development is supported for the following reasons:

- The proposal is of a form that City staff consider is highly desirable within the Gosnells Town Centre as it incorporates both commercial and residential components in a built form that is generally consistent with the guiding principles and provisions of Council's Gosnells Town Centre Revitalisation Strategy, Gosnells Town Centre Consolidation Strategy and Gosnells Town Centre Development Policy.
- Whilst the proposal does seek a number of variations to TPS 6, the R-Codes, the City's Residential Development Policy and Gosnells Town Centre Development Policy, it should be appreciated that a flexible application of development standards is often required to achieve a suitable standard of mixed use development.

It will therefore be recommended that the proposal be approved subject to appropriate conditions and advice notes as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Should Council adopt the staff recommendations and resolve to direct City staff to register easements/restrictive covenants on Lots 800 and 801, all costs associated with this task will be borne by the Planning Implementation operational budget. Furthermore, finalisation of these matters will enable the City to proceed directly with the sale of Lot 800 by tender, in accordance with Council's Resolution 247 from 23 May 2006. It is anticipated that this sale will be finalised in time for the resultant revenue to be received in the current financial year.

STAFF RECOMMENDATION (1 of 4)

Moved Cr D Griffiths Seconded Cr C Fernandez

That Council approve the application for planning approval for a mixed use development at 2210 (Lot 800) Albany Highway, Gosnells, subject to the following conditions and advice notes:

Conditions

The following conditions must be satisfied prior to a Building Licence being issued:

1. The submission of amended plans, generally in accordance with the submitted plans but including the following modifications to the satisfaction of the Director Planning and Sustainability:
 - a. The building is to be wholly contained within Lot 800.
 - b. The ensuite and kitchen windows of units 12 and 14 are to be being deleted and replaced with a blank wall.
 - c. The northwest boundary wall of the residential portion of the building is to be extended to ensure the screening of the balconies of units 12 and 14 from the adjoining property in accordance with Acceptable Development provision 3.8.1(A1) of the Residential Design Codes.
 - d. The ground floor plan being amended to reflect the entrances on the southeast side of the ground floor of the commercial portion of the building.
 - e. The width of the awning on the residential frontage (that is, the northeast elevation) of the proposed building is to be increased from 2m to 2.5m and on the commercial frontage (that is, the southwest elevation) of the proposed building from 2.2m to 2.5m.
 - f. A continuous awning is to extend for the full length of the ground floor façade of the northeast elevation of the proposed building where it fronts Federation Parade.

- g. The permeable timber screen on the southeast elevation of the development is to consist of vertical timber slats rather than horizontal slats.
- h. The dimensions of all proposed car parking bays within the lower basement are to be in accordance with Table No. 3B : Parking Design Requirements of Town Planning Scheme No. 6.
- i. The dimensions of all proposed car parking bays within the upper basement are to be in accordance with Acceptable Development provision 3.5.3(A3.2) of the Residential Design Codes.
- j. Letterbox facilities are to be provided in accordance with Clause 5.8.4(b)(ii) of Town Planning Scheme No. 6.
- k. Bicycle parking facilities are to be provided in close proximity to the commercial portion of the building fronting Albany Highway and within the basement level in accordance with Clause 5.13.8 of Town Planning Scheme No. 6.
- l. A pedestrian refuge island is to be provided within the vehicular crossover where it traverses the path abutting Federation Parade.
- m. Wider or additional windows are to be provided on the stairwell walls fronting Federation Parade and Albany Highway to ensure that blank walls do not exceed 2m in length in accordance with Policy control 3.2(vi) of the Gosnells Town Centre Development Policy.
- n. The access arrangement from Albany Highway being modified to allow for the proposed development on Lot 800 to obtain access to and egress from the accessway that traverses the abutting Lot 8 Albany Highway.
- o. The traffic island wholly contained within Lot 800 between the proposed building and the Albany Highway road reserve is to be removed.
- p. The on-street car parking bays on Federation Parade shall be removed where the crossover is proposed and a revised kerbing arrangement is to be identified.
- q. The rear balcony of each residential dwelling is to incorporate an inbuilt clothes drying rack in accordance with Acceptable Development provision 3.10.3(A3.3) of the R-Codes.

2. A waste disposal management plan is to be submitted, detailing, but not being limited to, the following aspects to the satisfaction of the Manager Planning Implementation:
 - a. The sizes and dimensions of the residential and commercial bin storage areas.
 - b. The dimensions for the openings of the bin storage areas.
 - c. Arrangements for the collection of rubbish (both general and recycling) from the subject site.
3. A landscaping plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
4. The applicant is to lodge a development bond or bank guarantee with the City for the sum of \$34,000 to cover the cost of installing landscaping/reticulation and construction of carparking areas/accessways, prior to the issue of a building licence.
5. A paving plan for the development site is to be submitted and approved by the Manager Planning Implementation prior to the issue of a building licence.
6. A lighting strategy for the development site and adjacent public realm is to be submitted in accordance with Acceptable Development provision 3.4.5(A5) of the R-Codes and control 4.5 of the Gosnells Town Centre Development Policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
7. External finishes and colour schemes are to be submitted prior to the issue of Building Licence to the satisfaction of the Manager Planning Implementation. Non-reflective finishes, tinting and materials, and non-reflective and unobscured glazing are to be used where the subject proposal fronts Federation Parade, the Town Square and Albany Highway.
8. A geotechnical report is to be provided certifying that the land is physically capable of development to the satisfaction of the Manager Building Services.
9. Arrangements being made to the satisfaction of the Manager Planning Implementation to ensure a legal right of access over Lot 801 (Federation Parade) to allow for vehicular access to the subject site.
10. Arrangements are to be made to the satisfaction of the Manager Planning Implementation to ensure that each of the residential dwellings has exclusive use of one car parking bay.

The following conditions must be satisfied prior to the use(s) commencing and/or the building(s) being occupied:

11. All crossovers are to be located and constructed to the City's specifications.
12. Prior to commencement of site works, construction drawings for such are to be submitted for approval by the Manager Technical Services.
13. The land being filled and/or drained at the developer's cost to the satisfaction of the Manager Planning Implementation, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost.
14. Due to the nature of the foundation material, or prevailing high water table, the development must be serviced by sub soil drains and provided with a stormwater connection to the district drainage system at the developer's cost to the satisfaction of the Manager Technical Services.
15. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
16. A signage strategy being prepared for the proposal that indicates the location and type of signage to be used, to the satisfaction of the Director Planning and Sustainability, prior to occupation of the building.
17. A minimum of 43 carparking bays are to be provided and maintained to the satisfaction of the Manager Planning Implementation. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
18. Landscaping and reticulation of the development site and adjoining road verges is to be installed prior to occupying the proposed development in accordance with the approved landscaping plan to the satisfaction of the Manager Planning Implementation.
19. Any existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Manager Health Services.
20. The site is to be connected to a reticulated sewerage system.
21. Fire hydrants are to be provided to the satisfaction of the Manager Building Services with the required pressure and flow being verified by a recognised testing authority.

The following conditions must be met for the life of the development:

22. Development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.
23. This planning approval permits the commercial component of the development to be used for the following land uses, as defined by Town Planning Scheme No. 6, individually or in combination without requiring further planning approval from the City:
 - a. Civic Use
 - b. Community Purpose
 - c. Convenience Store
 - d. Consulting Rooms
 - e. Exhibition Centre
 - f. Lunch Bar
 - g. Medical Centre
 - h. Office
 - i. Recreation – private
 - j. Restaurant
 - k. Shop
24. Landscaping and reticulation of the development site and adjoining road verges is to be maintained by the owner/occupier, in accordance with the approved landscaping plan, to the satisfaction of the Manager Planning Implementation.
25. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.
26. Floodlights shall not be illuminated after 10.00 p.m. with all illumination being confined to the limits of the development.

Advice Notes

1. The proponent 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. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
3. Fire and Emergency Services Authority assessment is required prior to approval of a building licence application, in accordance with Building Regulations 1989.
4. A Certificate of Classification is to be applied for and issued by the Manager Building Services prior to any occupation of the building.
5. The proponent's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
6. The proponent's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
7. In relation to Condition 17, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001.
8. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.
9. In relation to Condition 15, details are to be submitted to the City as part of a building licence application, for approval by the Manager Building Services.
10. This approval does not authorise the demolition of any existing structure on site.
11. An approved site toilet is to be provided, maintained and serviced in accordance with the Health (Temporary Sanitary Conveniences) Regulations 1997.

12. Lessees of food handling premises and hairdressing establishments are required to submit plans and specifications of shop fit-outs to the City's Health Services Branch prior to commencement of works.
13. The operations should comply with the requirements of the Environmental Protection Act 1986 and the relevant regulations in respect of noise emissions.
14. The proponent's attention is drawn to the following to minimise the impact of development works;
 - i. All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment.
 - ii. Development work is only permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii. Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
15. In relation to Condition 3:
 - i. Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
 - ii. The existing trees within the road verge shall not be removed and written permission shall be obtained from the City prior to any earthworks being carried out within four metres of those trees.
 - iii. The developer is advised that the City has a Shade Policy which must be considered as part of the development process.
 - iv. Where deciduous tree plantings are proposed, management measures must be developed to avoid leaf fall being delivered to the stormwater drainage network.
16. In relation to Condition 4, the bond will be returned to the applicant upon completion of the above works in accordance with the approved landscaping plan.
17. In relation to Conditions 16 and 25, provision 5 of the Gosnells Town Centre Development Policy sets out objectives and controls for signage within the Gosnells Town Centre area.

18. Any external fixtures are to comply with provision 3.10.2 of the Residential Design Codes and control 4.4 of the Gosnells Town Centre Development Policy for air conditioning compressors and satellite dishes.
19. In relation to Condition 21, the proponent's attention is drawn to the requirements of the Building Code of Australia in this regard, particularly E1.3 and AS 2419.1.
20. 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.

STAFF RECOMMENDATION (2 of 4)

Moved Cr D Griffiths Seconded Cr C Fernandez

That Council authorise the Director Planning and Sustainability in consultation with Council's solicitors to register an appropriate encumbrance on the Certificate of Title of Lot 800 Albany Highway, Gosnells, to protect and ensure the retention of the portion of the Gosnells Town Square that falls within Lot 800 for public access and additionally, to allow for access to the entrance of the proposed communal open space area and residential dwellings.

STAFF RECOMMENDATION (3 of 4)

Moved Cr D Griffiths Seconded Cr C Fernandez

That Council authorise the Director Planning and Sustainability in consultation with Council's solicitors to register an appropriate encumbrance on the Certificate of Title of Lot 801 Albany Highway, Gosnells (Town Square and Federation Parade), restricting development upon certain portions of Lot 801 to ensure compliance with the Building Code of Australia fire setback requirements for nil setbacks for development on Lot 800 from the northeast and southeast boundaries of that lot.

STAFF RECOMMENDATION (4 of 4)

Moved Cr D Griffiths Seconded Cr C Fernandez

That Council, further to Resolution 247 from its ordinary meeting of 23 May 2006, authorise the Director Planning and Sustainability in consultation with Council's solicitors to implement an appropriate, legally binding arrangement on the sale of Lot 800 Albany Highway, Gosnells that will have the effect of requiring the future owner to commence development of the site within a period of two years from the date of settlement.

Amendment – Staff Recommendation (1 of 4)

During debate Cr J Brown moved the following amendment to staff recommendation (1 of 4):

“That staff recommendation (1 of 4) be amended by:

(i) Deleting Condition 1. q. which reads:

“The rear balcony of each residential dwelling is to incorporate an inbuilt clothes drying rack in accordance with Acceptable Development provision 3.10.3(A3.3) of the R-Codes.”

and replacing it with the following:

“1. q. Each residential dwelling being provided with its own electronic clothes dryer”.

(ii) Inserting the words “on site” in the first line of Condition 17 immediately after the words “A minimum of 43 carparking bays are to be provided”.

(iii) Adding the following new Condition 22 immediately after Condition 21, and renumbering the remaining conditions and corresponding Advice Notes accordingly.

“Provision of an electronic clothes dryer for each residential dwelling, with a minimum load capacity of 2.5 kilograms and a minimum 3 star energy rating under the Federal Government’s energy star rating scheme.”

(iv) Deleting Condition 26 (to be renumbered Condition 27), which reads:

“Floodlights shall not be illuminated after 10.00 p.m. with all illumination being confined to the limits of the development.”

and replacing it with the following:

“27. All illumination from floodlighting shall be confined to the limits of the development to the satisfaction of the Manager Planning Implementation.”

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

“To amend the conditions of approval relating to clothes drying facilities, on site car parking and illumination from floodlighting, to improve the positive contribution that a development of this nature would make to the Gosnells Town Centre.”

Cr R Hoffman Seconded Cr J Brown’s proposed amendment.

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

Moved Cr J Brown Seconded Cr R Hoffman

That staff recommendation (1 of 4) be amended by:

(i) Deleting Condition 1. q. which reads:

“The rear balcony of each residential dwelling is to incorporate an inbuilt clothes drying rack in accordance with Acceptable Development provision 3.10.3(A3.3) of the R-Codes.”

and replacing it with the following:

“1. q. Each residential dwelling being provided with its own electronic clothes dryer”.

(ii) Inserting the words “on site” in the first line of Condition 17 immediately after the words “A minimum of 43 carparking bays are to be provided”.

(iii) Adding the following new Condition 22 immediately after Condition 21, and renumbering the remaining conditions and corresponding Advice Notes accordingly.

“Provision of an electronic clothes dryer for each residential dwelling, with a minimum load capacity of 2.5 kilograms and a minimum 3 star energy rating under the Federal Government’s energy star rating scheme.”

(iv) Deleting Condition 26 (to be renumbered Condition 27), which reads:

“Floodlights shall not be illuminated after 10.00 p.m. with all illumination being confined to the limits of the development.”

and replacing it with the following:

- “27. All illumination from floodlighting shall be confined to the limits of the development to the satisfaction of the Manager Planning Implementation.”

with the amended recommendation to read:

“That Council approve the application for planning approval for a mixed use development at 2210 (Lot 800) Albany Highway, Gosnells, subject to the following conditions and advice notes:

Conditions

The following conditions must be satisfied prior to a Building Licence being issued:

1. The submission of amended plans, generally in accordance with the submitted plans but including the following modifications to the satisfaction of the Director Planning and Sustainability:
 - a. The building is to be wholly contained within Lot 800.
 - b. The ensuite and kitchen windows of units 12 and 14 are to be being deleted and replaced with a blank wall.
 - c. The northwest boundary wall of the residential portion of the building is to be extended to ensure the screening of the balconies of units 12 and 14 from the adjoining property in accordance with Acceptable Development provision 3.8.1(A1) of the Residential Design Codes.
 - d. The ground floor plan being amended to reflect the entrances on the southeast side of the ground floor of the commercial portion of the building.
 - e. The width of the awning on the residential frontage (that is, the northeast elevation) of the proposed building is to be increased from 2m to 2.5m and on the commercial frontage (that is, the southwest elevation) of the proposed building from 2.2m to 2.5m.
 - f. A continuous awning is to extend for the full length of the ground floor façade of the northeast elevation of the proposed building where it fronts Federation Parade.
 - g. The permeable timber screen on the southeast elevation of the development is to consist of vertical timber slats rather than horizontal slats.

- h. The dimensions of all proposed car parking bays within the lower basement are to be in accordance with Table No. 3B : Parking Design Requirements of Town Planning Scheme No. 6.
 - i. The dimensions of all proposed car parking bays within the upper basement are to be in accordance with Acceptable Development provision 3.5.3(A3.2) of the Residential Design Codes.
 - j. Letterbox facilities are to be provided in accordance with Clause 5.8.4(b)(ii) of Town Planning Scheme No. 6.
 - k. Bicycle parking facilities are to be provided in close proximity to the commercial portion of the building fronting Albany Highway and within the basement level in accordance with Clause 5.13.8 of Town Planning Scheme No. 6.
 - l. A pedestrian refuge island is to be provided within the vehicular crossover where it traverses the path abutting Federation Parade.
 - m. Wider or additional windows are to be provided on the stairwell walls fronting Federation Parade and Albany Highway to ensure that blank walls do not exceed 2m in length in accordance with Policy control 3.2(vi) of the Gosnells Town Centre Development Policy.
 - n. The access arrangement from Albany Highway being modified to allow for the proposed development on Lot 800 to obtain access to and egress from the accessway that traverses the abutting Lot 8 Albany Highway.
 - o. The traffic island wholly contained within Lot 800 between the proposed building and the Albany Highway road reserve is to be removed.
 - p. The on-street car parking bays on Federation Parade shall be removed where the crossover is proposed and a revised kerbing arrangement is to be identified.
 - q. Each residential dwelling being provided with its own electronic clothes dryer.
2. A waste disposal management plan is to be submitted, detailing, but not being limited to, the following aspects to the satisfaction of the Manager Planning Implementation:

- a. The sizes and dimensions of the residential and commercial bin storage areas.
 - b. The dimensions for the openings of the bin storage areas.
 - c. Arrangements for the collection of rubbish (both general and recycling) from the subject site.
3. A landscaping plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
 4. The applicant is to lodge a development bond or bank guarantee with the City for the sum of \$34,000 to cover the cost of installing landscaping/reticulation and construction of carparking areas/accessways, prior to the issue of a building licence.
 5. A paving plan for the development site is to be submitted and approved by the Manager Planning Implementation prior to the issue of a building licence.
 6. A lighting strategy for the development site and adjacent public realm is to be submitted in accordance with Acceptable Development provision 3.4.5(A5) of the R-Codes and control 4.5 of the Gosnells Town Centre Development Policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
 7. External finishes and colour schemes are to be submitted prior to the issue of Building Licence to the satisfaction of the Manager Planning Implementation. Non-reflective finishes, tinting and materials, and non-reflective and unobscured glazing are to be used where the subject proposal fronts Federation Parade, the Town Square and Albany Highway.
 8. A geotechnical report is to be provided certifying that the land is physically capable of development to the satisfaction of the Manager Building Services.
 9. Arrangements being made to the satisfaction of the Manager Planning Implementation to ensure a legal right of access over Lot 801 (Federation Parade) to allow for vehicular access to the subject site.
 10. Arrangements are to be made to the satisfaction of the Manager Planning Implementation to ensure that each of

the residential dwellings has exclusive use of one car parking bay.

The following conditions must be satisfied prior to the use(s) commencing and/or the building(s) being occupied:

11. All crossovers are to be located and constructed to the City's specifications.
12. Prior to commencement of site works, construction drawings for such are to be submitted for approval by the Manager Technical Services.
13. The land being filled and/or drained at the developer's cost to the satisfaction of the Manager Planning Implementation, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost.
14. Due to the nature of the foundation material, or prevailing high water table, the development must be serviced by sub soil drains and provided with a stormwater connection to the district drainage system at the developer's cost to the satisfaction of the Manager Technical Services.
15. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
16. A signage strategy being prepared for the proposal that indicates the location and type of signage to be used, to the satisfaction of the Director Planning and Sustainability, prior to occupation of the building.
17. A minimum of 43 carparking bays are to be provided on site and maintained to the satisfaction of the Manager Planning Implementation. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
18. Landscaping and reticulation of the development site and adjoining road verges is to be installed prior to occupying the proposed development in accordance with the approved landscaping plan to the satisfaction of the Manager Planning Implementation.
19. Any existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Manager Health Services.

20. The site is to be connected to a reticulated sewerage system.
21. Fire hydrants are to be provided to the satisfaction of the Manager Building Services with the required pressure and flow being verified by a recognised testing authority.
22. Provision of an electronic clothes dryer for each residential dwelling, with a minimum load capacity of 2.5 kilograms and a minimum 3 star energy rating under the Federal Government's energy star rating scheme.

The following conditions must be met for the life of the development:

23. Development may only be carried out in accordance with the terms of the application as approved herein and any approved plan.
24. This planning approval permits the commercial component of the development to be used for the following land uses, as defined by Town Planning Scheme No. 6, individually or in combination without requiring further planning approval from the City:
 - a. Civic Use
 - b. Community Purpose
 - c. Convenience Store
 - d. Consulting Rooms
 - e. Exhibition Centre
 - f. Lunch Bar
 - g. Medical Centre
 - h. Office
 - i. Recreation – private
 - j. Restaurant
 - k. Shop
25. Landscaping and reticulation of the development site and adjoining road verges is to be maintained by the owner/occupier, in accordance with the approved landscaping plan, to the satisfaction of the Manager Planning Implementation.
26. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.

27. All illumination from floodlighting shall be confined to the limits of the development to the satisfaction of the Manager Planning Implementation.

Advice Notes

1. The proponent 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. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
3. Fire and Emergency Services Authority assessment is required prior to approval of a building licence application, in accordance with Building Regulations 1989.
4. A Certificate of Classification is to be applied for and issued by the Manager Building Services prior to any occupation of the building.
5. The proponent's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
6. The proponent's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
7. In relation to Condition 17, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001.
8. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.

9. In relation to Condition 15, details are to be submitted to the City as part of a building licence application, for approval by the Manager Building Services.
10. This approval does not authorise the demolition of any existing structure on site.
11. An approved site toilet is to be provided, maintained and serviced in accordance with the Health (Temporary Sanitary Conveniences) Regulations 1997.
12. Lessees of food handling premises and hairdressing establishments are required to submit plans and specifications of shop fit-outs to the City's Health Services Branch prior to commence of works.
13. The operations should comply with the requirements of the Environmental Protection Act 1986 and the relevant regulations in respect of noise emissions.
14. The proponent's attention is drawn to the following to minimise the impact of development works;
 - i. All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment.
 - ii. Development work is only permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii. Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
15. In relation to Condition 3:
 - i. Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
 - ii. The existing trees within the road verge shall not be removed and written permission shall be obtained from the City prior to any earthworks being carried out within four metres of those trees.
 - iii. The developer is advised that the City has a Shade Policy which must be considered as part of the development process.

- iv. Where deciduous tree plantings are proposed, management measures must be developed to avoid leaf fall being delivered to the stormwater drainage network.
16. In relation to Condition 4, the bond will be returned to the applicant upon completion of the above works in accordance with the approved landscaping plan.
17. In relation to Conditions 16 and 25, provision 5 of the Gosnells Town Centre Development Policy sets out objectives and controls for signage within the Gosnells Town Centre area.
18. Any external fixtures are to comply with provision 3.10.2 of the Residential Design Codes and control 4.4 of the Gosnells Town Centre Development Policy for air conditioning compressors and satellite dishes.
19. In relation to Condition 21, the proponent's attention is drawn to the requirements of the Building Code of Australia in this regard, particularly E1.3 and AS 2419.1.
20. 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 D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

Amended Staff Recommendation (1 of 4):

COUNCIL RESOLUTION

606 Moved Cr J Brown Seconded Cr R Hoffman

That Council approve the application for planning approval for a mixed use development at 2210 (Lot 800) Albany Highway, Gosnells, subject to the following conditions and advice notes:

Conditions

The following conditions must be satisfied prior to a Building Licence being issued:

1. The submission of amended plans, generally in accordance with the submitted plans but including the following modifications to the satisfaction of the Director Planning and Sustainability:
 - a. The building is to be wholly contained within Lot 800.
 - b. The ensuite and kitchen windows of units 12 and 14 are to be being deleted and replaced with a blank wall.
 - c. The northwest boundary wall of the residential portion of the building is to be extended to ensure the screening of the balconies of units 12 and 14 from the adjoining property in accordance with Acceptable Development provision 3.8.1(A1) of the Residential Design Codes.
 - d. The ground floor plan being amended to reflect the entrances on the southeast side of the ground floor of the commercial portion of the building.
 - e. The width of the awning on the residential frontage (that is, the northeast elevation) of the proposed building is to be increased from 2m to 2.5m and on the commercial frontage (that is, the southwest elevation) of the proposed building from 2.2m to 2.5m.
 - f. A continuous awning is to extend for the full length of the ground floor façade of the northeast elevation of the proposed building where it fronts Federation Parade.
 - g. The permeable timber screen on the southeast elevation of the development is to consist of vertical timber slats rather than horizontal slats.
 - h. The dimensions of all proposed car parking bays within the lower basement are to be in accordance with Table No. 3B : Parking Design Requirements of Town Planning Scheme No. 6.

- i. The dimensions of all proposed car parking bays within the upper basement are to be in accordance with Acceptable Development provision 3.5.3(A3.2) of the Residential Design Codes.
 - j. Letterbox facilities are to be provided in accordance with Clause 5.8.4(b)(ii) of Town Planning Scheme No. 6.
 - k. Bicycle parking facilities are to be provided in close proximity to the commercial portion of the building fronting Albany Highway and within the basement level in accordance with Clause 5.13.8 of Town Planning Scheme No. 6.
 - l. A pedestrian refuge island is to be provided within the vehicular crossover where it traverses the path abutting Federation Parade.
 - m. Wider or additional windows are to be provided on the stairwell walls fronting Federation Parade and Albany Highway to ensure that blank walls do not exceed 2m in length in accordance with Policy control 3.2(vi) of the Gosnells Town Centre Development Policy.
 - n. The access arrangement from Albany Highway being modified to allow for the proposed development on Lot 800 to obtain access to and egress from the accessway that traverses the abutting Lot 8 Albany Highway.
 - o. The traffic island wholly contained within Lot 800 between the proposed building and the Albany Highway road reserve is to be removed.
 - p. The on-street car parking bays on Federation Parade shall be removed where the crossover is proposed and a revised kerbing arrangement is to be identified.
 - q. Each residential dwelling being provided with its own electronic clothes dryer.
2. A waste disposal management plan is to be submitted, detailing, but not being limited to, the following aspects to the satisfaction of the Manager Planning Implementation:
- a. The sizes and dimensions of the residential and commercial bin storage areas.
 - b. The dimensions for the openings of the bin storage areas.
 - c. Arrangements for the collection of rubbish (both general and recycling) from the subject site.

3. A landscaping plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
4. The applicant is to lodge a development bond or bank guarantee with the City for the sum of \$34,000 to cover the cost of installing landscaping/reticulation and construction of carparking areas/accessways, prior to the issue of a building licence.
5. A paving plan for the development site is to be submitted and approved by the Manager Planning Implementation prior to the issue of a building licence.
6. A lighting strategy for the development site and adjacent public realm is to be submitted in accordance with Acceptable Development provision 3.4.5(A5) of the R-Codes and control 4.5 of the Gosnells Town Centre Development Policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
7. External finishes and colour schemes are to be submitted prior to the issue of Building Licence to the satisfaction of the Manager Planning Implementation. Non-reflective finishes, tinting and materials, and non-reflective and unobscured glazing are to be used where the subject proposal fronts Federation Parade, the Town Square and Albany Highway.
8. A geotechnical report is to be provided certifying that the land is physically capable of development to the satisfaction of the Manager Building Services.
9. Arrangements being made to the satisfaction of the Manager Planning Implementation to ensure a legal right of access over Lot 801 (Federation Parade) to allow for vehicular access to the subject site.
10. Arrangements are to be made to the satisfaction of the Manager Planning Implementation to ensure that each of the residential dwellings has exclusive use of one car parking bay.

The following conditions must be satisfied prior to the use(s) commencing and/or the building(s) being occupied:

11. All crossovers are to be located and constructed to the City's specifications.
12. Prior to commencement of site works, construction drawings for such are to be submitted for approval by the Manager Technical Services.
13. The land being filled and/or drained at the developer's cost to the satisfaction of the Manager Planning Implementation, and any

easements and/or reserves necessary for the implementation thereof, being provided free of cost.

14. Due to the nature of the foundation material, or prevailing high water table, the development must be serviced by sub soil drains and provided with a stormwater connection to the district drainage system at the developer's cost to the satisfaction of the Manager Technical Services.
15. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
16. A signage strategy being prepared for the proposal that indicates the location and type of signage to be used, to the satisfaction of the Director Planning and Sustainability, prior to occupation of the building.
17. A minimum of 43 carparking bays are to be provided on site and maintained to the satisfaction of the Manager Planning Implementation. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
18. Landscaping and reticulation of the development site and adjoining road verges is to be installed prior to occupying the proposed development in accordance with the approved landscaping plan to the satisfaction of the Manager Planning Implementation.
19. Any existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Manager Health Services.
20. The site is to be connected to a reticulated sewerage system.
21. Fire hydrants are to be provided to the satisfaction of the Manager Building Services with the required pressure and flow being verified by a recognised testing authority.
22. Provision of an electronic clothes dryer for each residential dwelling, with a minimum load capacity of 2.5 kilograms and a minimum 3 star energy rating under the Federal Government's energy star rating scheme.

The following conditions must be met for the life of the development:

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

24. This planning approval permits the commercial component of the development to be used for the following land uses, as defined by Town Planning Scheme No. 6, individually or in combination without requiring further planning approval from the City:
- a. Civic Use
 - b. Community Purpose
 - c. Convenience Store
 - d. Consulting Rooms
 - e. Exhibition Centre
 - f. Lunch Bar
 - g. Medical Centre
 - h. Office
 - i. Recreation – private
 - j. Restaurant
 - k. Shop
25. Landscaping and reticulation of the development site and adjoining road verges is to be maintained by the owner/occupier, in accordance with the approved landscaping plan, to the satisfaction of the Manager Planning Implementation.
26. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.
27. All illumination from floodlighting shall be confined to the limits of the development to the satisfaction of the Manager Planning Implementation.

Advice Notes

1. The proponent 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. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
3. Fire and Emergency Services Authority assessment is required prior to approval of a building licence application, in accordance with Building Regulations 1989.

4. A Certificate of Classification is to be applied for and issued by the Manager Building Services prior to any occupation of the building.
5. The proponent's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
6. The proponent's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
7. In relation to Condition 17, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001.
8. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.
9. In relation to Condition 15, details are to be submitted to the City as part of a building licence application, for approval by the Manager Building Services.
10. This approval does not authorise the demolition of any existing structure on site.
11. An approved site toilet is to be provided, maintained and serviced in accordance with the Health (Temporary Sanitary Conveniences) Regulations 1997.
12. Lessees of food handling premises and hairdressing establishments are required to submit plans and specifications of shop fit-outs to the City's Health Services Branch prior to commence of works.
13. The operations should comply with the requirements of the Environmental Protection Act 1986 and the relevant regulations in respect of noise emissions.
14. The proponent's attention is drawn to the following to minimise the impact of development works;
 - i. All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment.

- ii. Development work is only permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii. Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
15. In relation to Condition 3:
- i. Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
 - ii. The existing trees within the road verge shall not be removed and written permission shall be obtained from the City prior to any earthworks being carried out within four metres of those trees.
 - iii. The developer is advised that the City has a Shade Policy which must be considered as part of the development process.
 - iv. Where deciduous tree plantings are proposed, management measures must be developed to avoid leaf fall being delivered to the stormwater drainage network.
16. In relation to Condition 4, the bond will be returned to the applicant upon completion of the above works in accordance with the approved landscaping plan.
17. In relation to Conditions 16 and 25, provision 5 of the Gosnells Town Centre Development Policy sets out objectives and controls for signage within the Gosnells Town Centre area.
18. Any external fixtures are to comply with provision 3.10.2 of the Residential Design Codes and control 4.4 of the Gosnells Town Centre Development Policy for air conditioning compressors and satellite dishes.
19. In relation to Condition 21, the proponent's attention is drawn to the requirements of the Building Code of Australia in this regard, particularly E1.3 and AS 2419.1.
20. 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 D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 4) AND COUNCIL RESOLUTION

607 Moved Cr D Griffiths Seconded Cr C Fernandez

That Council authorise the Director Planning and Sustainability in consultation with Council's solicitors to register an appropriate encumbrance on the Certificate of Title of Lot 800 Albany Highway, Gosnells, to protect and ensure the retention of the portion of the Gosnells Town Square that falls within Lot 800 for public access and additionally, to allow for access to the entrance of the proposed communal open space area and residential dwellings.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (3 of 4) AND COUNCIL RESOLUTION

608 Moved Cr D Griffiths Seconded Cr C Fernandez

That Council authorise the Director Planning and Sustainability in consultation with Council's solicitors to register an appropriate encumbrance on the Certificate of Title of Lot 801 Albany Highway, Gosnells (Town Square and Federation Parade), restricting development upon certain portions of Lot 801 to ensure compliance with the Building Code of Australia fire setback requirements for nil setbacks for development on Lot 800 from the northeast and southeast boundaries of that lot.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (4 of 4) AND COUNCIL RESOLUTION

609 Moved Cr D Griffiths Seconded Cr C Fernandez

That Council, further to Resolution 247 from its ordinary meeting of 23 May 2006, authorise the Director Planning and Sustainability in consultation with Council's solicitors to implement an appropriate, legally binding arrangement on the sale of Lot 800 Albany Highway, Gosnells that will have the effect of requiring the future owner to commence development of the site within a period of two years from the date of settlement.

CARRIED 10/0

***FOR:** Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.*

***AGAINST:** Nil.*

**13.5.5 DEVELOPMENT APPLICATION – PROPOSED OFFICE – 2338 (LOT 65)
ALBANY HIGHWAY, GOSNELLS (*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 1998 and is relocated under Item 11 “Items Brought Forward for the Convenience of those in the Public Gallery” as the fourth report in these Minutes.

13.5.4 DEVELOPMENT APPLICATION – EIGHT GROUPED DWELLINGS – 124 (LOT 146) AND 126 (LOT 12) WHEATLEY STREET, GOSNELLS

Author: J Kempton
Reference: 208614 : 208612
Application No: DA07/02747
Applicant: BGC Residential Pty Ltd
Owner: S & V Martin
Location: 124 (Lot 146) and 126 (Lot 12) Wheatley Street, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R30/40
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1,971m² (Combined)
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

For Council to consider an application for planning approval for eight grouped dwellings at 124 (Lot 146) and 126 (Lot 12) Wheatley Street, Gosnells. Assessment of the proposal under the Performance Criteria of the R-Codes is sought in relation to walls on boundaries, which is outside the authority delegated to staff.

BACKGROUND**Proposal**

It is proposed to develop eight single storey grouped dwellings on Lots 146 and 12 at a residential density of Residential R40. It is proposed that six of the dwellings will have access to Wheatley Street from a common property access leg while units 1 and 2 will front Wheatley Street and have separate driveways.

The proposal optimises space through the use of multiple boundary walls to both side boundaries and all dwellings, except for unit 4, have single car garages and tandem parking bays. The dwelling floor areas range from 129m² to 159m² which includes three bedrooms, a dining and family room and unit 4 has an additional lounge room area.

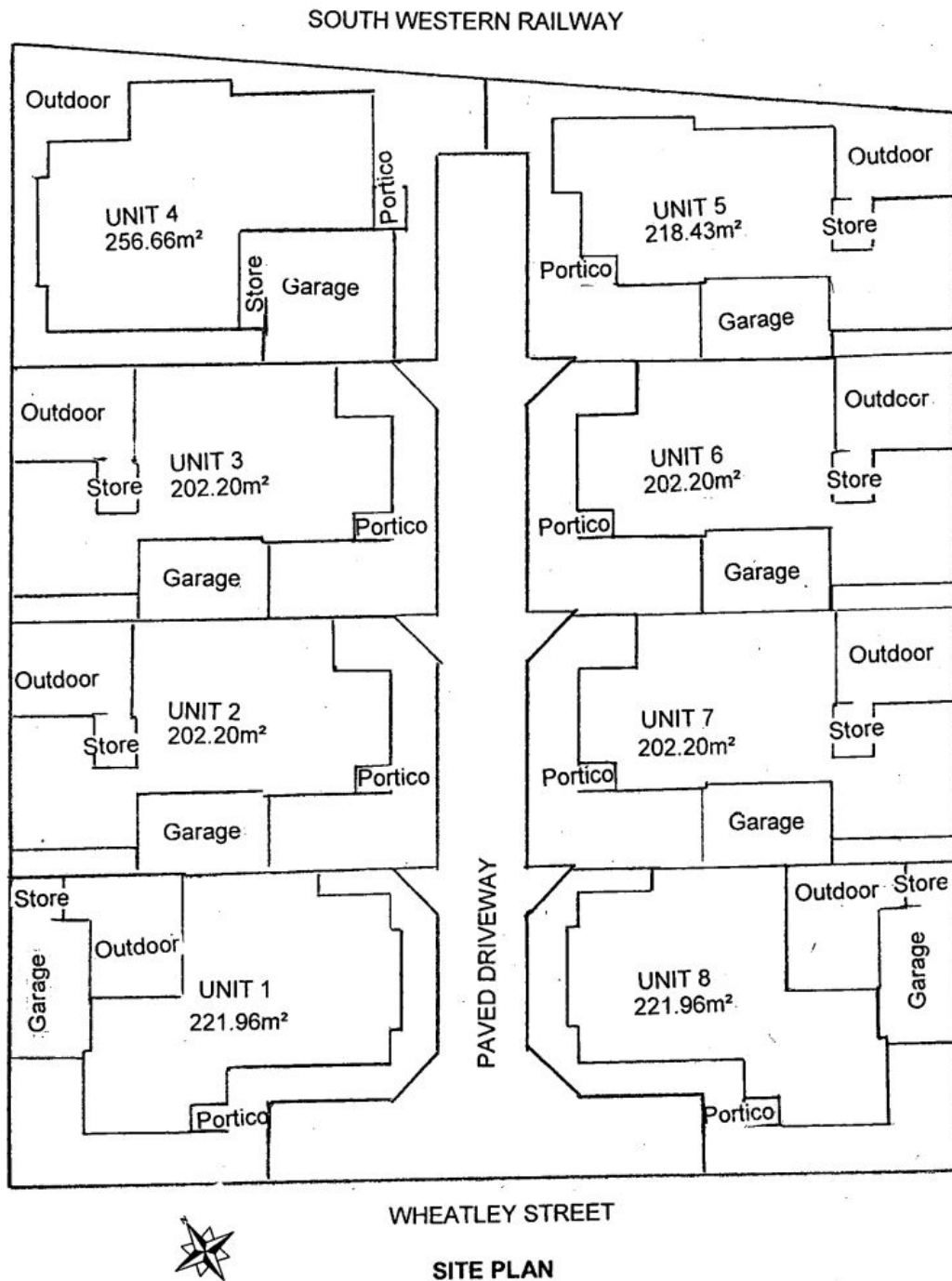
Site Description

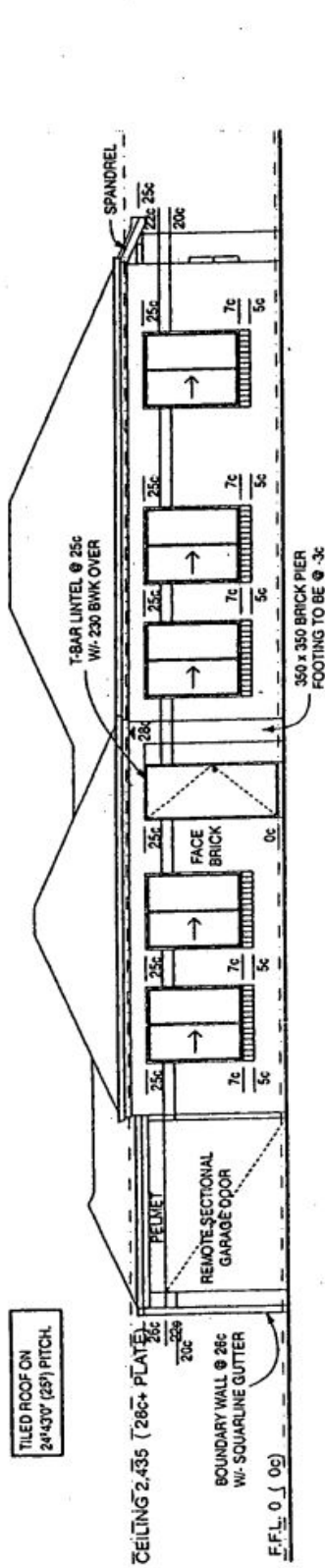
Lots 146 and 12 have a total combined area of 1,971m² and frontage of 40.24m to Wheatley Street. The site is relatively flat and slopes slightly down towards the rear of the lots. There is an existing dwelling on each, both of which will be demolished if the proposed development is approved.

Several mature trees are located within the street verge of both Lots 146 and 12. In order to construct the crossover to the proposed central access leg one of the trees is required to be removed. Officers from the City's Parks and Environmental Operations Branch have assessed the tree and informed the applicant of the City's requirements for appropriately removing the tree.

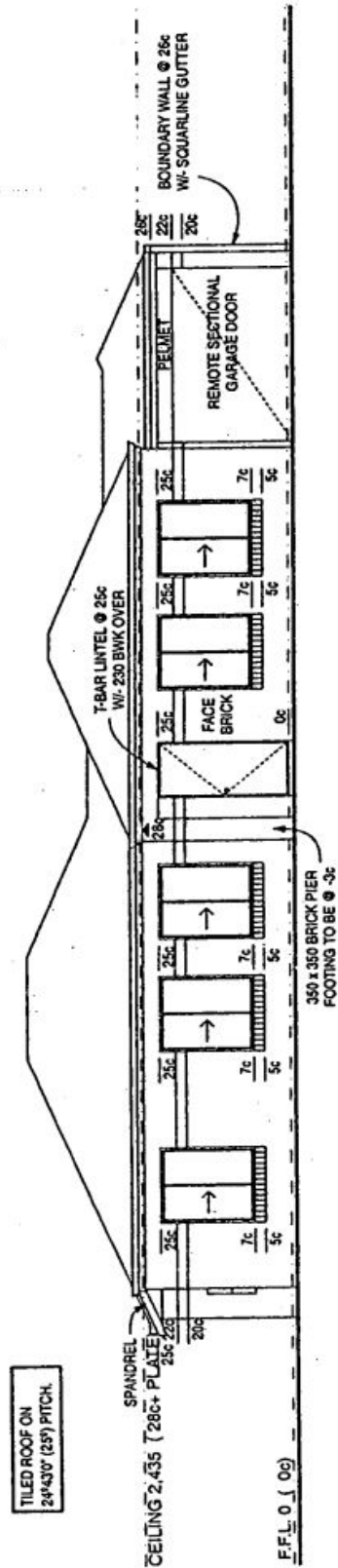
The subject site is within Town Planning Scheme No. 20 (TPS 20). TPS 20 requires payment of scheme costs at the Building Licence Stage. TPS 20 also allows for

development at the R40 density subject to the lots being amalgamated to achieve a site area greater than 1,250m² and having two dwellings facing the street. Lot 146 has a total area of 971m² and Lot 12 has a total area of 1000m², individually these lots could only be developed to a density of R30. The applicant has conditional approval from the Western Australian Planning Commission (WAPC) for an eight lot survey strata subdivision (WAPC Ref 1502-06). However a revised plan of subdivision has been submitted for consideration by the City based on the subject development application.





Unit 1



Unit 8

WHEATLEY STREET ELEVATION

Consultation

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

The application was also referred to the Public Transit Authority (PTA) for comment as the subject sites about the Perth to Armadale railway line. No objection was received from the PTA although the following conditions were recommended:

- Drainage/ runoff to be directed away from rail reserve.
- Rail boundary to be fenced to a minimum standard of 1.8m high chain link fence with three strands of barb wire and maintained by applicant/owners. Fencing must be continuous (ie no gates) to prevent access to the rail reserve.
- Notifications on Title under Section 70 of Transfer for Land Act advising potential owners that the use and enjoyment of the land may be affected by nearby rail operations.

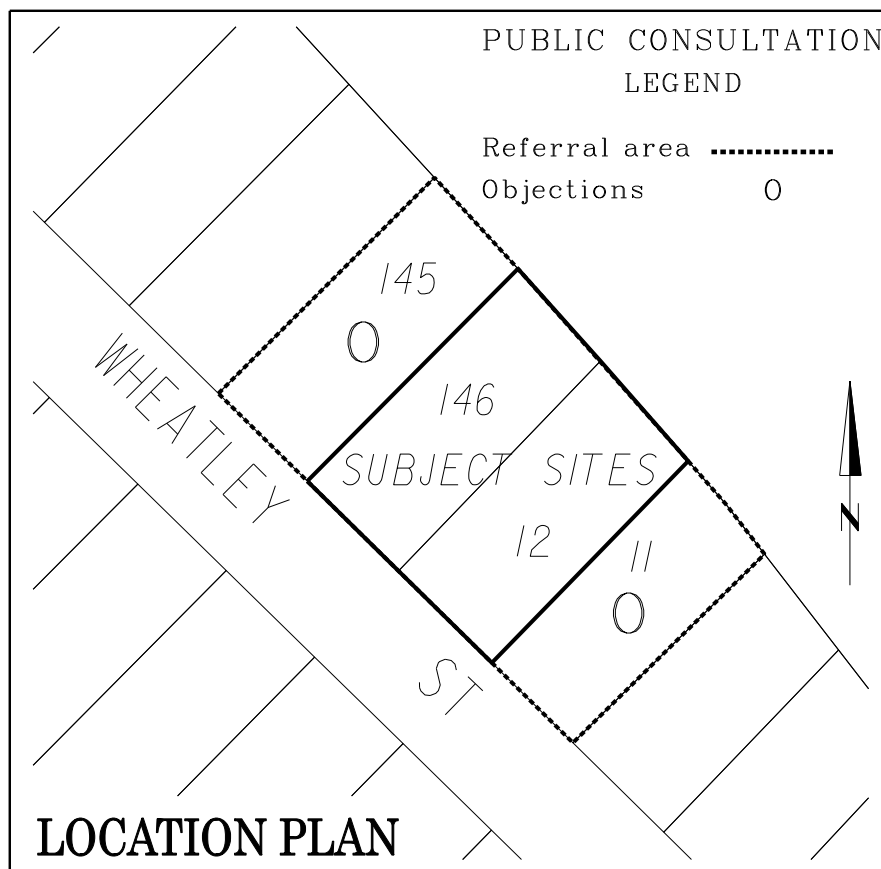
Schedule of Submissions

1	Name and Postal Address: PK and PG Fry PO Box 145 Gosnells WA 6990	Affected Property: 122 (Lot 145) Wheatley Street Gosnells
Summary of Submission		Staff Comment
Objects to the proposal		Noted.
1.1	Object to the brick work along the boundary as it will have a detrimental effect on our property. It will look unattractive to prospective purchasers and have a depressing effect on our outlook and enjoyment of our garden.	Boundary walls are permitted to one side boundary and, in isolation, the proposed walls on the common property boundary with Lot 145 comply. If the sites were developed independently the boundary walls would still be permitted to one side boundary provided they also complied with the requirements of the R-codes in regards to the open space, overshadowing and overlooking provisions. Whilst multiple boundary walls may not be appealing to the submitter the walls are not considered to detrimentally affect the amenity of the area.
1.2	Having the high brick walls at intervals along the boundary will destroy the effect we have tried to create and maintain in our garden. We resent the prospect of our immediate environment being damaged in the process of suburb development.	The submitter's concern regarding the perceived impacts on the aesthetic aspects of their garden is acknowledged; however the proposed boundary walls are to be wholly contained within their Lot 146 and will not directly encroach or impact upon a their garden.
1.3	If retaining walls and new fencing are required is it not possible for these to be erected within the boundaries of the proposed development site? We request the building be placed 1m from our boundary.	The land is zoned R30/40, which provides for the development of medium density housing. In the process of development and redevelopment to a medium residential density in accordance with the current zoning, some changes to the character of existing residential areas are expected and will occur.

Summary of Submission	Staff Comment
	The proposed retaining walls and boundary walls must be contained wholly within the subject lot boundaries. Setting the boundary walls of units 1, 2 and 3 back 1m from the boundary would require a redesign of the development and would cause those units to be setback between 140mm and 1.1m from the central driveway.

2	Name and Postal Address: J R Murray 128 Wheatley Street Gosnells WA 6110	Affected Property: 128 (Lot 11) Wheatley Street Gosnells
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Summary of Submission	Staff Comment
<p>Objection to the proposal</p> <p>2.1 Why should we accept the proposal when it will devalue our property? We will only consider the proposal if we are compensated for the inconvenience of writing subject to us signing an acceptance agreement.</p>	<p>Noted.</p> <p>The perceived effect of the proposal on property prices is not a valid planning consideration in determining this application.</p> <p>The submitter is entitled to object to the proposal; however, the City will not compensate them for providing their comments.</p>



DISCUSSION

The proposal has been assessed against and complies with all relevant provisions of TPS 6, the R-Codes and City Policies, with the exception of those discussed in this section.

Residential Design Codes (R-Codes) and Residential Development Policy

The R-Codes include Acceptable Development Criteria provisions (prefixed by “A”) and a related set of Performance Criteria (prefixed by “P”). Applications not complying with the Acceptable Development Criteria can be assessed against relevant Performance Criteria; however, it should be noted that Council has discretion to accept or reject a proposal’s compliance with the relevant Performance Criteria as prescribed by the Codes.

The proposal complies with all Acceptable Development provisions of the R-Codes, with the exception of those relating to buildings on boundaries and vehicle access. Assessment of the proposal against the related Performance Criteria is guided by Policy 6.2.1.1 which prescribes:

- Standards used to determine whether certain Performance Criteria of the R-Codes are met (column B); and
- Standards of development that the City considers to be unacceptable (column C).

Proposals that fall outside column B standards but do not meet the standards listed in column C, as is the case with the subject proposal, require advertising.

Assessment of the proposal against the relevant R-Codes Acceptable Development provisions, the related Performance Criteria (prefixed by “P”) and the provisions of Policy 6.2.1.1 are detailed below.

R-Code Clause/Requirement		Assessment/Comment
1.	<p>3.3.2 Buildings on Boundary</p> <p>A2 In areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.</p> <p>P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:</p> <ul style="list-style-type: none"> • make effective use of space; or • enhance privacy; or • otherwise enhance the amenity of the development; and 	<p>All units except for unit 4 have proposed nil side setbacks and therefore do not comply with Acceptable Development provision A2 as there are boundary walls on more than one side boundary.</p> <p>The proposed nil side setbacks comply with the Performance Criteria for the following reasons:</p> <p>The boundary walls assist in making effective use of space on the site given the lot sizes.</p>

	R-Code Clause/Requirement	Assessment/Comment
	<ul style="list-style-type: none"> • not have any significant adverse effect on the amenity of the adjoining property; and • ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted. <p>Policy 6.2.1.1</p> <p>Col B - Buildings built up to boundaries, other than the street boundary, providing that:</p> <p>i) A letter of no objection from the affected landowner/s is provided with the application;</p> <p>ii) The development complies with Acceptable Development provisions in sections 3.4, 3.7,3.8 and 3.9 or variations permitted to these sections by other provisions of this Policy.</p> <p>Col C - Development deemed to not comply with 3.3.2 Performance Criteria P2.</p>	<p>The walls on the external boundaries would, in isolation, comply with the provisions of the R-codes regarding the length of the walls on the boundary behind the street setback area. If the lots were being developed individually at the R30 density the walls would be compliant and not require consultation with neighbours.</p> <p>The orientation of the subject lot and the location of the proposed boundary walls are not considered to adversely restrict direct sunlight to the adjacent lots.</p> <p>The proposal does not meet Column B standards as letters of objection were received from affected landowners.</p> <p>The development complies with the Acceptable Development provisions in section 3.4, 3.7, 3.8 or the permitted variations to these sections by other provisions of this policy.</p> <p>The proposed nil side setbacks do not meet any of the unacceptable development criteria in Column C as they comply with the appropriate Performance Criteria, as detailed above.</p>
2.	<p>3.5.5 Pedestrian Access</p> <p>A5.3 A communal accessway to be no closer than 3m to a wall with a major opening unless screened.</p> <p>P5 Provision of safe and comfortable access from pedestrians between communal car parking areas or public streets and individual dwellings.</p> <p>Policy 6.2.1.1</p> <p>Col B - Development deemed to comply with 3.5.1 Performance Criteria P1.</p> <p>Col C - Development deemed not to comply with 3.5.1 Performance Criteria P1.</p>	<p>The application proposes walls with major openings from all units, except unit 4, setback at less than 3m from the communal accessway which does not comply with Acceptable Development Provision A5.3.</p> <p>The applicant has indicated on the plans that some of the major openings facing the common access leg will incorporate obscure glass. Should Council approve the application it will be recommended that the major opening located within 3m of the central accessway are either screened or obscure glass is incorporated into them to provide privacy to the occupants.</p> <p>The subject proposal complies with Column B - 3.5.1 Performance Criteria P1 as the car parking on site is considered to meet the needs of the residents. The proposal also meets the Performance Criteria for section 3.5.5 as safe and comfortable access for pedestrians to and from the carparking areas and the individual dwellings has been provided.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B in regards to the provision of safe access for pedestrians and adequate parking.</p>

CONCLUSION

The proposal is supported for the following reasons:

- It is generally compliant with all relevant Acceptable Development provisions of the R-Codes.
- In the instances where the proposal does not comply with the Acceptable Development provisions of the R-Codes it meets the Performance Criteria as guided by the City's Residential Development Policy 6.2.1.1
- The proposed development is consistent with the density of development permitted under TPS 6 and TPS 20.

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

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr C Fernandez

That Council approve the application for eight grouped dwellings at 124 (Lot 146) and 126 (Lot 12) Wheatley Street, Gosnells 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. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
3. The submission of a drainage plan, to the satisfaction of the Manager Technical Services, indicating the manner by which stormwater drainage from the proposed building and paved areas is to be piped to the City's drainage system or to compensation/infiltration basins located within the confines of the site. These plans should show gully and manhole locations; pipe sizes, locations and falls; subsoil drainage requirements; all invert levels; falls to paved areas; on-site stormwater compensating devices; proposed connections to the City's system; soakwells (if any); buildings (including floor levels); carparks (including pavement levels) and fill (proposed levels).

4. A geotechnical report is to be submitted to the satisfaction of the Manager Building Services in accordance with Australian Standard 2870.1 certifying that the soil conditions of the land are suitable for on-site disposal of stormwater and all necessary associated works provide the site with the capability to dispose of stormwater on site for infiltration.
5. A geotechnical report is to be submitted to the satisfaction of the Manager Building Services certifying that the land is physically capable of development, prior to applying for a building licence.
6. All stormwater is to be disposed of by combination of on and off-site disposal. The system shall provide on site storage for a 1 in 5 year frequency storm and connection to the district drainage system. Larger events shall be accommodated by overland flow to the street.
7. Existing crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the Manager Technical Services.
8. The common property accessway being constructed and drained at the proponent's cost to the specifications and satisfaction of the Manager Technical Services.
9. Bin pads for the placement of mobile garbage bins are to be constructed in a location to the satisfaction of the Manager Engineering Operations prior to occupancy of the dwellings. Amended plans are to be submitted for approval by that officer indicating the location of the bin pads prior to the issue of a Building Licence.
10. All boundary walls and retaining walls are to be constructed wholly within the lot boundaries of Lot 146 and Lot 12.
11. Lots 146 and 12 are to be amalgamated onto a single lot on a Certificate of Title prior to the issue of a building licence.
12. All waste and rubbish produced on-site as a result of subdivisional works should be disposed of to facilities provided for that purpose. No wind-blown waste or rubbish shall leave the development site.
13. All existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Manager Health Services.
14. The site is to be connected to a reticulated sewerage system.
15. Drainage/runoff from the development site shall be directed away from rail reserve.
16. Construction of a minimum 1.8m high masonry wall along the rear property boundary adjoining the railway reserve prior to

occupancy of the dwelling. Details of the wall shall be submitted for approval of the Manager Planning Implementation prior to the issue of a Building Licence. The wall must be continuous (no gates) to prevent access to the rail reserve and must be maintained by the owners.

17. Notifications being applied to the Certificate(s) of Title to the satisfaction of the Manager Planning Implementation, under Section 70 of the Transfer of Land Act, advising potential owners that the use and enjoyment of the land may be affected by nearby rail operations, prior to the issue of a Building Licence.
18. Arrangements being made to satisfy the requisite developer cost contribution applicable to the land under Town Planning Scheme No. 20 to the satisfaction of the Manager Planning Implementation.

Advice Notes

1. The applicant is advised of the need to apply for a Building Licence from the City's Building Department prior to the commencement of work. The applicant's attention is drawn to the requirements of the Building Code of Australia in this regard.
2. This approval does not authorise the demolition of the existing buildings on site. A demolition licence must be obtained from the City prior to the removal/demolition of the existing building(s).
3. Boundary walls are to comply with the Building Code of Australia in regards to fire rating.
4. The applicant is advised that in regards to requirement for bin pads set out on Wheatley Street that a minimum of area 16m² is required to be provided, that being 1m² per bin.
5. Prevention of wind blown dust causing a nuisance to adjoining land owners by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with Department of Environment and Conservation "Dust Control Guidelines".
6. All works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981 and the Environmental Protection (Noise) Regulations 1997. For further information please contact the Department of Environment.
7. Works shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
8. Any asbestos should be handled, used, removed and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste)

Regulations 2001. Please contact the Department of Environment to ensure compliance with the removal and transport of asbestos.

9. The applicant is advised that Lots 146 and 12 are required to be amalgamated so as to comply with the requirements of Town Planning Scheme No. 20 for the Residential R40 density.
10. In relation to condition 18, this condition includes the requirement for a contribution towards Scheme Works and the acquisition of land for public open space. The applicant should liaise with the City of Gosnells in respect of the contribution requirements and payment arrangement the subject of this condition. Should a legal agreement be required to secure the arrangement, the cost involved in preparing and executing the agreement is to be at the proponent's cost.
11. 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 approval are obtained prior to the commencement of any development covered by this approval.

Amendment

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

"That the staff recommendation be amended by deleting Condition 16, which reads:

"16. Construction of a minimum 1.8m high masonry wall along the rear property boundary adjoining the railway reserve prior to occupancy of the dwelling. Details of the wall shall be submitted for approval of the Manager Planning Implementation prior to the issue of a Building Licence. The wall must be continuous (no gates) to prevent access to the rail reserve and must be maintained by the owners."

and replacing it with the following:

"16. Construction of a minimum 2.1m high masonry wall along the rear property boundary adjoining the railway reserve prior to occupancy of the dwelling, with an anti-graffiti coating applied to the surface of the wall facing the railway. Relative to this condition –

- (i) details of the wall shall be submitted for approval of the Manager Planning Implementation prior to the issue of a Building Licence.*

- (ii) *The wall must be continuous (no gates) to prevent access to the rail reserve and must be maintained by the owners.*
- (iii) *The proponent must contact the Public Transport Authority to obtain safe legal access to the rail reserve for the purpose of constructing the wall and applying the anti-graffiti coating.”*

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

“To reflect advice received from the Public Transport Authority in relation to masonry fencing adjoining the railway reserve.”

Cr R Hoffman Seconded Cr J Brown’s proposed amendment.

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

Moved Cr J Brown Seconded Cr R Hoffman

That the staff recommendation be amended by deleting Condition 16, which reads:

- “16. Construction of a minimum 1.8m high masonry wall along the rear property boundary adjoining the railway reserve prior to occupancy of the dwelling. Details of the wall shall be submitted for approval of the Manager Planning Implementation prior to the issue of a Building Licence. The wall must be continuous (no gates) to prevent access to the rail reserve and must be maintained by the owners.”*

and replacing it with the following:

- “16. Construction of a minimum 2.1m high masonry wall along the rear property boundary adjoining the railway reserve prior to occupancy of the dwelling, with an anti-graffiti coating applied to the surface of the wall facing the railway. Relative to this condition –*
- (i) details of the wall shall be submitted for approval of the Manager Planning Implementation prior to the issue of a Building Licence.*
 - (ii) The wall must be continuous (no gates) to prevent access to the rail reserve and must be maintained by the owners.*
 - (iii) The proponent must contact the Public Transport Authority to obtain safe legal access to the rail reserve for the purpose of constructing the wall and applying the anti-graffiti coating.”*

with the amended recommendation to read:

“That Council approve the application for eight grouped dwellings at 124 (Lot 146) and 126 (Lot 12) Wheatley Street, Gosnells 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. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
3. The submission of a drainage plan, to the satisfaction of the Manager Technical Services, indicating the manner by which stormwater drainage from the proposed building and paved areas is to be piped to the City’s drainage system or to compensation/infiltration basins located within the confines of the site. These plans should show gully and manhole locations; pipe sizes, locations and falls; subsoil drainage requirements; all invert levels; falls to paved areas; on-site stormwater compensating devices; proposed connections to the City’s system; soakwells (if any); buildings (including floor levels); carpark (including pavement levels) and fill (proposed levels).
4. A geotechnical report is to be submitted to the satisfaction of the Manager Building Services in accordance with Australian Standard 2870.1 certifying that the soil conditions of the land are suitable for on-site disposal of stormwater and all necessary associated works provide the site with the capability to dispose of stormwater on site for infiltration.
5. A geotechnical report is to be submitted to the satisfaction of the Manager Building Services certifying that the land is physically capable of development, prior to applying for a building licence.
6. All stormwater is to be disposed of by combination of on and off-site disposal. The system shall provide on site storage for a 1 in 5 year frequency storm and connection to the district drainage system. Larger events shall be accommodated by overland flow to the street.

7. Existing crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the Manager Technical Services.
8. The common property accessway being constructed and drained at the proponent's cost to the specifications and satisfaction of the Manager Technical Services.
9. Bin pads for the placement of mobile garbage bins are to be constructed in a location to the satisfaction of the Manager Engineering Operations prior to occupancy of the dwellings. Amended plans are to be submitted for approval by that officer indicating the location of the bin pads prior to the issue of a Building Licence.
10. All boundary walls and retaining walls are to be constructed wholly within the lot boundaries of Lot 146 and Lot 12.
11. Lots 146 and 12 are to be amalgamated onto a single lot on a Certificate of Title prior to the issue of a building licence.
12. All waste and rubbish produced on-site as a result of subdivisional works should be disposed of to facilities provided for that purpose. No wind-blown waste or rubbish shall leave the development site.
13. All existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Manager Health Services.
14. The site is to be connected to a reticulated sewerage system.
15. Drainage/runoff from the development site shall be directed away from rail reserve.
16. Construction of a minimum 2.1m high masonry wall along the rear property boundary adjoining the railway reserve prior to occupancy of the dwelling, with an anti-graffiti coating applied to the surface of the wall facing the railway. Relative to this condition –
 - (i) details of the wall shall be submitted for approval of the Manager Planning Implementation prior to the issue of a Building Licence.
 - (ii) The wall must be continuous (no gates) to prevent access to the rail reserve and must be maintained by the owners.
 - (iii) The proponent must contact the Public Transport Authority to obtain safe legal access to the rail

reserve for the purpose of constructing the wall and applying the anti-graffiti coating.

17. Notifications being applied to the Certificate(s) of Title to the satisfaction of the Manager Planning Implementation, under Section 70 of the Transfer of Land Act, advising potential owners that the use and enjoyment of the land may be affected by nearby rail operations, prior to the issue of a Building Licence.
18. Arrangements being made to satisfy the requisite developer cost contribution applicable to the land under Town Planning Scheme No. 20 to the satisfaction of the Manager Planning Implementation.

Advice Notes

1. The applicant is advised of the need to apply for a Building Licence from the City's Building Department prior to the commencement of work. The applicant's attention is drawn to the requirements of the Building Code of Australia in this regard.
2. This approval does not authorise the demolition of the existing buildings on site. A demolition licence must be obtained from the City prior to the removal/demolition of the existing building(s).
3. Boundary walls are to comply with the Building Code of Australia in regards to fire rating.
4. The applicant is advised that in regards to requirement for bin pads set out on Wheatley Street that a minimum of area 16m² is required to be provided, that being 1m² per bin.
5. Prevention of wind blown dust causing a nuisance to adjoining land owners by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with Department of Environment and Conservation "Dust Control Guidelines".

6. All works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981 and the Environmental Protection (Noise) Regulations 1997. For further information please contact the Department of Environment.
7. Works shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
8. Any asbestos should be handled, used, removed and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Please contact the Department of Environment to ensure compliance with the removal and transport of asbestos.
9. The applicant is advised that Lots 146 and 12 are required to be amalgamated so as to comply with the requirements of Town Planning Scheme No. 20 for the Residential R40 density.
10. In relation to condition 18, this condition includes the requirement for a contribution towards Scheme Works and the acquisition of land for public open space. The applicant should liaise with the City of Gosnells in respect of the contribution requirements and payment arrangement the subject of this condition. Should a legal agreement be required to secure the arrangement, the cost involved in preparing and executing the agreement is to be at the proponent's cost.
11. 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 approval are obtained prior to the commencement of any development covered by this approval.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

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

610 Moved Cr J Brown Seconded Cr R Hoffman

That Council approve the application for eight grouped dwellings at 124 (Lot 146) and 126 (Lot 12) Wheatley Street, Gosnells 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. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
3. The submission of a drainage plan, to the satisfaction of the Manager Technical Services, indicating the manner by which stormwater drainage from the proposed building and paved areas is to be piped to the City's drainage system or to compensation/infiltration basins located within the confines of the site. These plans should show gully and manhole locations; pipe sizes, locations and falls; subsoil drainage requirements; all invert levels; falls to paved areas; on-site stormwater compensating devices; proposed connections to the City's system; soakwells (if any); buildings (including floor levels); carparks (including pavement levels) and fill (proposed levels).
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5. A geotechnical report is to be submitted to the satisfaction of the Manager Building Services certifying that the land is physically capable of development, prior to applying for a building licence.
6. All stormwater is to be disposed of by combination of on and off-site disposal. The system shall provide on site storage for a 1 in 5 year frequency storm and connection to the district drainage system. Larger events shall be accommodated by overland flow to the street.
7. Existing crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the Manager Technical Services.

8. The common property accessway being constructed and drained at the proponent's cost to the specifications and satisfaction of the Manager Technical Services.
9. Bin pads for the placement of mobile garbage bins are to be constructed in a location to the satisfaction of the Manager Engineering Operations prior to occupancy of the dwellings. Amended plans are to be submitted for approval by that officer indicating the location of the bin pads prior to the issue of a Building Licence.
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11. Lots 146 and 12 are to be amalgamated onto a single lot on a Certificate of Title prior to the issue of a building licence.
12. All waste and rubbish produced on-site as a result of subdivisional works should be disposed of to facilities provided for that purpose. No wind-blown waste or rubbish shall leave the development site.
13. All existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Manager Health Services.
14. The site is to be connected to a reticulated sewerage system.
15. Drainage/runoff from the development site shall be directed away from rail reserve.
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 - (ii) The wall must be continuous (no gates) to prevent access to the rail reserve and must be maintained by the owners.
 - (iii) The proponent must contact the Public Transport Authority to obtain safe legal access to the rail reserve for the purpose of constructing the wall and applying the anti-graffiti coating.
17. Notifications being applied to the Certificate(s) of Title to the satisfaction of the Manager Planning Implementation, under Section 70 of the Transfer of Land Act, advising potential owners that the use and enjoyment of the land may be affected by nearby rail operations, prior to the issue of a Building Licence.

18. Arrangements being made to satisfy the requisite developer cost contribution applicable to the land under Town Planning Scheme No. 20 to the satisfaction of the Manager Planning Implementation.

Advice Notes

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3. Boundary walls are to comply with the Building Code of Australia in regards to fire rating.
4. The applicant is advised that in regards to requirement for bin pads set out on Wheatley Street that a minimum of area 16m² is required to be provided, that being 1m² per bin.
5. Prevention of wind blown dust causing a nuisance to adjoining land owners by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with Department of Environment and Conservation "Dust Control Guidelines".
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7. Works shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
8. Any asbestos should be handled, used, removed and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Please contact the Department of Environment to ensure compliance with the removal and transport of asbestos.
9. The applicant is advised that Lots 146 and 12 are required to be amalgamated so as to comply with the requirements of Town Planning Scheme No. 20 for the Residential R40 density.
10. In relation to condition 18, this condition includes the requirement for a contribution towards Scheme Works and the acquisition of land for public open space. The applicant should liaise with the

City of Gosnells in respect of the contribution requirements and payment arrangement the subject of this condition. Should a legal agreement be required to secure the arrangement, the cost involved in preparing and executing the agreement is to be at the proponent's cost.

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

CARRIED 10/0

FOR: *Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.*

AGAINST: *Nil.*

**13.5.6 DEVELOPMENT APPLICATION – MIXED USE: MULTIPLE DWELLINGS/
COMMERCIAL – 6/75 (STRATA LOT 6 - LOT 150) BELMONT ROAD,
KENWICK**

Author: Peter Wright
Reference: 217119
Application No: DA06/02763
Applicant: Brackenridge Architects
Owner: Swan Beach Nominees Pty Ltd
Location: 6/75 Belmont Road, Kenwick
Zoning: MRS: Urban
TPS No. 6: Local Centre
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 983m²
Appendices: 13.5.6A Elevation and Site plans
13.5.6B Site Access Plan

PURPOSE OF REPORT

For Council to consider an application for planning approval for a mixed use development, incorporating 8 apartments and a ground floor commercial tenancy. The application is referred to Council due to the development concessions being sought and objections raised during the advertising period, making determination of the proposal outside the authority delegated to staff.

BACKGROUND**Proposal**

The proposal is for the construction of a four storey mixed use development on Strata Lot 6 of Lot 150 Belmont Road, Kenwick. 180m² of commercial space is proposed on the ground floor, with undercroft parking to the rear. The commercial floorspace may be used for retail or non retail purposes (eg office, consulting rooms) depending on future tenancy arrangements. The first floor is to contain four residential dwellings, the second floor three dwellings and the top floor is to contain a single dwelling, with balconies provided to all dwellings. Access to the dwellings is via an internal stairway at the rear of the commercial component. Existing access between Lot 108 and the common property parking area on Lot 150, through Strata Lot 6, is to remain.

Site Description

The subject land is located within the Kenwick Village shopping centre. Strata Lot 6 is located within the northern portion of Lot 150 and fronts Belmont Road between Kenwick Road and Stretton Way. Public Open Space adjoins the western boundary of the subject site. The southern boundary of Strata Lot 6 adjoins existing commercial tenancies and the common property parking area of Lot 150. Access to the proposed parking areas is provided from the abutting rights of way on the northwest and northeast boundaries of the lot.

The subject site has a slight fall to the northwest and contains buildings associated with a previous use of the site as a Service Station. The tanks from the service station are currently being removed and the existing buildings on the subject site are used for general retail purposes.

Residential zoned land in proximity to the Kenwick Village local centre is characterised by predominately single residential, single storey development. Many of the lots have significant development potential both at the existing density (R17.5) and R30 density proposed under the City's Local Housing Strategy for Kenwick Sub Precinct G.

Zoning and Density

The subject site is zoned Local Centre in the City's Town Planning Scheme No. 6 (TPS 6). 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. The residential component of the proposal has therefore been assessed against the R80 density code which provides for a minimum site area of 125m² per dwelling.

Eight dwelling units with a minimum site area of 125m² per dwelling produce a site area requirement of 1,000m². Strata Lot 6 has a site area of 983m², however clause 3.1.2 A2ii of the R-Codes provides a site area concession for developments abutting public open space and rights of way, which enables the proposal to meet minimum site area requirements.

Consultation

The proposal was advertised for public comment for 14 days in accordance with Council Policy/TPS 6 requirements, during which time 13 submissions were received comprising two submissions of support, nine submissions of objection and two which provided only comment. A summary of these submissions and staff comments thereon are provided in the following Schedule of Submissions.

Schedule of Submissions

1	Name and Postal Address: Carlo Imerito 26 Doongalla Road Attadale WA 6156	Affected Property: 73 (Lot 108) Belmont Road Kenwick
Summary of Submission		Staff Comment
No objection to proposal. Wants the existing access easements maintained.		Noted. The existing reciprocal access easements are to remain. The submitted plans show a slight incursion of the building envelope into the easement adjacent to Belmont Road, however this can be addressed through conditions of approval.

2	Name and Postal Address: Aurelio Used 122 Railway Street Cottesloe WA 6011	Affected Property: 83 (Lot 25) Belmont Road Kenwick
Summary of Submission		Staff Comment
No objection to proposal. Believes this proposal will enhance and change Kenwick for the better.		Noted. Agreed.

3	Name and Postal Address: Jeffrey Digwood PO Box 426 Armadale WA 6992	Affected Property: Unit 2/ 75 (Lot 150) Belmont Road Unit 6/ 73 (Lot 108) Belmont Road Unit 7/ 73 (Lot 108) Belmont Road Kenwick
Summary of Submission		Staff Comment
<p>Objection to proposal.</p> <p>3.1 The undercover residents parking area is unsecured creating the potential for illegal activities.</p> <p>3.2 Vehicles accessing the undercover parking will conflict with commercial traffic in the right of way.</p> <p>3.3 The number of parking bays for shoppers is to be reduced and the number of parking bays allocated to the dwellings is inadequate.</p>		<p>Noted.</p> <p>Reciprocal parking between the common property on Lot 150 and subject Strata Lot 6 will be maintained. Therefore, securing the parking area and subsequently restricting access is not practical.</p> <p>Adequate security lighting of the parking area is recommended as a condition of approval. See also Urban Design section later in this report.</p> <p>Commercial vehicles will generally park to load or unload goods in the middle of the right of way at the rear of existing shops. Vehicles accessing the undercover parking area will use the entrances at either end of the right of way or the common property parking area. Whilst there is potential for some conflict between commercial vehicles and private vehicles accessing the undercover parking, Council staff consider the likelihood of this arising to be minimal. See also Access and Easements section later in this report.</p> <p>The number of bays available to customers of existing shops will not be reduced. Parking provision for the proposed commercial space meets TPS 6 retail parking requirements. Parking for the residential component meets the requirements of the Acceptable Development provisions of the R-Codes.</p> <p>Access to parking bays between Strata Lot 6 and the parking bays on the common property of Lot 150 is to be maintained.</p>

4	Name and Postal Address: Malcolm Ward 10 Roscrea Close Waterford WA 6107	Affected Property: 67 (Lot 9) Belmont Road Kenwick
Summary of Submission		Staff Comment
<p>Objection to proposal.</p> <p>4.1 The undercover parking area is not secure, creating the opportunity for crime.</p>		<p>Noted.</p> <p>See staff response to submission 3.1.</p>

Summary of Submission	Staff Comment
<p>4.2 Residents of the proposed dwellings when accessing the parking will conflict with Commercial vehicles using the right of way on the southern boundary of Lot 108</p> <p>4.3 Residents of the proposed dwellings and their visitors will use shopping centre carbays to the detriment of customers.</p> <p>4.4 The nature and operating hours of the shopping centre will create disturbance to future residents of the dwellings and thereby create a requirement for the restriction of retail operations.</p>	<p>See staff response to submission 3.2.</p> <p>There is one carbay proposed for each residential dwelling. Use of the carparking bays by residents and their visitors is expected to be most in demand outside normal retail hours, allowing residents to park in vacant commercial bays in addition to their individual allocated bays. Use of onsite commercial parking for residential purposes outside normal business hours is consistent with the Acceptable Development provisions of the R-Codes.</p> <p>Most of the businesses within the shopping centre do not operate outside normal business hours. The supermarket, restaurant, bottleshop and laundromat operate outside normal business hours, however these businesses are not anticipated to significantly affect the noise amenity of future residents.</p> <p>Council staff consider there is a different level of expectation of amenity by residents of high density (R80) mixed use development when compared to low density residential areas. In the context of the subject development, staff consider the impact of commercial operations on the amenity of future residents to not be excessive. Regardless, if the proposal is approved a condition could be imposed requiring a notification to be placed on the certificate(s) of title, advising prospective residents of the possible impacts of commercial development on the site.</p>

5	Name and Postal Address: Tien Dung Le Shops 3 and 4, 73 Belmont Road Kenwick WA 6107	Affected Property: 73 (Lot 108) Belmont Road Kenwick
Summary of Submission		Staff Comment
Objection to proposal.		Noted.

6	Name and Postal Address: John Spanos 73 Streatley Road Lathlain WA 6100	Affected Property: 67 (Lot 9) Belmont Road Kenwick
Summary of Submission		Staff Comment
Objection to proposal. 6.1 There is an oversupply of commercial space in the area.		Noted. The City's draft Local Commercial Strategy (LCS) (1999) identifies a 500m ² expansion of retail floorspace for the Kenwick Village local centre above the existing level of 1,138m ² . The current proposal allows for a potential increase of 180m ² retail floorspace. The proposed development is therefore within the LCS allocation for this centre. Future increases in the local population, anticipated as an outcome of density increases associated with the City's Local Housing Strategy is expected to increase demand for commercial floorspace at the centre.

Summary of Submission	Staff Comment
6.2 Supports the residential component.	The removal of the existing service station buildings will result in a net reduction in commercial floorspace of 21m ² . Noted.

7	Name and Postal Address: Debra Bridge 44 Shere Street Kenwick WA 6107	Affected Property: 44 (Lot 107) Shere Street Kenwick
Summary of Submission	Staff Comment	
Objection to proposal.	Noted.	

8	Name and Postal Address: Lynette Nash Shop 1 Corner Kenwick and Belmont Roads Kenwick WA 6107	Affected Property: 67 (Lot 9) Belmont Road Kenwick
Summary of Submission	Staff Comment	
Objection to proposal. Opposes any high rise.	Noted. There are no policy or TPS 6 controls limiting overall building height. Council has approved several three storey developments in the recent past. The proposed three storey plus loft residential building complies with the privacy and overshadowing provisions of the R-Codes. Whilst not matching existing built form, the building will produce new and diverse commercial and residential options not previously available in the area. Staff consider that the height of the proposal will add to the variety and availability of housing options in the area. This matter is further addressed within the Urban Design section later in this report.	

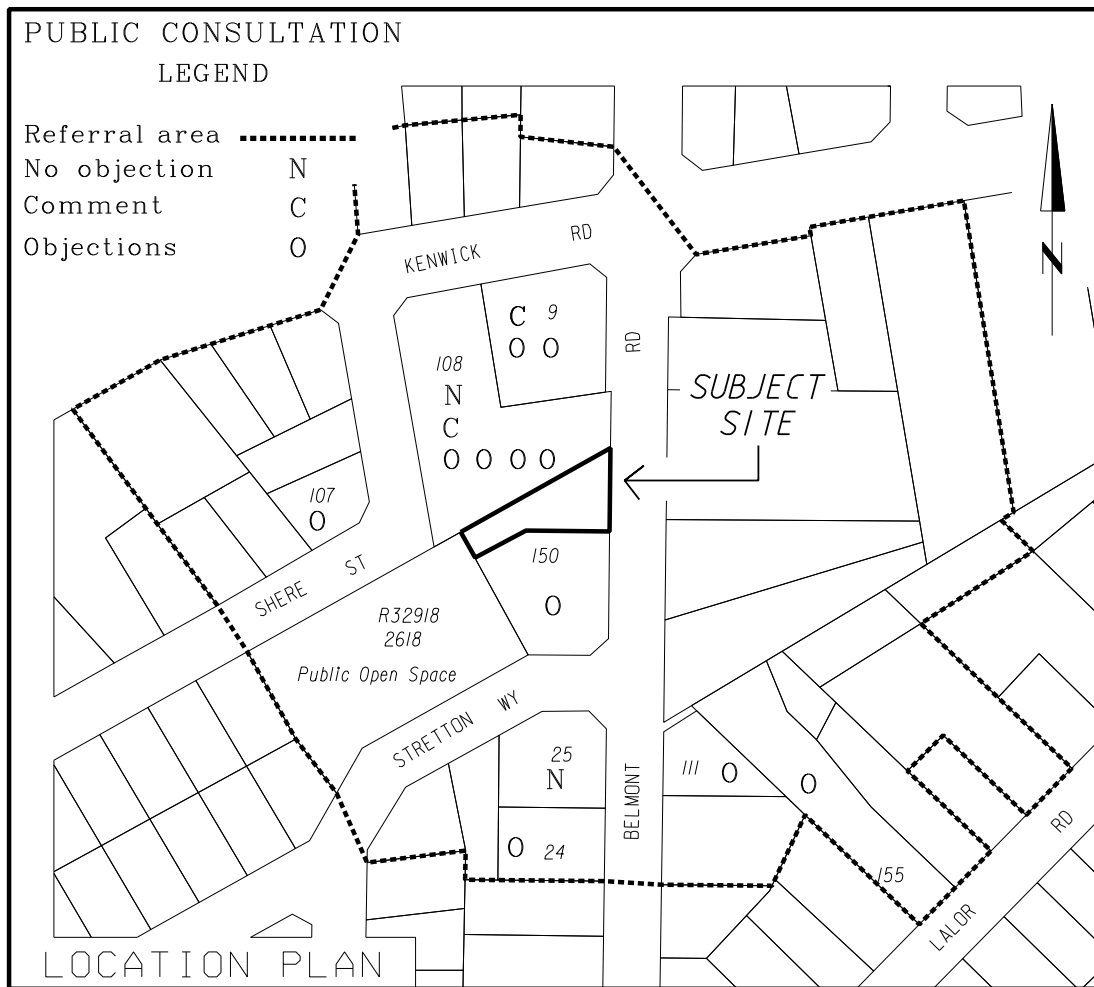
9	Name and Postal Address: Gail Brown 90 Belmont Road Kenwick WA 6107	Affected Property: 90 (Lot 111) Belmont Road Kenwick
Summary of Submission	Staff Comment	
Objection to proposal. 9.1 Will impact on the privacy of surrounding properties. 9.2 Inappropriate building for the area.	Noted. The development meets the provisions of the R-Codes in respect to privacy. The nearest residential dwelling is approximately 30m to the east opposite the subject site. Any overlooking of residential premises is considered to be at a sufficient distance to maintain adequate privacy. Mixed use development is considered to be highly appropriate within a local centre. The subject proposal has the potential to act as a catalyst for revitalisation of the area. The issue of building height is discussed further within the Urban Design section later in this report.	

10	Name and Postal Address: H. Todd 89 Belmont Road Kenwick WA 6107	Affected Property: 89 (Lot 24) Belmont Road Kenwick
Summary of Submission		Staff Comment
Objection to proposal.		Noted.

11	Name and Postal Address: Norman Richards 43 Lalor Road Kenwick WA 6107	Affected Property: 43 (Lot 155) Lalor Road Kenwick
Summary of Submission		Staff Comment
Objection to proposal.		Noted.
11.1 The increase in parking bays will generate greater traffic volumes on adjacent roads.		The increase in parking bays is directly related to parking requirements for the development. It is anticipated any increase in traffic generated through the commercial component of the development will be minimal and within the capability of the adjoining roads to accommodate. The prior use of the subject site as a service station would arguably have produced a higher degree of traffic movement.
11.2 There is insufficient access and egress to accommodate the traffic generated from the increased parking bays.		The previous use of the site as a service station would have produced a high degree of traffic movement through the access and egress points. It is anticipated the proposed development will produce less traffic movement at any one time than the previous use, therefore the existing access and egress is expected to be adequate.
11.3 Concerned that the development may be of tilt up construction and may not be aesthetically pleasing.		The method of construction does not necessarily reflect aesthetic acceptability of the development. To aid in addressing this concern staff recommend that a condition be imposed on any approval granted requiring separate approval of the external finishes and colour schemes.
11.4 Concerned that infrastructure, such as litter bins, may be inadequate for this development.		The bin area for the development complies with TPS 6 and the R-Codes. Infrastructure such as litter bins for the commercial component are to be supplied as appropriate to the particular type of business and would be more appropriately addressed at the Building Licence stage.

12	Name and Postal Address: John Phillips 5/ 73 Belmont Road Kenwick WA 6107	Affected Property: 73 (Lot 108) Belmont Road Kenwick
Summary of Submission		Staff Comment
Comment on proposal.		Noted.
Concerned about potential conflict between commercial vehicles using the right of way and vehicles accessing the parking at the development.		See staff response to submission 3.2.

13	Name and Postal Address: Lyn Hoskin Shop 7 Kenwick Village Shopping Centre Kenwick Road Kenwick WA 6107	Affected Property: 67 (Lot 9) Belmont Road Kenwick
Summary of Submission		Staff Comment
Comment on proposal. Concerned there is an oversupply of retail space in the area.		Noted. See staff response to submission 6.1.



DISCUSSION

The proposal has been assessed against and complies with all relevant provisions of TPS 6, the Residential Design Codes (R-Codes) and City Policies, with the exception of those discussed in this section.

Town Planning Scheme No. 6

	TPS Clause Requirements	Assessment/Comment
1.	Clause 4.3.3(a) - A change in the use of land from one use to another is permitted if the local government has exercised its discretion by granting planning approval.	<p>The application is for the development of 8 multiple dwellings and 180m² of commercial space. The applicant has not confirmed the specific land uses for the commercial component of the development. Due to this lack of certainty a flexible approach is required. Should Council approve the subject application, it is recommended that a condition be imposed that clearly delineates a number of uses that are permitted in the proposed commercial tenancy without the need for further planning approval. It is considered that such uses would be limited to the following:</p> <p>Consulting Rooms, Convenience Store, Medical Centre, Office and Shop.</p> <p>All of the abovementioned uses are listed as either "P" (permitted) or "D" (discretionary) uses within the Local Centre zone and are considered appropriate to be located within the commercial component of the proposed mixed use development. Other commercial uses permissible under TPS 6 in the Local Centre zone would be subject to separate planning approval.</p>
2.	Clause 5.8.4(b)(ii) – Where an application for planning approval proposes residential uses to be developed in conjunction with commercial uses, Council will require all necessary rubbish bin areas, letterboxes, drying areas and similar facilities and services to be clearly separated between the residential and commercial uses.	<p>A separate rubbish bin area is to be provided, however no provision has been made for letterboxes or drying areas. Discussion regarding drying areas is included in the Residential Design Codes assessment table later in this report. With regard to letterboxes, no information has been supplied by the applicant although a condition can easily be imposed on any approval granted, requiring such details to be provided.</p>

Residential Design Codes (R-Codes)

The R-Codes include Acceptable Development Criteria (prefixed by "A") and Performance Criteria (prefixed by "P"). Applications not complying with the Acceptable Development Criteria can be assessed against relevant Performance Criteria, however it should be noted that Council has discretion to accept or reject a proposal's compliance with the relevant Performance Criteria as prescribed by the Codes. Furthermore, clause 5.8.4(d) of Town Planning No. 6 allows Council to vary any provision of the Residential Design Codes (in respect of proposed residential development within a commercial zone) it deems necessary to achieve a suitable standard of development.

Assessment against the related Performance Criteria for these matters is guided by Council’s Residential Development Policy 6.2.1.1, which prescribes:

- “• *Standards used to determine whether certain Performance Criteria are met (column B).*
- *Standards of development that the City considers to be unacceptable (column C).”*

Proposals that fall outside column B standards but do not meet the standards listed in column C require advertising for public comment, which has occurred in this instance, as outlined earlier in this report.

Assessment of the proposal against the relevant R-Codes Acceptable Development provisions, the related Performance Criteria and the provisions of Policy 6.2.1.1 are detailed below.

R-Code Clause/Requirement		Assessment/Comment
1.	<p>3.3.1 Buildings Set Back from the Boundary</p> <p>A1i Buildings set back in accordance with Figure 2 and Figure 3 (for wall heights in excess of 10m)</p> <p>P1 Buildings set back from the boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • Provide adequate direct sun and ventilation to the building; • Ensure adequate direct sun and ventilation being available to adjoining properties; • Provide adequate direct sun to the building and appurtenant open spaces; • Assist with protection of access to direct sun for adjoining properties; • Assist in ameliorating the impacts of building bulk on adjoining properties; and • Assist in protecting privacy between adjoining properties. <p>Policy 6.2.1.1</p> <p>Col B - Buildings setback in accordance with Acceptable Development provisions of 3.4, 3.7, 3.8 and 3.9.</p>	<p>Based on the provisions of Figure 2 and Figure 3 of the R-Codes, the proposed building is required to be setback up to 8m from the southern and northern boundaries, however the setback averages approximately 4.5m on the southern boundary and approximately 5m on the northern boundary.</p> <p>The reduced setback does not restrict access to direct sun or ventilation for the building. There is some overshadowing of adjoining buildings to the south of the development, however the development complies with overshadowing Clause 3.9 of the R-Codes. There would only be a minor enhancement of direct sun through any increase in the setback.</p> <p>The reduced setback allows the building to be more sympathetically designed to suit the difficult triangular shaped lot. The resulting improvement in the aesthetic appearance of the building aids in ameliorating the impact of the building’s bulk.</p> <p>As there are no adjoining or adjacent residential buildings, privacy is not compromised.</p> <p>The building is setback in accordance with Acceptable Development provisions of 3.4, 3.8 and 3.9. The building does not comply with Acceptable Development provision 3.7 relating to Building Height.</p>

	R-Code Clause/Requirement	Assessment/Comment
	<p>Col C - Development which does not comply with Acceptable Development provisions of 3.4, 3.7, 3.8 and 3.9 and the cumulative effects of variations to these provisions are considered to represent overdevelopment.</p>	<p>The only non compliance is with Acceptable Development provision 3.7. As there is only one non-compliant provision, staff do not consider the variation to represent overdevelopment of the site.</p> <p>It is therefore open to Council to consider the standards of Column C have not been met and approve the variation sought.</p>
<p>2.</p>	<p>3.3.1 Buildings Set Back from the Boundary</p> <p>A1ii Unenclosed balconies access for use as outdoor living areas, whether roofed or not, if elevated 0.5m or more above natural ground level, set back as though they were major openings to habitable rooms with a wall height of 2.4m above their floor level.</p> <p>P1 Buildings set back from the boundaries other than street boundaries so as to:</p> <ul style="list-style-type: none"> • Provide adequate direct sun and ventilation to the building; • Ensure adequate direct sun and ventilation being available to adjoining properties; • Provide adequate direct sun to the building and appurtenant open spaces; • Assist with protection of access to direct sun for adjoining properties; • Assist in ameliorating the impacts of building bulk on adjoining properties; and • Assist in protecting privacy between adjoining properties. <p>Policy 6.2.1.1</p> <p>Col B - Buildings setback in accordance with Acceptable Development provisions of 3.4, 3.7, 3.8 and 3.9.</p> <p>Col C - Development which does not comply with Acceptable Development provisions of 3.4, 3.7, 3.8 and 3.9 and the cumulative effects of variations to these provisions are considered to represent overdevelopment.</p>	<p>The balconies for the dwellings on the southeast side of the second and third storeys are 0.3m from the boundary at their closest point, therefore the proposal does not comply with Acceptable Development provision A1ii.</p> <p>The balconies provide ventilation and natural light for the dwellings. The location of the balconies does not compromise the provision of direct sun or ventilation for adjoining buildings or open spaces. As the subject balconies are positioned to face the adjacent park, they assist in enhancing amenity and security by providing views and passive surveillance over the public open space. No residential buildings are in the immediate vicinity, therefore privacy is not compromised.</p> <p>The proposed balconies are setback in accordance with Acceptable Development provisions of 3.4, 3.7, 3.8 and 3.9 and therefore comply with the relevant Performance Criteria.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B</p>
<p>3.</p>	<p>3.5.3 Design of Parking Spaces</p> <p>A3.4 Car parking areas with six or more spaces to be provided with landscape planting in accordance with A5 of Element 4.</p>	<p>Acceptable Development provision A5 of Element 4 requires “landscaping between each six consecutive parking spaces” and “lighting to pathways and carparking areas”.</p>

	R-Code Clause/Requirement	Assessment/Comment
		<p>The eleven undercover parking bays are configured in a way the does not result in more than six consecutive parking spaces in a row. The landscaping requirement is therefore not applicable, particularly as the parking is undercover.</p>
		<p>The requirement for lighting to pathways and carparking areas can be imposed as a condition of approval. On this basis the proposed development complies with the Acceptable Development provision and therefore does not require assessment under the Performance Criteria or Policy 6.2.1.1</p>
<p>4.</p>	<p>3.5.5 Pedestrian Access</p> <p>A5.3 A communal accessway to be no closer than 3m to a wall with a major opening unless screened.</p> <p>P5 Provision of safe and comfortable access for pedestrians between communal car parking areas or public streets and individual dwellings.</p>	<p>Proposed driveways are to be located directly adjacent to the north, east and south walls of the building (which contain major openings), with no screening provided. Additionally the dwellings on the west side of the first and second floors have windows opening onto the internal pedestrian accessway. There are no details regarding the dimensions of the windows opening onto this accessway, therefore staff are unable to determine if they are major openings. As a consequence the walls adjacent to the driveways do not comply with Acceptable Development Provision A5.3 and the walls facing the internal pedestrian accessway may not comply.</p> <p><u>External Walls</u></p> <p>The major openings in the external walls are a minimum of 3.8m above ground level. These openings will effectively provide passive surveillance of the communal accessways, thus resulting in a safer environment for users. Additionally, given the height of the openings above ground level, it is not considered that they compromise privacy. It is therefore considered that the Performance Criteria has been satisfied.</p> <p><u>Internal Accessways</u></p> <p>If the windows facing the internal accessway for the units on the western side of the accessway on the first and second floor are of a dimension that is classified as a major opening, then there will be a high level of visual intrusion between the accessway and the respective dwellings. Whilst the increase in passive surveillance of the accessway may increase safety, it is considered that such visual intrusion and the associated decrease in privacy, will not result in a comfortable environment for pedestrians, and will reduce the level of amenity enjoyed by the residents. It is considered therefore that if the windows are major openings the Performance Criteria has not been satisfied.</p> <p>However if, as a condition of approval, windows facing the internal accessway are required to have a sill height of 1.6m, then the windows would not be major openings and therefore</p>

	R-Code Clause/Requirement	Assessment/Comment
		meet the Acceptable Development Criteria.
	<p>Policy 6.2.1.1</p> <p>Col B - Development deemed to comply with 3.5.1 Performance Criteria P1.</p> <p>Col C - Development deemed to not comply with 3.5.1 Performance Criteria P1.</p>	<p>The external walls of the subject proposal comply with Column B standards and are therefore considered to comply with the related Performance Criteria. The standards prescribed in Column B with regard to the internal accessway do not apply to the variation sought to the Acceptable Development provisions 3.5.5(A5.3).</p> <p>The provisions of Column C are not applicable to the external walls as they comply with Column B. The walls of the internal accessway may or may not meet the Performance Criteria, however as detailed above, requiring a window sill height of 1.6m as a condition of approval will ensure they meet the Acceptable Development provisions.</p>
5.	<p>3.5.5 Pedestrian Access</p> <p>A5.4 Where Multiple Dwellings are served by stairs only, stairs are provided so that for normal access purposes no more than two dwellings at each floor level are served by each staircase.</p> <p>P5 Provision of safe and comfortable access for pedestrians between communal car parking areas or public streets and individual dwellings.</p> <p>Policy 6.2.1.1</p> <p>Col B - Development deemed to comply with 3.5.1 Performance Criteria P1.</p> <p>Col C - Development deemed to not comply with 3.5.1 Performance Criteria P1.</p>	<p>With regard to the residential component of the development, each floor is proposed to have a single staircase, which on the first floor serves four dwellings and on the second floor three dwellings. Therefore, the proposal does not comply with Acceptable Development Provision A5.4.</p> <p>Given that the entry door for each proposed dwelling is no more than 9m from a staircase, it is considered that safe and comfortable access for pedestrians will be provided. If additional staircases were provided, it would have a significant effect on the overall design of the building and staff do not consider it would make pedestrian access on the site safer or more comfortable.</p> <p>It is therefore considered that the Performance Criteria has been satisfied.</p> <p>The subject proposal complies with Column B standards and is therefore considered to comply with the related Performance Criteria.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B</p>
6.	<p>3.7.1 Building Height</p> <p>A1.1 Buildings which comply with Table 3 for Category B area buildings, except where otherwise stated in a Local Planning Policy or equivalent.</p> <p>The height restrictions are as follows:</p> <ul style="list-style-type: none"> • Top of external wall (roof above): 6m • Top of external wall (concealed roof): 7m • Top of pitched roof: 9m 	<p>The proposed development incorporates an external wall (concealed roof) height of 12.5m. Therefore the proposal does not comply with 3.7.1 Acceptable Development Provision A1.1</p>

	R-Code Clause/Requirement	Assessment/Comment
	<p>P1 Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:</p> <ul style="list-style-type: none"> • Adequate direct sun to buildings and appurtenant open spaces; • Adequate daylight to major openings to habitable rooms; and • Access to views of significance. <p>Policy 6.2.1.1</p> <p>Col B - Acceptable Development provisions of Elements 2, 3, 4, 8 and 9.</p> <p>Col C - Variations to Acceptable Development provisions of Elements 2, 3, 4, 8 and 9.</p>	<p>It is open to Council to determine the desirability of the height of buildings within the locality. The proposal complies with Acceptable Development provisions for solar access and given there is no residential development on the remainder of Lot 150, no residential amenity will be affected. In addition, it is not considered that any of the surrounding lots have access to any views of significance that would be jeopardized by the proposed development.</p> <p>As detailed above, the application does not comply with the Acceptable Development Provisions of Element 3.</p> <p>The subject proposal meets Column C (unacceptable) standards, however, staff consider it appropriate to grant a variation to the Residential Development Policy for the following reasons:</p> <ul style="list-style-type: none"> • The proposal represents an exceptional circumstance insofar as it incorporates a highly desirable (mixed use) development in an area in need of revitalisation. As such it is anticipated the development may encourage further redevelopment of the area. A flexible approach to building height control is therefore considered reasonable. • As detailed above, the proposed building does not affect residential amenity, nor will it inhibit any access to views of significance. • The fourth storey dwelling (loft) is setback from the building's edge to reduce the visual impact of the building's bulk.
7.	<p>3.10.3 Essential Facilities</p> <p>A3.1 An enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5m with an internal area of at least 4m², for each Grouped or Multiple Dwelling.</p> <p>P3 Provision made for external storage, rubbish collection/storage areas, and clothes-drying areas that is:</p> <ul style="list-style-type: none"> • adequate for the needs of residents; and • without detriment to the amenity of the locality. 	<p>The application proposes 8 storerooms of varying sizes for the dwellings, all of which are less than 4m². Therefore the development does not comply with Acceptable Development Provision A1</p> <p>The proposed storerooms will provide sufficient storage space for a variety of domestic goods, and are considered to be adequate for the needs of future residents. Given that the storerooms will not be visible from the street, it is considered that they will not have any detrimental impact on the amenity of the locality. It is therefore considered that the Performance Criteria has been satisfied.</p>

	R-Code Clause/Requirement	Assessment/Comment
	<p>Policy 6.2.1.1</p> <p>Col B - For a Multiple Dwelling:</p> <p>i) Storage space within each dwelling; or</p> <p>ii) Communal storage space available for sole use of residents of the dwellings; and</p> <p>iii) Provision for rubbish bins that meet Acceptable Development provision 3.10.3 A3.2.</p> <p>Col C - Development deemed to not comply with 3.10.3 Performance Criteria P3 or the related standards set out in Column B.</p>	<p>The subject proposal complies with Column B standards and is therefore considered to comply with the related Performance Criteria.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B.</p>
8.	<p>3.10.3 Essential Facilities</p> <p>A3.3 Multiple Dwelling developments:</p> <ul style="list-style-type: none"> • Provided with an adequate area set aside for clothes-drying, screened from view from the primary or secondary street: or • Clothes drying facilities screened from public view provided for each Multiple Dwelling. <p>P3 Provision made for external storage, rubbish collection/storage areas, and clothes-drying areas that is:</p> <ul style="list-style-type: none"> • Adequate for the needs of residents; and • Without detriment to the amenity of the locality. <p>Policy 6.2.1.1</p> <p>Col B - For a Multiple Dwelling:</p> <p>i) Storage space within each dwelling; or</p> <p>ii) Communal storage space available for sole use of residents of the dwellings; and</p> <p>iii) Provision for rubbish bins that meet Acceptable Development provision 3.10.3 A3.2.</p> <p>Col C - Development deemed to not comply with 3.10.3 Performance Criteria P3 or the related standards set out in Column B.</p>	<p>There are no clothes drying areas or facilities proposed for the residential component of the development. Therefore the application does not comply with Acceptable Development Provision A3.3</p> <p>Given that the application does not propose any clothes drying areas for the residential component of the development, it is considered that the Performance Criteria has not been satisfied.</p> <p>The standards prescribed in Column B do not apply to the variation sought to the Acceptable Development provisions 3.10.3(A3.3).</p> <p>The subject proposal meets Column C (unacceptable) standards and therefore does not comply with the relevant Performance Criteria.</p> <p>It is considered, however, that compliance can be achieved by the imposition of a condition requiring each dwelling to be provided with its own in-built clothes drying machine. This option is considered appropriate as it would represent a more economical use of space on the site and will in no way impact on the streetscape.</p>

R-Code Clause/Requirement		Assessment/Comment
9	<p>4.2.1 Dwellings in a Mixed-Use Development</p> <p>A1 The dwelling component of a mixed-use building developed in accordance with the following:</p> <p>iii. Boundary setbacks other than street setback – as in Table 1</p> <p>P1 Dwellings combined with non-residential uses on the same site that provide comparable standards of amenity to other Multiple Dwellings taking account of the need to:</p> <ul style="list-style-type: none"> • Satisfy streetscape objectives; • Provide open space in accordance with resident needs; and • Provide car parking to satisfy reciprocal requirements of residents and other users. <p>Policy 6.2.1.1</p> <p>Col B - Development deemed to comply with 4.2.1 Performance Criteria P1.</p> <p>Col C - Development deemed to not comply with 4.2.1 Performance Criteria P1.</p>	<p>Table 1 requires the setback from side and rear boundaries to be in accordance with Table 2, Figure 3 and Element 3. Based on the provisions of Figure 3 of the R-Codes, the proposed building is required to be setback up to 8m from the southern and northern boundaries, however the setback averages approximately 4.5m on the southern boundary and approximately 5m on the northern boundary.</p> <p>Whilst the building is not the same as the existing streetscape, staff consider it to be complementary to the streetscape in the surrounding area. Being a new building it is considered this development will enhance a streetscape in need of revitalisation and therefore be a positive contribution to the area. Staff consider the proposal satisfies streetscape objectives by providing an interesting and pedestrian friendly building incorporating contemporary urban design elements.</p> <p>Open space provision and car parking comply with the Acceptable Development provisions of the R-Codes and when combined with the enhancement of the streetscape, it is considered that the setbacks are acceptable in a Local Centre zone, particularly as this development could set a desirable precedent for future development in the area.</p> <p>It is therefore considered that the Performance Criteria has been satisfied.</p> <p>The subject proposal complies with Column B standards and is therefore considered to comply with the related Performance Criteria.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B.</p>
10	<p>4.2.1 Dwellings in a Mixed-Use Development</p> <p>A1 The dwelling component of a mixed-use building developed in accordance</p> <p>iii. Walls on the boundary for 2/3 of the boundary behind the street setback up to 6m height</p> <p>P1 Dwellings combined with non-residential uses on the same site that provide comparable standards of amenity to other Multiple Dwellings taking account of the need to:</p> <ul style="list-style-type: none"> • Satisfy streetscape objectives; • Provide open space in accordance with resident needs; and • Provide car parking to satisfy reciprocal requirements of residents and other users. 	<p>It is proposed for a wall on the southern boundary to be 10.6m high. Therefore the application does not comply with Acceptable Development Provision A1</p> <p>The proposed boundary wall will assist in satisfying streetscape objectives insofar as it assists in providing a covered parking area to the rear of the lot. The wall is above an existing parapet wall and is not expected to affect the amenity of adjacent commercial premises or residential amenity in the surrounding area. The proposed boundary wall will aid in optimising use of space on this awkwardly shaped site without affecting the streetscape.</p>

	R-Code Clause/Requirement	Assessment/Comment
	<p>Policy 6.2.1.1</p> <p>Col B - Development deemed to comply with 4.2.1 Performance Criteria P1.</p> <p>Col C - Development deemed to not comply with 4.2.1 Performance Criteria P1.</p>	<p>The subject proposal complies with Column B standards and is therefore considered to comply with the related Performance Criteria.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B.</p>
11.	<p>4.2.1 Dwellings in a Mixed-Use Development</p> <p>A1 The dwelling component of a mixed-use building developed in accordance with the following:</p> <p>iii. Plot ratio – as provided in Table 1, in addition to any ground level non-residential floor space.</p> <p>Relative to the above, the Plot Ratio applicable to the subject site is 1.00. For the purpose of the R-Codes, plot ratio is the ratio of the gross total of the area of all floors of the buildings on a site to the area of land within the site boundaries.</p> <p>P1 Dwellings combined with non-residential uses on the same site that provide comparable standards of amenity to other Multiple Dwellings taking account of the need to:</p> <ul style="list-style-type: none"> • Satisfy streetscape objectives; • Provide open space in accordance with resident needs; and • Provide car parking to satisfy reciprocal requirements of residents and other users. <p>Policy 6.2.1.1</p> <p>Col B - Development deemed to comply with 4.2.1 Performance Criteria P1.</p> <p>Col C - Development deemed to not comply with 4.2.1 Performance Criteria P1.</p>	<p>The proposed development has a plot ratio of 1.16 and therefore does not comply with Acceptable Development Provision A1</p> <p>With regard to the proposed variation to the plot ratio requirement, it should be noted that the non-compliance is due to the fourth storey or “loft”. This loft increases the variety of housing options available in the area and being setback from the building’s edge is not detrimental to the visual impact of the building.</p> <p>Notwithstanding the above, the proposed variation to the plot ratio will not have any detrimental impact on the streetscape, open space provision or carparking provision. It is therefore considered that the Performance Criteria has been satisfied.</p> <p>The subject proposal complies with Column B standards and is therefore considered to comply with the related Performance Criteria.</p> <p>The provisions of Column C are not applicable in this instance as the subject proposal complies with the standards prescribed in Column B.</p>

Access and Easements

The proposed development generates the need for 20 car parking bays in accordance with TPS 6 and R-Code requirements; however only 18 bays are proposed on Strata Lot 6 as part of the development. Staff are supportive of this number of bays because there is an oversupply of at least two parking bays across the whole of Lot 150 (compared to what is actually required) and this will offset the two bay shortfall resulting from the development on Strata Lot 6.

The oversupply of parking on the remainder of Lot 150 can (in part) be credited to the proposed development on Strata Lot 6 because the parking area on Lot 150 is contained within a common property area (located immediately south of Strata Lot 6) for the use and enjoyment of all Strata Lot tenants. To ensure the same principle is maintained in the proposed development it will be recommended that a condition be imposed, if approved, requiring the proponent to identify which of the 18 parking bays proposed on Strata Lot 6 will be for the exclusive use of residents and which will be for use by the commercial space. The bays that will be available for use by tenants of the commercial space should then be subject of the same reciprocal use parking arrangement for other Strata Lot tenants on Lot 150.

When Strata Lot 6 was developed as a service station, arrangements were in place for motorists to freely travel from Lot 108 (the main shopping centre site), through Strata Lot 6, to the common property parking area on Lot 150. To ensure this arrangement remains in place under the proposed development, staff will recommend that a reciprocal rights of access agreement be entered into as a condition of the proposed development, if approved.

Furthermore, it should be noted that although a Right of Way (ROW) adjoins the northern boundary of Strata Lot 6, this is a private ROW. Vehicles driving to, within and between Lots 108 and 150 can physically use this ROW (because it is not controlled or obstructed) but legally, access from the ROW to Strata Lot 6 is only protected by existing easements near the Belmont Road and Sphere Street ends of the ROW (see Site Access Plan attached as Appendix 13.5.6B). Even if physical access from this ROW to Strata Lot 6 is restricted to just these protected easement areas, vehicles will still be able to access the proposed parking areas on Strata Lot 6 and the communal parking area on Lot 150, from the ROW. Maintaining this arrangement will (technically, but perhaps not physically) minimise any conflict between commercial vehicles using the ROW and vehicles accessing the proposed development on Strata Lot 6. This was raised in some submissions received as an area of concern.

Two supporting columns for the proposed development are within a Water Corporation sewerage easement on the northern boundary of Strata Lot 6. The applicant has had preliminary discussions with officers from the Water Corporation who have indicated that the columns are acceptable. Obtaining approval to build within the Water Corporation easement is the responsibility of the applicant.

Urban Design

Several respondents are concerned regarding the nature of the proposed development, in particular its height and its appropriateness within the area. It is acknowledged that a four storey, mixed use development of contemporary architectural design, within an older, single storey, predominantly single residential area represents a significant change in the built environment. It also though represents a new opportunity to provide a variety of housing in the area, which accords with current urban design philosophy

and which has the potential to catalyse the area's revitalisation; a desired long term strategic objective.

In terms of building height, it is noted that whilst there are no specific policy or TPS 6 restrictions, a three storey outcome has been acceptable elsewhere in the City, with several such buildings approved by Council in recent times. The subject proposal is for a four storey development, however the fourth storey consists of a single dwelling which is setback from and is within the footprint of the other three storeys. This and the building's flat roof will assist in minimising the impact of the building's height. In overall terms the proposed building will be of similar height to a three storey building with a pitched roof as well as being in a commercial zone some distance from the nearest residence.

The R-Codes explicitly recognise that dwellings within mixed use developments are subject to different amenity expectations than dwellings in single residential settings. Advantages of better access to facilities and other lifestyle choices come into play and act to ameliorate perceptions of decreased amenity. For this reason the R-Codes accept that a greater reliance on Performance Criteria is likely to be required for mixed use development. The R-Codes therefore state that standards should not "*...be set too high...so as to discourage the concept of mixed use development*" (R-Codes, page 96).

Since the development application was lodged the Kenwick Enquiry by Design workshop has taken place. Assessment of the proposal by the City's Urban Designer indicates the development is compatible with the aims and outcomes of the workshop. Staff consider that if the Kenwick Enquiry by Design outcomes are implemented, this development will be seen as a catalyst for further development within the Kenwick Village local centre.

Concerns were however raised by the City's Urban Designer that the design of the entrance to the residential component of the development is not sufficiently detailed and as such has the potential to attract anti-social behaviour in the undercover carpark.

Entry to the residential units is to be via a stairway facing the right of way on the abutting Lot 108. The Kenwick Enquiry by Design workshop suggests that the right-of-way could be a linking street between Belmont Road and Shere Street. The proposed entrance will be visible to persons using the right of way, accessing the undercover parking or traversing between Lot 150 and Lot 108. Potentially the entry may eventually front a new street. It is therefore considered the entry will have a major impact on the visual presentation of the development and as such staff recommend that the entry be redesigned as a condition of approval.

Potential antisocial behaviour in the undercover parking area has been mentioned by the City's Urban Designer and respondents to the advertising of the proposal. Staff consider the visually permeable fence on the boundary with the public open space and the after hours use of the parking area by residents, enhances security through passive surveillance, thereby reducing the potential for anti-social behaviour. In the event of approval, security may be further enhanced by imposing, as a condition of approval, the requirement for a lighting plan.

CONCLUSION

The proposed development is considered desirable within the Kenwick Village local centre, as it incorporates both commercial and residential components in a built form that will encourage further regeneration of the area. The proposal will provide housing and lifestyle options that are currently unavailable in the area.

The proposal does seek a number of variations to TPS 6, the R-Codes and the City's Residential Development Policy. It is considered that a flexible application of development standards is required to achieve a suitable standard of mixed use development on the site. It will therefore be recommended that the proposal be approved subject to appropriate conditions as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

611 Moved Cr D Griffiths Seconded Cr B Wiffen

That Council approve the application for planning approval for a mixed use development at 6/75 (Strata Lot 6 - Lot 150) Belmont Road, Kenwick, comprising of 180m² of commercial space and 8 multiple dwellings subject to the following conditions and advice notes:

Conditions

1. The submission of revised plans prior to the issue of a Building Licence that incorporate the following modifications to the satisfaction of the Director Planning and Sustainability:
 - a) The habitable room windows facing the internal accessway on the first and second floors to have a sill height of not less than 1.6m
 - b) The provision of letterbox facilities in accordance with Clause 5.8.4(b)(ii) of Town Planning Scheme No. 6.
 - c) Detailing the location of bin pads for the placement of residential mobile garbage bins.
 - d) Amendment of the building's northeast elevation so as to not encroach on the access easement in the northeast corner of Strata Lot 6.
 - e) Proposed carparking bays for exclusive residential use to be marked on the plan.

- f) Amendment to and details of the design of the entrance area for the residential component of the building, including the stairs and undercover parking area, to improve security, legibility and appearance of that area.
2. The submission of a drainage plan detailing the manner in which stormwater drainage from the proposed building and paved areas is to be piped to the City's drainage system or to compensation/infiltration basins located within the confines of the site. These plans should show gully and manhole locations; pipe sizes, locations and falls; subsoil drainage requirements; all invert levels; falls to paved areas; on-site stormwater compensating devices; proposed connections to the City's system; soakwells (if any); buildings (including floor levels); carparks (including pavement levels) and fill (proposed levels) prior to the issue of a Building Licence.
 3. A geotechnical report is to be submitted to the satisfaction of the Manager Building Services 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.
 4. Prior to the issue of a Building Licence, an easement in gross is to be granted in favour of the City over the proposed non-residential carparking bays and vehicular access thereto, in order to ensure that the bays are available for use by the general public when accessing the Kenwick Village local centre to the satisfaction of the Manager Planning Implementation. All costs associated with such easement are to be borne by the proponent.
 5. Prior to the issue of a Building Licence, an easement in gross is to be granted in favour of the City for reciprocal vehicular access between Lot 108 and Lot 150 through Strata Lot 6, to the satisfaction of the Manager Planning Implementation. All costs associated with such easement are to be borne by the proponent.
 6. The fuel tanks associated with the previous use of the site as a service station are to be removed to the satisfaction of the Manager Health Services.
 7. A site contamination and water quality investigation is to be undertaken by the applicant to the satisfaction of the Manager Health Services prior to the commencement of any site works.
 8. A landscaping plan for the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the Manager parks and Environmental Operations prior to the issue of a building licence.
 9. Landscaping and reticulation of the adjoining road verges is to be installed prior to occupying the proposed development in

accordance with the approved landscaping plan to the satisfaction of the Manager Parks and Environmental Operations.

10. Landscaping and reticulation of the development site and adjoining road verges is to be maintained by the owner/occupier to the satisfaction of the Manager Parks and Environmental Operations.
11. The applicant is to lodge a development bond or bank guarantee with the City for the sum of \$10,000 to cover the cost of installing landscaping/reticulation and construction of carparking areas/accessways, prior to the issue of a building licence.
12. A plan indicating proposed external finishes and colour schemes is to be submitted and approved to the satisfaction of the Director Planning and Sustainability, prior to the issue of a Building Licence.
13. A lighting plan, which incorporates security lighting of all carparking areas and pedestrian accessways is to be submitted for approval of the Manager Planning Implementation, prior to the issue of a Building Licence.
14. The development shall be in complete accordance with the amended plans required by Condition 1 above and endorsed by the Director Planning and Sustainability.
15. Bin pads for the placement of mobile garbage bins are to be constructed to the satisfaction of the Manager Engineering Operations and Waste Services.
16. Each Multiple Dwelling unit is to be provided with its own clothes drying machine, to the satisfaction of the Manager Planning Implementation.
17. All cut and fill to be retained within the property boundaries by a structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
18. Subject to the soil classification pertaining to the site, drainage is to be designed to accommodate 1 in 20 year frequency event on site. An overflow connection for less frequent high volume storm events is permitted.
19. All existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Manager Health Services.
20. The site is to be connected to a reticulated sewerage system.
21. A minimum of 18 carparking bays are to be provided, prior to the occupation of the building, and maintained to the satisfaction of

the City. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.

22. Arrangements are to be made, to the satisfaction of the Manager Planning Implementation, to ensure that each of the residential dwellings has exclusive use of one (1) car parking bay.
23. Arrangements are to be made, to the satisfaction of the Manager Planning Implementation, to ensure prospective purchasers and tenants of the residential dwellings are aware of the potential for nuisance from adjacent commercial activities and are also aware of the uses permitted in the ground floor commercial space by Condition 25 below, and that the amenity enjoyed by residents may be affected by such uses.
24. All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the City. Roof mounted or flashing signage will not be permitted.
25. This planning approval permits the commercial space to be used for the following land uses individually or in combination (as defined by Town Planning Scheme No. 6) without requiring further planning approval from the City of Gosnells:
 - Consulting rooms
 - Convenience Store
 - Medical Centre
 - Office
 - Shop

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. Your attention is drawn to the requirements of the Building Code of Australia in this regard.
2. The applicant's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
3. A Certificate of Classification is to be applied for and issued by the Manager Building Services prior to any occupation of the building.
4. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia,

a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.

5. The applicant's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
6. Fire and Emergency Services Authority assessment is required prior to approval of a building licence application, in accordance with Building Regulations 1989.
7. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.
8. This approval does not authorise the demolition of the existing buildings on site. A demolition licence must be obtained from the City prior to the removal/demolition of the existing building(s).
9. The applicant's attention is drawn to the following to minimise the impact of development works:
 - i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment.
 - ii) Development work will only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
10. An approved site toilet is to be provided, maintained and serviced in accordance with the Health (Temporary Sanitary Conveniences) Regulations 1997.
11. Any asbestos should be handled, used, removed and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Please contact the Department of Environment to ensure compliance with the removal and transport of asbestos.
12. In relation to Condition 6, the removal of fuel tanks requires the approval of the Department of Environment and Conservation.

13. In relation to Condition 7, the contaminated site study is to be carried out in accordance with Department of Environment and Conservation Guidelines. Any contamination found from existing and previous land use requires a remediation strategy to be included.
14. In relation to Condition 8:
- i) Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
 - ii) The existing trees within the road verge shall not be removed and written permission shall be obtained from the City prior to any earthworks being carried out within four metres of those trees.
 - iii) The developer is advised that the City has a Shade Policy which must be considered as part of the development process.
 - iv) Where deciduous tree plantings are proposed, management measures must be developed to avoid leaf fall being delivered to the stormwater drainage network.
15. In relation to Condition 11, the bond will be returned to the applicant upon completion of the above works in accordance with the approved landscaping plan.
16. 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 approval are obtained prior to the commencement of any development covered by this approval.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.5.7 DEVELOPMENT APPLICATION – NURSING HOME – 141 (LOT 10) WANAPING ROAD AND 353 (LOT 25) BICKLEY ROAD, KENWICK

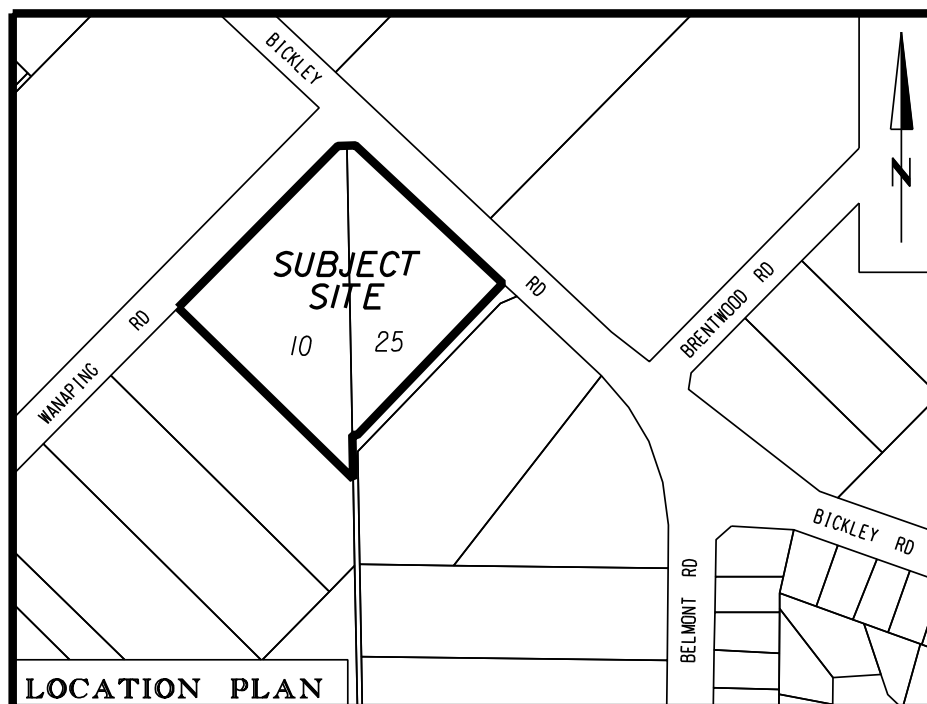
Author: J Kempton
Reference: 223566 : 226232
Application No: DA07/02843
Applicant: Department of Housing and Works
Owner: Department of Housing and Works
Location: Lot 10 Wanaping Road and Lot 25 Bickley Road, Kenwick
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 14,515m²
Previous Ref: Nil
Appendix: Nil

PURPOSE OF REPORT

For Council to provide a response to the Western Australian Planning Commission (WAPC) on an application for planning approval for a Nursing Home at 141 (Lot 10) Wanaping Road and 353 (Lot 25) Bickley Road, Kenwick.

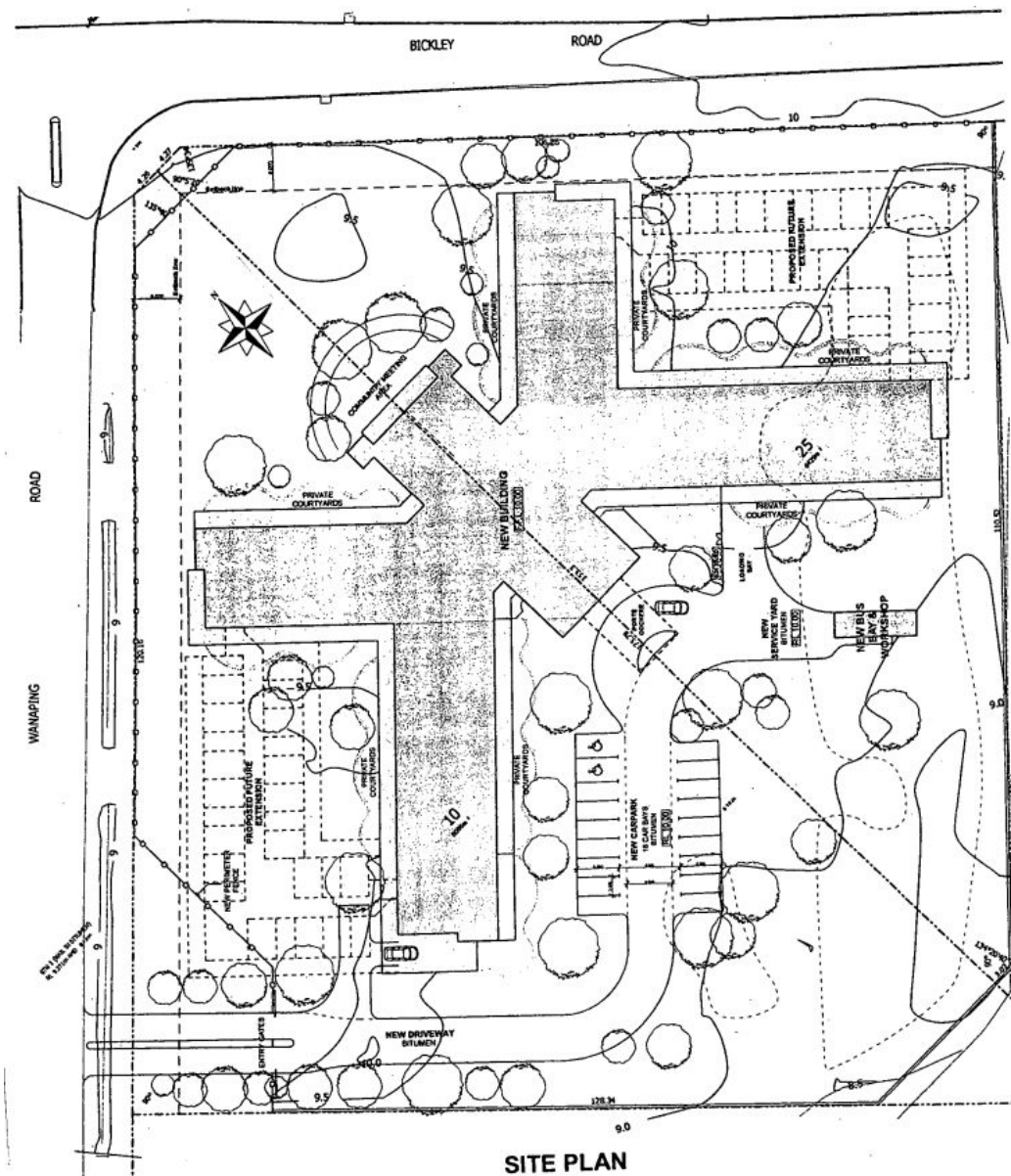
BACKGROUND**Proposal**

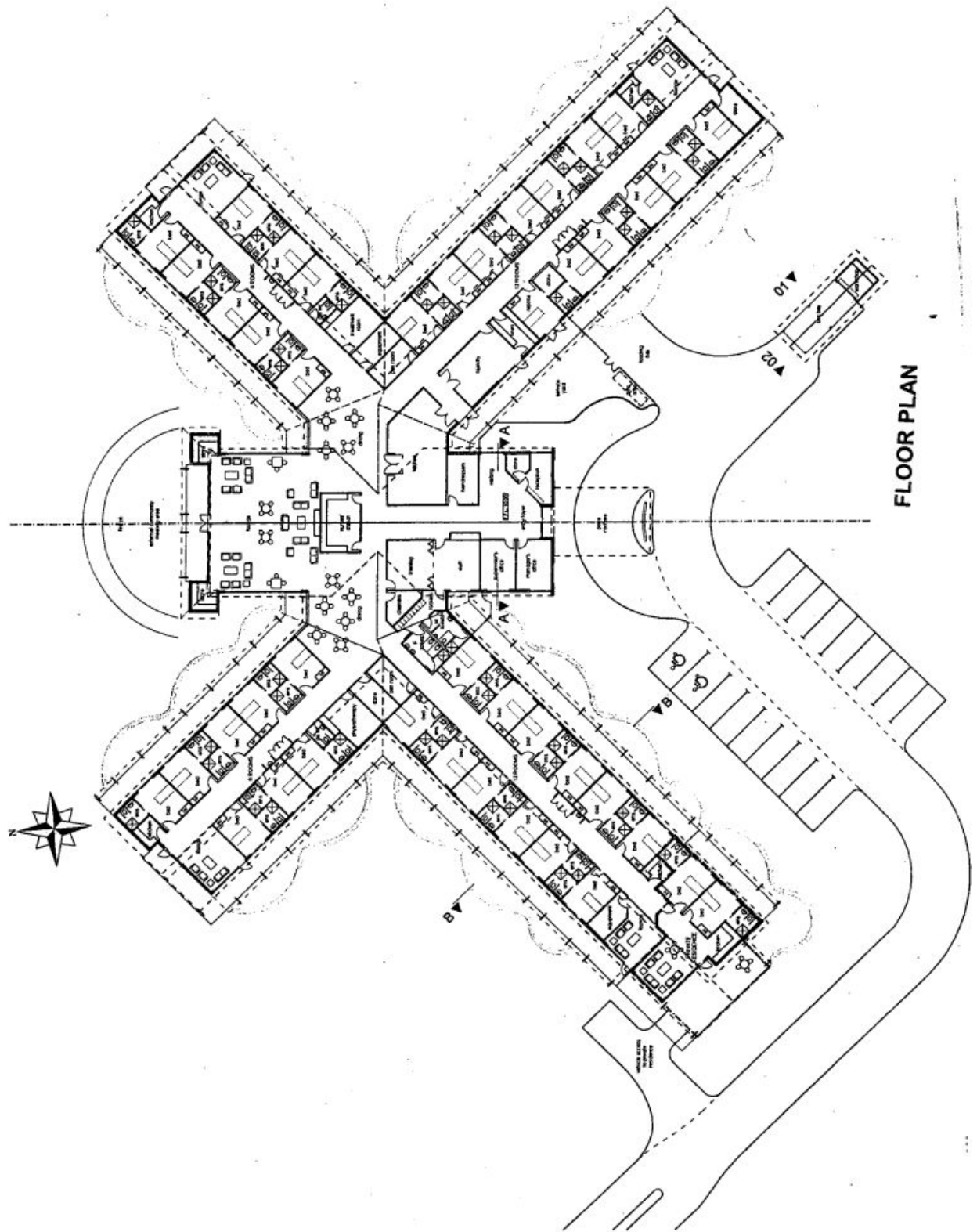
On 24 September 2007 the City received an application for planning approval for a Nursing Home at 141 (Lot 10) Wanaping Road and 353 (Lot 25) Bickley Road, Kenwick from the Department of Housing and Works (DHW).

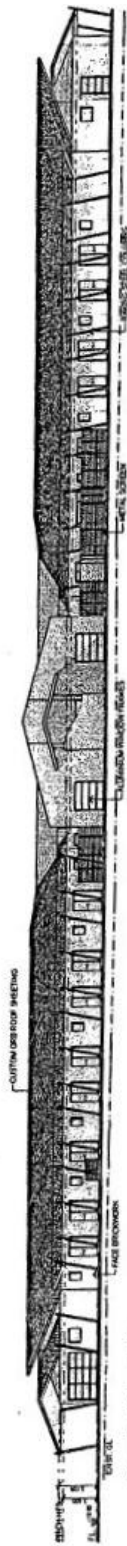


Under the proposal DHW proposed to lease the land to Aboriginal Hostels Limited (AHL) who would develop the site as a nursing home for Noongar Elders. The development is proposed to include:

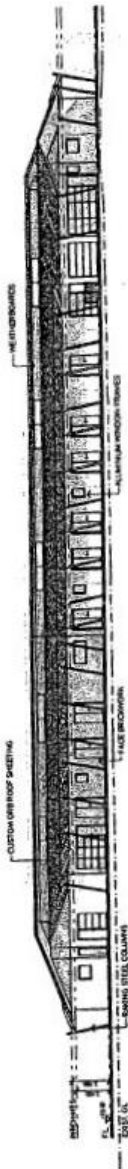
- Single storey development
- Covered walkways
- 42 individual patient rooms
- Kitchen, lounge and dining areas
- Physiotherapy and treatment rooms
- Private courtyards
- Car parking facilities



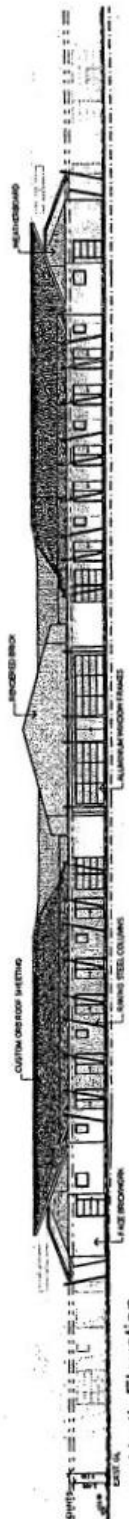




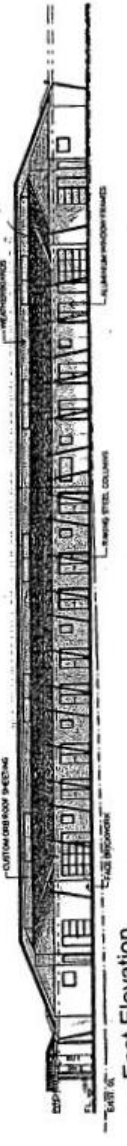
South Elevation



West Elevation



North Elevation



East Elevation

Approval Requirements

Where works are deemed to be 'public works' carried out by a 'public authority' as defined by the Public Works Act 1902 the Western Australian Planning Commission (WAPC) is the determining body not the Local Government Authority.

The Public Works Act provides a definition of public works, which includes a hospital, as defined under the Hospital and Health Service Act 1917.

Under the Hospital and Health Services Act 1927 the definition of Hospital refers to:

“an institution for the reception and treatment of persons suffering from illness or injury, or in need of medical, surgical or dental treatment or assistance, and includes a maternity home, or maternity hospital, day hospital facility, nursing home or nursing post.” (emphasis added)

Therefore the proposed development is deemed to be a public work. Consequently, under the Planning and Development Act 2005 DHW is not bound by the requirements of Town Planning Scheme No. 6 (TPS 6) or associated policies in carrying out the development. The Act however does not exempt DHW from the need to obtain planning approval for the proposal under the Metropolitan Region Scheme (MRS) from the WAPC

City's Recommendation to WAPC

The subject sites fall within an area identified by Council on 11 October 2005 (Resolution 448) as requiring an Outline Development Plan (ODP) prior to development or subdivision. This requirement was subsequently incorporated in Council's adopted Planning Implementation Framework for Local Housing Strategy and Large Lot Outline Development Plan (ODP) Areas (Policy 6.4.2.1).

The nursing home proposed did not meet the criteria stipulated in clause 1.10 of the policy for which development could be progressed without the need for an ODP. Therefore staff recommended refusal of the application under delegated authority on 7 November 2007 for the following reason:

1. The subject site is within an area which Council has determined requires an Outline Development Plan (Planning Implementation Framework for Local Housing Strategy and Large Lot Outline Development Plan (ODP) Areas Policy 6.4.2.1) prior to subdivision or development. Approval of this development prior to the adoption of an ODP would be contrary to orderly and proper planning and likely to prejudice future planning of the area. The subject development application is therefore seen as premature at this time.
2. Approval for the subject proposal in the absence of an Outline Development Plan to guide and coordinate development and infrastructure provision would constitute an undesirable precedent.

The City has now been requested by the Department for Planning and Infrastructure (DPI) to recommend conditions of approval in the event that the WAPC approves the proposal. Given this would be inconsistent with Council's Policy 6.4.2.1, it is considered appropriate for Council to be informed of this situation and involved in the setting of any recommended conditions.

Consultation

The proposal has not been advertised for public comment as the City is not required to make a determination on the application and refusal was recommended to the WAPC. However the application has been referred to the Environmental Protection Authority and the Department of Environment and Conservation for comment in regard to the proximity of the development to the Greater Brixton Street Wetlands and due to the subject sites being identified as Resource Enhancement Wetland. At the time of writing this report no response had been received from either agency.

DISCUSSION

As DHW is not bound by the requirements of TPS 6 the application has not been assessed under the Scheme.

An application for amalgamation of the subject sites has been approved by the Western Australian Planning Commission (WAPC Ref 127717) which is valid until 26 July 2008.

It is possible that this development may be approved by the WAPC prior to and without the need for an ODP to be prepared. In the opinion of Council staff this would be contrary to the orderly and proper planning of the area, but could provide some incentive for other landowners or developers to progress an ODP for the remainder of the large lot precinct.

It should be noted that a similar planning scenario recently arose in relation to a Place of Worship on Lot 1526 Leslie Street (corner Southern River Road), Southern River. In that situation Council's adopted Southern River Precinct 3 Planning Framework Policy required preparation of an ODP and Structure Plan prior to development occurring. Staff refused the application on this basis. A subsequent review (appeal) of that decision by the State Administrative Tribunal (SAT) was dismissed by the SAT member, who determined that Council's adopted policy position was reasonable and necessary to ensure the orderly and property planning of the area. The critical difference with the subject application is that the City is not the decision making body. This SAT decision does though provide a strong basis of support for the City's recommended refusal of the nursing home proposal.

CONCLUSION

The proposed development requires determination by the WAPC. Council staff acting under delegated authority recommended refusal of the proposal in accordance with Council policy which requires finalisation of an ODP for the area prior to any development occurring. However given that the WAPC could approve the application, it is recommended that standard conditions and advice notes, as contained in staff Recommendation (2 of 3) be recommended to the WAPC.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION (1 of 2)

Moved Cr W Barrett Seconded Cr L Griffiths

That Council endorse and reiterate the recommendation of refusal to the Western Australian Planning Commission for the proposed Nursing Home at 141 (Lot 10) Wanaping Road and 353 (Lot 25) Bickley Road, Kenwick for the following reasons:

1. The subject site is within an area which Council has determined requires an Outline Development Plan (Planning Implementation Framework for Local Housing Strategy and Large Lot Outline Development Plan (ODP) Areas Policy 6.4.2.1) prior to subdivision or development. Approval of this development prior to the adoption of an ODP would be contrary to orderly and proper planning and likely to prejudice future planning of the area. The subject development application is therefore seen as premature at this time.
2. Approval for the subject proposal in the absence of an Outline Development Plan to guide and coordinate development and infrastructure provision would constitute an undesirable precedent.

STAFF RECOMMENDATION (2 of 2)

Moved Cr W Barrett Seconded Cr L Griffiths

That Council, on a without prejudice basis, recommend to the Western Australian Planning Commission that the following conditions and advice notes be imposed if the Commission approves the proposed Nursing Home at 141 (Lot 10) Wanaping Road and 353 (Lot 25) Bickley Road, Kenwick:

Conditions

1. The submission of a drainage plan, to the satisfaction of the City, indicating the manner by which stormwater drainage from the proposed building and paved areas is to be piped to the City's drainage system or to compensation/infiltration basins located within the confines of the site. These plans should show gully and manhole locations; pipe sizes, locations and falls; subsoil drainage requirements; all invert levels; falls to paved areas; on-site stormwater compensating devices; proposed connections to the City's system; soakwells (if any); buildings (including floor levels); carparks (including pavement levels) and fill (proposed levels).
2. All stormwater is to be disposed of by combination of on and off-site disposal. The system shall provide on site storage for a 1 in 5 year frequency storm and connection to the district drainage system. Larger events shall be accommodated by overland flow to the street.

3. Stormwater is to be disposed of on-site through interconnected soakwells, with an overflow connection to the district drainage system. The system shall be designed to accommodate a 1 in 5 year frequency storm. Larger events shall drain to the street.
4. A geotechnical report is to be submitted to the satisfaction of the City certifying that the land is physically capable of development, prior to applying for a building licence.
5. A geotechnical report is to be submitted to the satisfaction of the City certifying that the land is physically capable of development, prior to applying for a building licence.
6. Existing crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.
7. Lot 10 Wanaping Road and Lot 25 Bickley Road are to be amalgamated onto a single lot on a Certificate of Title prior to the issue of a building licence.
8. All existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Western Australian Planning Commission.
9. The site is to be connected to a reticulated sewerage system.
10. A rubbish bin storage area shall be provided, located and screened from view from all units and the street to the satisfaction of the Manager Planning Implementation.
11. Satisfactory arrangements being made for the development to contribute to the cost contribution arrangement that will apply to the land upon finalisation of an Outline Development Plan for the Schools Precinct, Kenwick.
12. A landscaping plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
13. Landscaping and reticulation of the development site and adjoining road verges is to be installed prior to occupying the proposed development in accordance with the approved landscaping plan to the satisfaction of the Manager Planning Implementation.
14. Landscaping and reticulation of the development site and adjoining road verges is to be maintained by the owner/occupier to the satisfaction of the Manager Planning Implementation.

15. External finishes and colour schemes are to be submitted prior to the issue of Building Licence to the satisfaction of the Director Planning and Sustainability.
16. Adequate carparking bays are to be provided in accordance with the requirements of Town Planning Scheme No 6 Table 3a, prior to the occupation of the building, and maintained to the satisfaction of the City. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.

Advice Notes

1. The City advises that the stormwater drainage will need to be extended along Bickley Road.
2. The proponent is advised on the need to apply for a Building Licence from the City's Building Services Branch prior to the commencement of work.
3. The proponent's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
4. A Certificate of Classification is to be applied for and issued by the Manager Building Services prior to any occupation of the building.
5. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
6. The proponent's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
7. Fire and Emergency Services Authority assessment is required prior to approval of a building licence application, in accordance with Building Regulations 1989.
8. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.

9. This approval does not authorise the demolition of any existing building on site. A demolition licence must be obtained from the City prior to the removal/demolition of the existing building(s).
10. All waste and rubbish produced on-site as a result of works should be disposed of to facilities provided for that purpose. No wind-blown waste or rubbish shall leave the development site.
11. Prevention of wind blown dust causing a nuisance to adjoining land owners by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with Department of Environment and Conservation "Dust Control Guidelines".
12. All works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981 and the Environmental Protection (Noise) Regulations 1997. For further information please contact the Department of Environment.
13. Work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
14. The proponent's attention is drawn to the following to minimise the impact of development works;
 - i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment.
 - ii) Development work is only permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
15. An approved site toilet is to be provided, maintained and serviced in accordance with the Health (Temporary Sanitary Conveniences) Regulations 1997.
16. The proponent's attention is drawn to the following requirements in respect to food preparation:
 - i) Detailed plans and specifications of all food preparation and storage (including refuse) areas are to be submitted and approval obtained before construction or fit out is commenced.

- ii) To comply in all respects with the Health (Food Hygiene) Regulations 1993 and the City's Eating House Local Laws.
17. The use of the approved buildings should comply in all respects with the Health (Public Buildings) Regulations 1992.
18. Any asbestos should be handled, used, removed and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Please contact the Department of Environment to ensure compliance with the removal and transport of asbestos.
19. Condition 11 includes the requirement for a contribution towards common infrastructure works and the acquisition of land for conservation, district drainage, and community purposes. The applicant should liaise with the City of Gosnells in respect of the contribution requirements and payment arrangement the subject of this condition. Should a legal agreement be required to secure the arrangement referred to in this condition, the cost involved in preparing and executing the agreement is to be at the proponent's cost.
20. In relation to Condition 12:
- i) Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
 - ii) The existing trees within the road verge shall not be removed and written permission shall be obtained from the City prior to any earthworks being carried out within four metres of those trees.
 - iii) The developer is advised that the City has a Shade Policy which must be considered as part of the development process.
 - iv) Where deciduous tree plantings are proposed, management measures must be developed to avoid leaf fall being delivered to the stormwater drainage network.
21. In relation to Condition 16, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001, with one (1) carparking bay for each 50 carparking bays provided on-site, or part thereof.

Amendment

During debate Cr R Hoffman moved the following amendment to staff recommendation (2 of 2):

“That staff recommendation (2 of 2) be amended by deleting Condition 5, which reads:

- “5. A geotechnical report is to be submitted to the satisfaction of the City certifying that the land is physically capable of development, prior to applying for a building licence.”*

and renumbering the remaining Conditions and corresponding Advice Notes accordingly.”

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

“Condition 5 is a repeat of Condition 4.”

Cr D Griffiths Seconded Cr R Hoffman's proposed amendment.

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

Moved Cr R Hoffman Seconded Cr D Griffiths

That staff recommendation (2 of 2) be amended by deleting Condition 5, which reads:

- “5. A geotechnical report is to be submitted to the satisfaction of the City certifying that the land is physically capable of development, prior to applying for a building licence.”*

and renumbering the remaining Conditions and corresponding Advice Notes accordingly, with the amended recommendation to read:

“That Council, on a without prejudice basis, recommend to the Western Australian Planning Commission that the following conditions and advice notes be imposed if the Commission approves the proposed Nursing Home at 141 (Lot 10) Wanaping Road and 353 (Lot 25) Bickley Road, Kenwick:

Conditions

1. The submission of a drainage plan, to the satisfaction of the City, indicating the manner by which stormwater drainage from the proposed building and paved areas is to be piped to the City's drainage system or to compensation/infiltration basins located within the confines of the site. These plans should show gully and manhole locations; pipe sizes, locations and falls; subsoil drainage requirements; all invert levels; falls to paved areas; on-site stormwater compensating devices; proposed connections to the City's system; soakwells (if

- any); buildings (including floor levels); carparks (including pavement levels) and fill (proposed levels).
2. All stormwater is to be disposed of by combination of on and off-site disposal. The system shall provide on site storage for a 1 in 5 year frequency storm and connection to the district drainage system. Larger events shall be accommodated by overland flow to the street.
 3. Stormwater is to be disposed of on-site through interconnected soakwells, with an overflow connection to the district drainage system. The system shall be designed to accommodate a 1 in 5 year frequency storm. Larger events shall drain to the street.
 4. A geotechnical report is to be submitted to the satisfaction of the City certifying that the land is physically capable of development, prior to applying for a building licence.
 5. Existing crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.
 6. Lot 10 Wanaping Road and Lot 25 Bickley Road are to be amalgamated onto a single lot on a Certificate of Title prior to the issue of a building licence.
 7. All existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Western Australian Planning Commission.
 8. The site is to be connected to a reticulated sewerage system.
 9. A rubbish bin storage area shall be provided, located and screened from view from all units and the street to the satisfaction of the Manager Planning Implementation.
 10. Satisfactory arrangements being made for the development to contribute to the cost contribution arrangement that will apply to the land upon finalisation of an Outline Development Plan for the Schools Precinct, Kenwick.
 11. A landscaping plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
 12. Landscaping and reticulation of the development site and adjoining road verges is to be installed prior to occupying the proposed development in accordance with the

approved landscaping plan to the satisfaction of the Manager Planning Implementation.

13. Landscaping and reticulation of the development site and adjoining road verges is to be maintained by the owner/occupier to the satisfaction of the Manager Planning Implementation.
14. External finishes and colour schemes are to be submitted prior to the issue of Building Licence to the satisfaction of the Director Planning and Sustainability.
15. Adequate carparking bays are to be provided in accordance with the requirements of Town Planning Scheme No 6 Table 3a, prior to the occupation of the building, and maintained to the satisfaction of the City. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.

Advice Notes

1. The City advises that the stormwater drainage will need to be extended along Bickley Road.
2. The proponent is advised on the need to apply for a Building Licence from the City's Building Services Branch prior to the commencement of work.
3. The proponent's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
4. A Certificate of Classification is to be applied for and issued by the Manager Building Services prior to any occupation of the building.

5. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
6. The proponent's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
7. Fire and Emergency Services Authority assessment is required prior to approval of a building licence application, in accordance with Building Regulations 1989.
8. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.
9. This approval does not authorise the demolition of any existing building on site. A demolition licence must be obtained from the City prior to the removal/demolition of the existing building(s).
10. All waste and rubbish produced on-site as a result of works should be disposed of to facilities provided for that purpose. No wind-blown waste or rubbish shall leave the development site.
11. Prevention of wind blown dust causing a nuisance to adjoining land owners by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with Department of Environment and Conservation "Dust Control Guidelines".
12. All works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981 and the Environmental Protection (Noise) Regulations 1997. For further information please contact the Department of Environment.
13. Work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
14. The proponent's attention is drawn to the following to minimise the impact of development works;

- i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment.
 - ii) Development work is only permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
- 15. An approved site toilet is to be provided, maintained and serviced in accordance with the Health (Temporary Sanitary Conveniences) Regulations 1997.
- 16. The proponent's attention is drawn to the following requirements in respect to food preparation:
 - i) Detailed plans and specifications of all food preparation and storage (including refuse) areas are to be submitted and approval obtained before construction or fit out is commenced.
 - ii) To comply in all respects with the Health (Food Hygiene) Regulations 1993 and the City's Eating House Local Laws.
- 17. The use of the approved buildings should comply in all respects with the Health (Public Buildings) Regulations 1992.
- 18. Any asbestos should be handled, used, removed and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Please contact the Department of Environment to ensure compliance with the removal and transport of asbestos.
- 19. Condition 11 includes the requirement for a contribution towards common infrastructure works and the acquisition of land for conservation, district drainage, and community purposes. The applicant should liaise with the City of Gosnells in respect of the contribution requirements and payment arrangement the subject of this condition. Should a legal agreement be required to secure the arrangement referred to in this condition, the cost involved in preparing and executing the agreement is to be at the proponent's cost.
- 20. In relation to Condition 12:

- i) Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
 - ii) The existing trees within the road verge shall not be removed and written permission shall be obtained from the City prior to any earthworks being carried out within four metres of those trees.
 - iii) The developer is advised that the City has a Shade Policy which must be considered as part of the development process.
 - iv) Where deciduous tree plantings are proposed, management measures must be developed to avoid leaf fall being delivered to the stormwater drainage network.
21. In relation to Condition 16, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001, with one (1) carparking bay for each 50 carparking bays provided on-site, or part thereof.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

The amendment was put and carried with the amendment becoming the substantive motion. The Mayor then put staff recommendation (1 of 2) together with the substantive motion, which read:

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION

612 Moved Cr W Barrett Seconded Cr L Griffiths

That Council endorse and reiterate the recommendation of refusal to the Western Australian Planning Commission for the proposed Nursing Home at 141 (Lot 10) Wanaping Road and 353 (Lot 25) Bickley Road, Kenwick for the following reasons:

1. The subject site is within an area which Council has determined requires an Outline Development Plan (Planning Implementation Framework for Local Housing Strategy and Large Lot Outline Development Plan (ODP) Areas Policy 6.4.2.1) prior to subdivision or development. Approval of this development prior to the adoption of an ODP would be contrary to orderly and proper planning and likely to prejudice future planning of the area. The subject development application is therefore seen as premature at this time.

2. Approval for the subject proposal in the absence of an Outline Development Plan to guide and coordinate development and infrastructure provision would constitute an undesirable precedent.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

Amended Staff Recommendation (2 of 2):

COUNCIL RESOLUTION

613 Moved Cr R Hoffman Seconded Cr D Griffiths

That Council, on a without prejudice basis, recommend to the Western Australian Planning Commission that the following conditions and advice notes be imposed if the Commission approves the proposed Nursing Home at 141 (Lot 10) Wanaping Road and 353 (Lot 25) Bickley Road, Kenwick:

Conditions

1. The submission of a drainage plan, to the satisfaction of the City, indicating the manner by which stormwater drainage from the proposed building and paved areas is to be piped to the City's drainage system or to compensation/infiltration basins located within the confines of the site. These plans should show gully and manhole locations; pipe sizes, locations and falls; subsoil drainage requirements; all invert levels; falls to paved areas; on-site stormwater compensating devices; proposed connections to the City's system; soakwells (if any); buildings (including floor levels); carparks (including pavement levels) and fill (proposed levels).
2. All stormwater is to be disposed of by combination of on and off-site disposal. The system shall provide on site storage for a 1 in 5 year frequency storm and connection to the district drainage system. Larger events shall be accommodated by overland flow to the street.
3. Stormwater is to be disposed of on-site through interconnected soakwells, with an overflow connection to the district drainage system. The system shall be designed to accommodate a 1 in 5 year frequency storm. Larger events shall drain to the street.
4. A geotechnical report is to be submitted to the satisfaction of the City certifying that the land is physically capable of development, prior to applying for a building licence.
5. Existing crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.

6. Lot 10 Wanaping Road and Lot 25 Bickley Road are to be amalgamated onto a single lot on a Certificate of Title prior to the issue of a building licence.
7. All existing septic tanks are to be decommissioned and all components removed to the satisfaction of the Western Australian Planning Commission.
8. The site is to be connected to a reticulated sewerage system.
9. A rubbish bin storage area shall be provided, located and screened from view from all units and the street to the satisfaction of the Manager Planning Implementation.
10. Satisfactory arrangements being made for the development to contribute to the cost contribution arrangement that will apply to the land upon finalisation of an Outline Development Plan for the Schools Precinct, Kenwick.
11. A landscaping plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the Manager Planning Implementation prior to the issue of a building licence.
12. Landscaping and reticulation of the development site and adjoining road verges is to be installed prior to occupying the proposed development in accordance with the approved landscaping plan to the satisfaction of the Manager Planning Implementation.
13. Landscaping and reticulation of the development site and adjoining road verges is to be maintained by the owner/occupier to the satisfaction of the Manager Planning Implementation.
14. External finishes and colour schemes are to be submitted prior to the issue of Building Licence to the satisfaction of the Director Planning and Sustainability.
15. Adequate carparking bays are to be provided in accordance with the requirements of Town Planning Scheme No 6 Table 3a, prior to the occupation of the building, and maintained to the satisfaction of the City. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.

Advice Notes

1. The City advises that the stormwater drainage will need to be extended along Bickley Road.
2. The proponent is advised on the need to apply for a Building Licence from the City's Building Services Branch prior to the commencement of work.
3. The proponent's attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building licence application identifying means of access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1.
4. A Certificate of Classification is to be applied for and issued by the Manager Building Services prior to any occupation of the building.
5. Where an "Alternative Design Solution" is proposed in place of "Deemed to Satisfy" provisions of the Building Code of Australia, a Design Brief submitted by a suitably qualified Engineer is to be agreed upon in principle by Council prior to the lodgement of the final report. The final report will be required to address all the relevant performance requirements, indicating the satisfactory qualification of all safety provisions of the Building Code of Australia.
6. The proponent's attention is drawn to requirements for sanitary conveniences to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1. For further details please contact the City's Building Services Branch.
7. Fire and Emergency Services Authority assessment is required prior to approval of a building licence application, in accordance with Building Regulations 1989.
8. Due to the nature of foundation materials, footing and slab details and a site report from a structural engineer are required to be submitted with the building licence application.
9. This approval does not authorise the demolition of any existing building on site. A demolition licence must be obtained from the City prior to the removal/demolition of the existing building(s).
10. All waste and rubbish produced on-site as a result of works should be disposed of to facilities provided for that purpose. No wind-blown waste or rubbish shall leave the development site.

11. Prevention of wind blown dust causing a nuisance to adjoining land owners by the installation of sprinklers, utilisation of water tankers, mulching, or by the adoption and implementation of any other suitable land management system in accordance with Department of Environment and Conservation "Dust Control Guidelines".
12. All works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981 and the Environmental Protection (Noise) Regulations 1997. For further information please contact the Department of Environment.
13. Work shall only be permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
14. The proponent's attention is drawn to the following to minimise the impact of development works;
 - i) All development works must be carried out in accordance with Control of Noise Practices set out in section 6 of AS2436-1981. For further details please contact the Department of Environment.
 - ii) Development work is only permitted between 0700 hours and 1900 hours on any day which is not a Sunday or public holiday, without the written approval of the City.
 - iii) Development work shall comply in all respects with the Environmental Protection (Noise) Regulations 1997.
15. An approved site toilet is to be provided, maintained and serviced in accordance with the Health (Temporary Sanitary Conveniences) Regulations 1997.
16. The proponent's attention is drawn to the following requirements in respect to food preparation:
 - i) Detailed plans and specifications of all food preparation and storage (including refuse) areas are to be submitted and approval obtained before construction or fit out is commenced.
 - ii) To comply in all respects with the Health (Food Hygiene) Regulations 1993 and the City's Eating House Local Laws.
17. The use of the approved buildings should comply in all respects with the Health (Public Buildings) Regulations 1992.

18. Any asbestos should be handled, used, removed and disposed of in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Please contact the Department of Environment to ensure compliance with the removal and transport of asbestos.
19. Condition 11 includes the requirement for a contribution towards common infrastructure works and the acquisition of land for conservation, district drainage, and community purposes. The applicant should liaise with the City of Gosnells in respect of the contribution requirements and payment arrangement the subject of this condition. Should a legal agreement be required to secure the arrangement referred to in this condition, the cost involved in preparing and executing the agreement is to be at the proponent's cost.
20. In relation to Condition 12:
- i) Any landscaping or earthmoving in the street verge is to be set at levels as directed by the City's Infrastructure Directorate to ensure minimum disruption to future footpath levels. In this regard you are required to submit levels to the Infrastructure Directorate.
 - ii) The existing trees within the road verge shall not be removed and written permission shall be obtained from the City prior to any earthworks being carried out within four metres of those trees.
 - iii) The developer is advised that the City has a Shade Policy which must be considered as part of the development process.
 - iv) Where deciduous tree plantings are proposed, management measures must be developed to avoid leaf fall being delivered to the stormwater drainage network.
21. In relation to Condition 16, provision of carparking for those with special accessibility needs is to be in accordance with Australian Standard 1428.1-2001, with one (1) carparking bay for each 50 carparking bays provided on-site, or part thereof.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

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

Author: R Hall
Reference: 233784
Application No: DA07/02897
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 24 April 2007 (Resolution 143)
OCM 23 April 2002 (Resolution 259)
OCM 14 August 2001 (Resolution 646 and 647)
Appendices: 13.5.8A Australian Radiation Protection and Nuclear Safety Agency Fact Sheet on Electromagnetic Energy Series No. 9
13.5.8B Original Schedule of Submissions

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 (Resolution 647). The Kelvin Road Parklands Master Plan was subsequently adopted by Council on 23 April 2002 (Resolution 259).

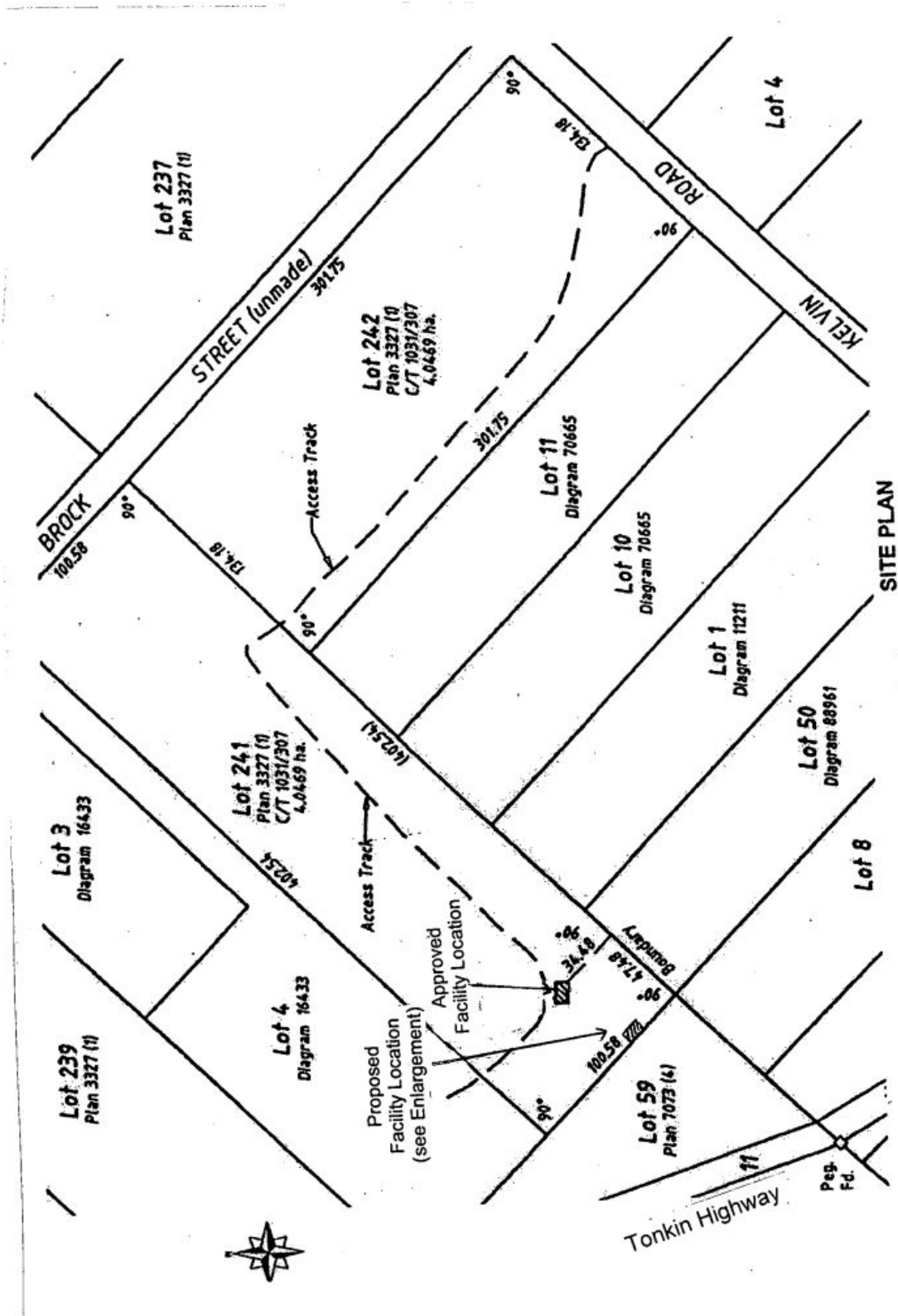
Council at its meeting on 24 April 2007 resolved (Resolution 143) to grant planning approval for an application for the same telecommunications infrastructure as this proposal, with the only difference being the proposed site location. The change in location was necessary due to subsequent detailed soil analysis which determined that the original location was not suitable to accommodate such a structure. The newly proposed location has been investigated and found to be structurally suitable and for this reason the revised application has been submitted.

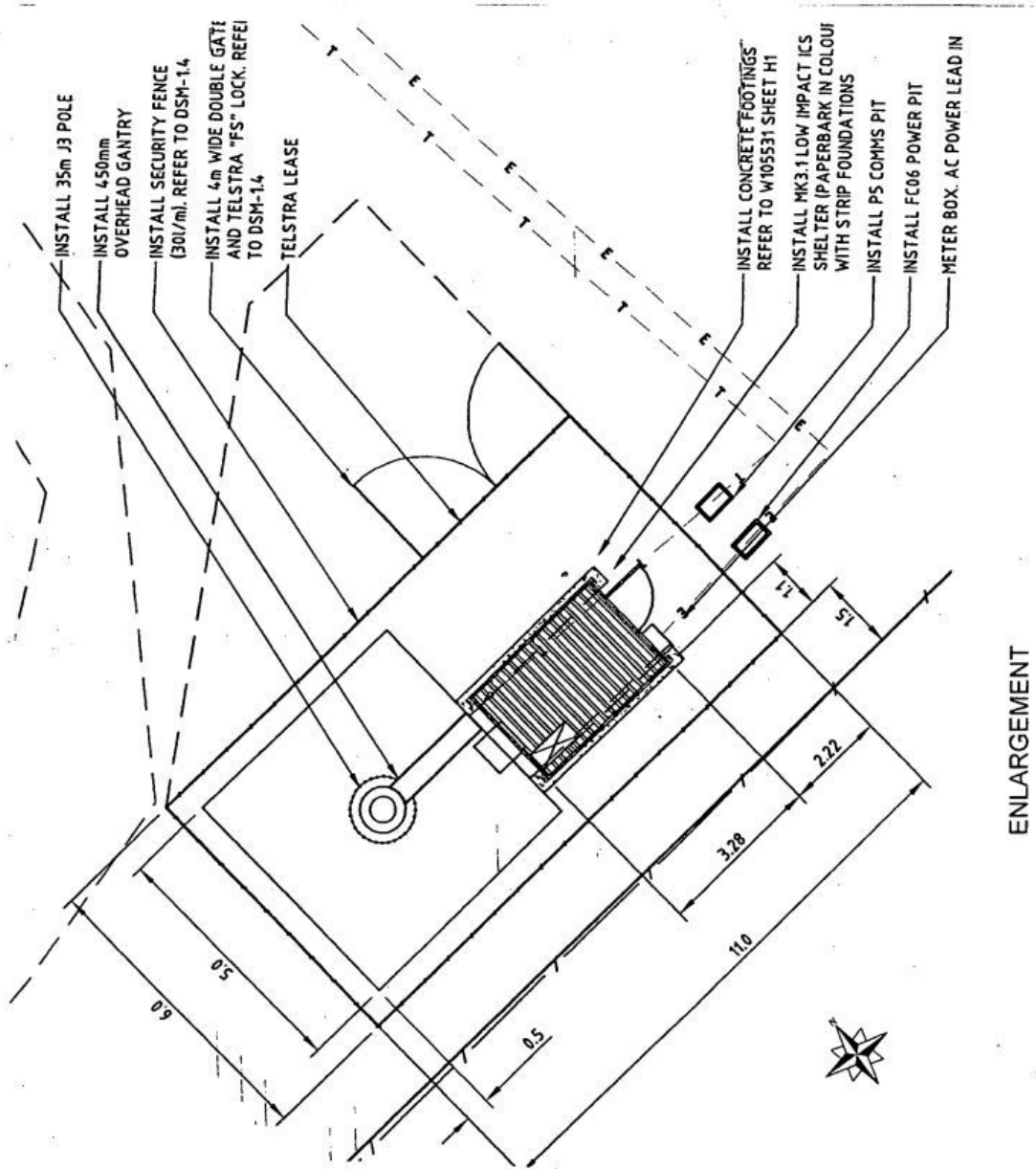
Proposal

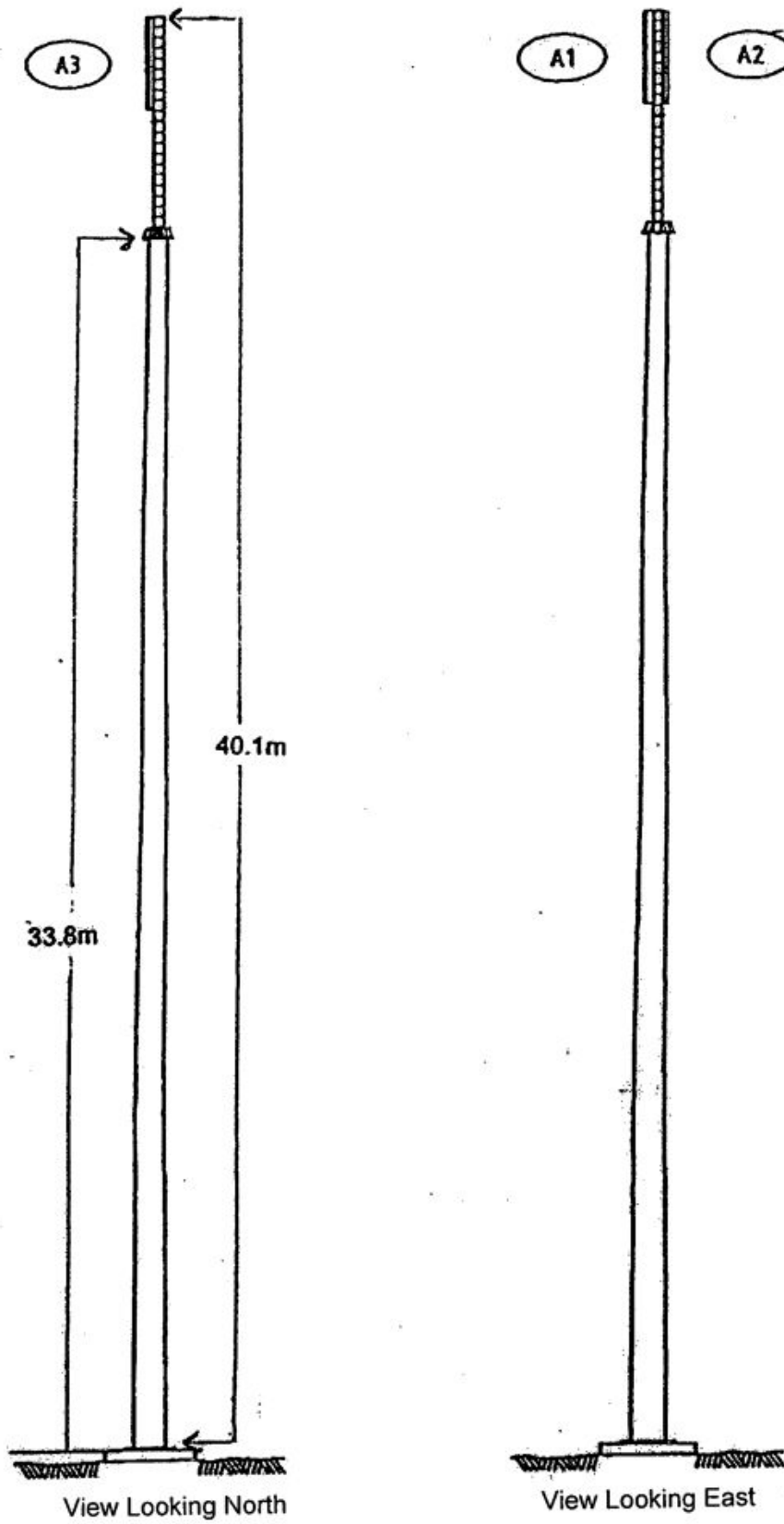
The proposal involves installation of a 33.8m slimline monopole with a 6.3m extension making the overall height of the structure 40.1m. The proposed location is approximately 46.5m southwest the site originally approved by Council at its meeting of 24 April 2007.

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. Council at its meeting held on 24 April 2007 resolved (Resolution 144) to grant a lease to Telstra for the telecommunication facility in its original approved location. If Council grants planning approval to this facility in the revised location, the lease agreement will be amended administratively to reflect the revised location.







ELEVATIONS

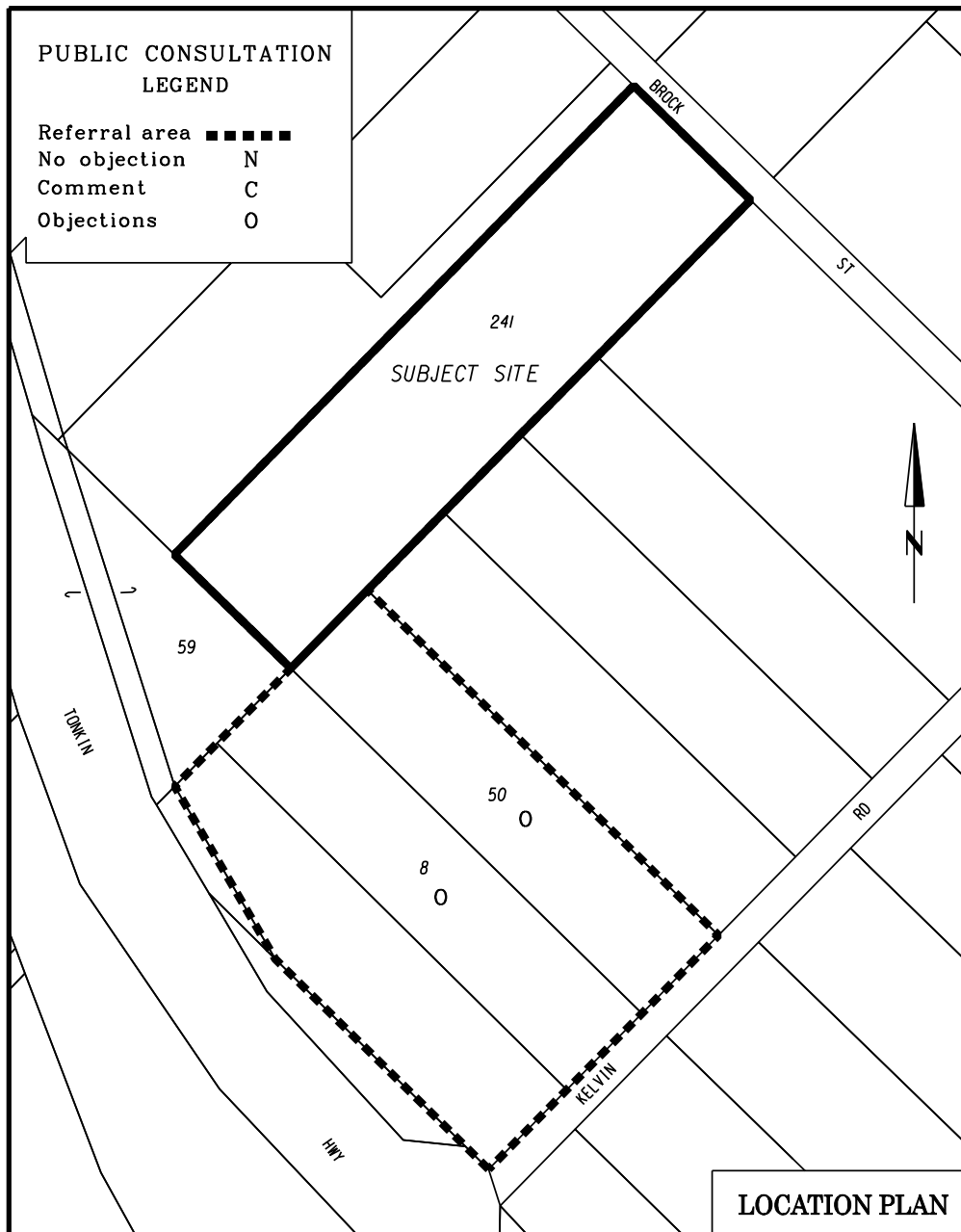
Consultation

The original 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 the submissions received on the original proposal and staff comments thereon are provided in the previous Schedule of Submissions which is attached as Appendix 13.5.8A.

The current proposal was advertised for additional public comment for 14 days to those landowners whose properties were closer to the newly proposed location than the previous location. This resulted in the proposal being advertised to three landowners (Lots 8, 9 and 50 Kelvin Road). Two submissions were received, both objecting to the proposal. A summary of these submissions and staff comments thereon are provided in the following Schedule of Submissions. The proposal was not readvertised to the landowners to whom the original application was referred because it was expected that the responses previously provided would still represent the view of those landowners and be equally applicable to the new proposal. Similarly the staff comments in response to those submission still apply.

Schedule of Submissions

1	Name and Postal Address: G & C Bennier 226 Kelvin Road Orange Grove WA 6109	Affected Property: 226 (Lot 8) Kelvin Road Orange Grove
Summary of Submission		Staff Comment
Object to proposal.		
1.1	Object to the general location and construction of the structure.	See comments under Location in Discussion section.
1.2	Concerned about possible refuse below the surface and suggests soil tests be carried out.	Initial tests undertaken by Telstra have revealed the proposed location is suitable to accommodate the proposed structure, whereas the original approved location was not suitable.
2	Name and Postal Address: A-M & M Sauzier 234 Kelvin Road Orange Grove WA 6149	Affected Property: 234 (Lot 50) Kelvin Road Orange Grove
Summary of Submission		Staff Comment
Object to proposal.		
Concerned about the health hazard this may have on our chicken business and personal health.		See comments under Health Concerns in Discussion section.



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 and TPS 6 Table No. 2C: Rural Zones Setback and Landscaping Requirements.

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 of the facility is 40.1m. It is considered that the 0.1m or 10cm additional height of the proposed monopole is negligible in the context of the 40m height.

Town Planning Scheme No. 6

Scheme Clause Requirement		Assessment/Comment
1.	General Development Requirements A minimum rear setback of 3.0m is required.	The telecommunication facility is proposed to be setback 1.5m from the rear (southwestern) boundary of Lot 241. Lot 59, which adjoins the rear boundary of Lot 241 is owned by Main Roads WA for the purpose of a drainage sump for Tonkin Highway. As this land is not residential in nature, it is considered that a 1.5m reduced setback is of no consequence.

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 current proposed location 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 13.5.8A:

- 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 10cm above the nominated maximum height and 1.5m closer to the nominated rear boundary setback. Importantly, the proposal complies specifically in terms of location requirements for proposed communications towers to be a minimum of 100m from the nearest residence.
- The subject site represents the most suitable location to provide for the mobile telephone coverage deficiency.
- The facility will be partially screened by existing mature tree species and infill landscaping as part of the Kelvin Road Parklands Master Plan implementation. The degree of screening from existing vegetation is though less than was available in relation to the previously approved facility location. To address this issue it will be recommended that there be additional screening landscape plantings, in accordance with an approved landscape plan and that such plantings be established prior to the commencement of use for the proposed facility.
- 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

If approved, the facility will be subject of an updated lease agreement with the City of Gosnells to reflect its new location compared to the previously approved facility location.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

614 Moved Cr J Brown Seconded Cr C Fernandez

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 Planning Implementation.
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.
7. A landscaping plan showing screening landscape plantings to the satisfaction of the Director Planning and Sustainability be submitted in accordance with the City's development landscaping policy, prior to the issue of a building licence.
8. Landscaping and reticulation as depicted on an approved landscaping plan is to be established prior to the commencement of operation of the proposed facility and is to be maintained by the proponent.
9. The applicant is to lodge a development bond of bank guarantee for the sum of \$5,000 to cover the cost of installing landscaping/reticulation, prior to the issue of a building licence.

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 planning 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 D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.*

AGAINST: *Nil.*

13.5.9 VARIOUS RESERVE AND ROAD CLOSURES ASSOCIATED WITH THE CONSTRUCTED THORNLIE PASSENGER RAIL SPUR

Author:	B Seward
Application No:	N/A
Applicant:	Public Transport Authority - New Metro Rail
Owner:	Crown Land
Location:	Aylesford Way, Spring Road and O'Dell Street, Thornlie
Zoning: MRS:	Parks and Recreation
TPS No. 6:	Local Open Space / Parks & Recreation
Review Rights:	Nil
Area:	4,846m ²
Previous Ref:	OCM 16 December 2003 (Resolution 821) OCM 25 March 2003 (Resolution 190) OCM 13 March 2001 (Resolutions 162-164)
Appendices:	13.5.9A Location plans showing portions of road land to be excised. 13.5.9B Deposited plans 47102 (sheets 1-8), 47103, 47104 (Sheets 1-4).

PURPOSE OF REPORT

For Council to consider:

1. A request from the Public Transport Authority - New Metro Rail (PTA) for the City to surrender management of and agree to the excision of portions of Reserve 28429 Aylesford Way, Thornlie (4,266m²), Reserve 30461 Spring Road, Thornlie (512m²) and Reserve 29744 O'Dell Street, Thornlie (68m²) in order to allow the subject land to be vested with the PTA as part of the railway reserve.
2. The closure of sections of road reserve required for railway purposes as a result of the Thornlie spur line. These road reserves comprise a section of O'Dell Street running parallel and adjacent to the rail reserve, a three dimensional area below the Spencer Road bridge and above the rail line, a three dimensional area below the Kenwick Link overpass and above the rail line and the space contained within the railway tunnel below Roe Highway and McGowan Street.

Plans showing the location of affected land are attached as Appendix 13.5.9A, while the formal Deposited Plans required to give effect to this proposal are attached as Appendix 13.5.9B.

BACKGROUND

The construction of the Thornlie Transit Interchange Station and rail upgrade for passenger services within the existing Kenwick spur line created the need for road closures and an adjustment to the width of the railway reserve. This also impacted on a number of crown land reserves currently managed by the City.

The proposed change to Reserve 28429 also impacted on existing overflow parking for the Yale Primary School and alternative parking solutions therefore needed to be investigated.

Agreement to relinquish management of the reserves and to progress the associated road closures was delayed whilst the City negotiated with the PTA for the payment of compensation for the cost of providing additional parking for the school. This matter has recently been resolved with the City accepting the PTA's offer of \$100,000 towards the cost of constructing alternative parking for the School.

The areas of space below bridges and overpasses and within the rail tunnel that are above or below dedicated roads must be formally closed because dedicated roads occupy the space above and below the road surface, continuing to the Earth's centre. As Local Government is the institution with a right to request road closures under the Land Administration Act 1997 (the Act) the Council is required to request the Department for Planning and Infrastructure - State Land Services (DPI) to attend to these matters on behalf of the PTA.

DISCUSSION

In accordance with Section 58 of the Act the proposed closures were advertised by the City on 13 April 2006 for a period of 35 days. No submissions were received, however, the progression of the closures was then delayed while the issue of funding for the provision of additional parking for the school was being resolved with the PTA.

The City also contacted service providers and received no objections to the proposed closures.

The physical works required to complete the rail spur have been completed and changes to reserves and roads have subsequently taken place. The purpose of this report is to formalise the road closures and revesting of reserves to reflect the existing use of the affected land for railway purposes.

In view of the above, it will be recommended that Council request the DPI to take the necessary action to give effect to the proposed road closures and revesting of reserves to the PTA.

FINANCIAL IMPLICATIONS

Whilst Council does not receive funds for the closure of public roads and revesting of sections of reserves with the PTA, the conclusion of these matters will trigger the PTA's payment of \$100,000 towards relocation costs for parking at Yale Primary School. It will be recommended that the PTA be required to meet all costs associated with the closure and revesting of affected land.

STAFF RECOMMENDATION (1 of 2) AND COUNCIL RESOLUTION
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615 Moved Cr D Griffiths Seconded Cr J Brown

That Council, pursuant to Section 58 of the Land Administration Act 1997, request the Department of Planning and Infrastructure – State Land Services, to close those sections of road shown on Deposited Plans 47102, 47103 and 47104 attached as Appendix 13.5.9B for inclusion into the rail reserve, subject to the Public Transport Authority meeting all costs associated with the closures.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (2 of 2) AND COUNCIL RESOLUTION

616 Moved Cr D Griffiths Seconded Cr J Brown

The Council, pursuant to Section 51 of the Land Administration Act 1997, request the Department of Planning and Infrastructure, to excise portions of Reserves 28429 Aylesford Way, 30461 Spring Road and 29744 O'Dell Street, Thornlie, as shown on the plan attached as Appendix 13.5.9A and Deposited Plans 47102, 47103 and 47104 attached as Appendix 13.5.9B, for inclusion into the rail reserve, subject to the Public Transport Authority meeting all costs associated with the excisions.

CARRIED 10/0

***FOR:** Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.*

***AGAINST:** Nil.*

13.5.10 TENDER 26/2007 – PREPARATION OF MODEL DEVELOPMENT GUIDELINES FOR NEW INDUSTRIAL DEVELOPMENTS

Author: C Donnelly
 Reference: Maddington Kenwick Strategic Employment Area – Model Industrial Guidelines
 Previous Ref: 22 May 2007 (Resolution 219)
 28 November 2006 (Resolution 618)
 Appendix: Nil

PURPOSE OF REPORT

For Council to consider the submission received in relation to Tender 26/2007 – Preparation of Model Development Guidelines for New Industrial Developments.

BACKGROUND

Council at its meeting on 28 November 2006 resolved to enter into a Partnership Agreement with the Swan Catchment Council (Resolution 618). The Agreement identified two project opportunities, one of which is the formulation of model development guidelines for new industrial areas.

Council at its meeting on 22 May 2007 (Resolution 219) endorsed a schedule that broadly outlined the scope of the model development guidelines project.

While it is intended that the guidelines be structured to apply broadly, the project includes a focus on their specific application to planning for the Maddington Kenwick Strategic Employment Area (MKSEA).

As the cost of consultancy services to complete the project was expected to be greater than \$100,000, a public tendering process was conducted in accordance with Council Policy 4.1.8 – Purchasing.

The tender (26/2007) for the project was advertised in The West Australian newspaper on 15 September 2007 and closed on 5 October 2007.

At the close of the tendering period, one submission was received as follows:

Company Name	Address	Fee (excluding GST)
Cardno BSD Pty Ltd	2 Bagot Road Subiaco WA 6008	\$59,000

DISCUSSION

Assessment

City staff, in consultation with Swan Catchment Council staff and their consultants, reviewed the submission and concluded that while Cardno BSD were considered to have the expertise to satisfactorily complete the project, there were some deficiencies with the consultant's suggested approach and deliverables.

As there was only one submission, City staff met with Cardno BSD to clarify expectations for the project and to invite a revised submission to better address project requirements.

A revised submission was submitted by Cardno BSD on 28 November 2007, which is summarised as follows:

Part	Task	Fee (excluding GST)
Part A – Preparation of model development guidelines for new industrial developments	<ul style="list-style-type: none"> • Project initiation – inception meeting • Identification of key issues/research • Workshop with stakeholders • Formulation of model development guidelines 	\$103,000
Part B – Preparation of discussion paper for the Maddington Kenwick Strategic Employment Area	<ul style="list-style-type: none"> • Physical audit of subject area/research • Meeting with client group • Preparation of discussion paper • Presentation of discussion paper 	\$25,750
Total Fee		\$128,750

City staff, in consultation with Swan Catchment Council staff and their consultants, are satisfied that the revised submission meets project requirements. It will therefore be recommended that Council award Tender 26/2007 – Preparation of Model Development Guidelines for New Industrial Developments to Cardno BSD.

FINANCIAL IMPLICATIONS

Costs associated with this tender will be met by the Swan Catchment Council from Federal Government grant funding for the project.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

617 Moved Cr J Brown Seconded Cr D Griffiths

That Council award Tender 26/2007 – Preparation of Model Development Guidelines for New Industrial Developments to Cardno BSD Pty Ltd of 2 Bagot Road, Subiaco WA 6008 at a total cost of \$128,750 (excluding GST).

CARRIED 10/0

***FOR:** Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.*

***AGAINST:** Nil.*

13.5.11 FINAL ADOPTION OF REVISED 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 24 July 2007 (Resolution 351)
OCM 24 April 2007 (Resolution 160)
OCM 10 October 2006 (Resolution 512)
OCM 26 April 2006 (Resolutions 180-182)
OCM 14 February 2006 (Resolutions 36-38)
Appendices: 13.5.11A Revised Southern River Precinct 2 Outline Development Plan
13.5.11B Location Plan showing Precinct Boundary

PURPOSE OF REPORT

For Council to grant final adoption to the revised Southern River Precinct 2 Outline Development Plan (ODP) pursuant to Clause 7.4.15 of Town Planning Scheme No. 6 (TPS 6).

BACKGROUND

Council at its meeting of 24 July 2007 resolved (Resolution 351) to adopt the revised Southern River Precinct 2 ODP (attached as Appendix 13.5.11A) pursuant to Clause 7.4.7(a) of Town Planning Scheme No. 6 and refer it to the Western Australian Planning Commission (WAPC) for approval. The WAPC subsequently approved the revised ODP on 8 November 2007 pursuant to Clause 7.4.10 of the Scheme.

DISCUSSION

Clause 7.4.15 of TPS 6 requires that Council, having been informed by the WAPC that it has approved the revised ODP, is required to finally adopt the ODP. This is a mandatory requirement of the Scheme and, as such, is the only option available to Council.

Adoption of the revised ODP will formalise the planning framework which will guide future subdivision and development within the subject area.

In accordance with TPS 6, once the revised ODP is adopted, a copy of the plan is to be forwarded to the proponent, the WAPC and any other person the Council deems appropriate.

CONCLUSION

Council is required to adopt the revised ODP to complete the statutory process under TPS 6. This is the only option available to Council.

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

618 Moved Cr D Griffiths Seconded Cr L Griffiths

That Council pursuant to Clause 7.4.15 of Town Planning Scheme No. 6, adopt the revised Southern River Precinct 2 Outline Development Plan (Phase 1) as depicted in Appendix 13.5.11A and forward a copy of the plan to the proponent, all landowners within the Southern River Precinct 2 ODP area and immediately opposite the ODP area on the eastern side of Southern River Road, and the Western Australian Planning Commission.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

13.6 GOVERNANCE

13.6.1 ANNUAL ELECTORS MEETING - 10 DECEMBER 2007

Author: T Perkins

Previous Ref: Nil

Appendix: 13.6.1A Minutes of 10 December 2007 Annual Electors Meeting

PURPOSE OF REPORT

For Council to confirm the Minutes of the Annual Electors Meeting held on Monday 10 December 2007.

BACKGROUND

The Annual Electors Meeting, attended by 16 electors, was conducted on Monday 10 December 2007, the Minutes of which are attached at Appendix 13.6.1A.

DISCUSSION

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

FINANCIAL IMPLICATIONS

Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

619 Moved Cr L Griffiths Seconded Cr R Hoffman

That Council confirm the Minutes of the Annual Electors Meeting held on Monday 10 December 2007 (as contained in Appendix 13.6.1A).

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

16. URGENT BUSINESS (by permission of Council)

Nil

17. CONFIDENTIAL MATTERSNotation

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

COUNCIL RESOLUTION

620 Moved Cr **R Hoffman Seconded Cr W Barrett**

That Council declare the meeting closed to members of the public at 8:47 pm to allow for discussion of confidential matters in accordance with Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

8:47pm – Members of the public left the meeting.

The Director Infrastructure, Director Planning and Sustainability, Acting Director Corporate Services, Acting Director Governance and Director Community Engagement due to being employees named in the report, disclosed at Item 2 of the Agenda “Declarations of Interest”, a Financial Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

8:47pm - the Director Infrastructure, Director Planning and Sustainability, Acting Director Corporate Services, Acting Director Governance and Director Community Engagement left the meeting.

17.1 RENEWAL OF DIRECTORS’ EMPLOYMENT CONTRACTS

Author: D Simms
Previous Ref: Nil
Appendix: 17.1A Confidential Report

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

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr D Griffiths

That Council endorse the proposal of the Chief Executive Officer to offer five-year performance based contracts in accordance with the parameters contained within this report to the Director Community Engagement, Director Corporate Services, Director Governance, Director Infrastructure and Director Planning and Sustainability.

Suspension of Standing Orders

In order to allow Councillors the opportunity to speak more than once on the Confidential Item, Cr PM Morris moved the following motion:

COUNCIL RESOLUTION

621 Moved Cr PM Morris Seconded Cr R Hoffman

That subclause 3.3.4 of the City of Gosnells Standing Orders be suspended to allow Councillors the opportunity to speak more than once on the Confidential Item.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

8:50pm – *The Minute Secretary left the meeting.*

9:07pm – *The Chief Executive Officer left the meeting.*

9:27pm – *Cr S Iwanyk left the meeting.*

9:29pm – *Cr S Iwanyk returned to the meeting.*

Amendment to Staff Recommendation

During debate Cr R Hoffman moved the following amendment to the staff recommendation:

“That the staff recommendation be amended by inserting the words “and that these contracts are to be effective from the first pay period commencing after 18 December 2007.”

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

“To show the value of these officers to the City of Gosnells.”

Cr L Griffiths Seconded Cr Hoffman’s proposed amendment.

Additional Motion

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

“That Council endorse an increase in the cash component of the CEO’s package, as contained in Appendix 17.1A (as amended) to be applicable from the first pay period commencing after 18 December 2007.”

Cr Hoffman provided the following reason for the motion:

“To maintain relativity between the cash component of packages applying to the CEO and Directors.”

Cr C Fernandez seconded Cr Hoffman’s additional motion.

Resumption of Standing Orders

At the conclusion of debate, in order to resume Standing Orders, Cr J Brown moved the following motion.

COUNCIL RESOLUTION

622 Moved Cr J Brown Seconded Cr S Iwanyk

That Standing Orders be resumed.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

Upon the resumption of Standing Orders and conclusion of debate the Mayor put Cr Hoffman's proposed amendment, which reads:

Moved Cr R Hoffman Seconded Cr L Griffiths

That the staff recommendation be amended by inserting the words "that these contracts are to be effective from the first pay period commencing after 18 December 2007", with the amended recommendation to read:

"That Council endorse the proposal of the Chief Executive Officer to offer five-year performance based contracts in accordance with the parameters contained within this report to the Director Community Engagement, Director Corporate Services, Director Governance, Director Infrastructure and Director Planning and Sustainability, and that these contracts are to be effective from the first pay period commencing after 18 December 2007."

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

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

623 Moved Cr R Hoffman Seconded Cr L Griffiths

That Council endorse the proposal of the Chief Executive Officer to offer five-year performance based contracts in accordance with the parameters contained within this report to the Director Community Engagement, Director Corporate Services, Director Governance, Director Infrastructure and Director Planning and Sustainability, and that these contracts are to be effective from the first pay period commencing after 18 December 2007.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

The Mayor then put Cr R Hoffman's proposed additional motion, which reads:

COUNCIL RESOLUTION

624 Moved Cr R Hoffman Seconded Cr C Fernandez

That Council endorse an increase in the cash component of the CEO's package, as contained in Appendix 17.1A (as amended) to be applicable from the first pay period commencing after 18 December 2007.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

Conclusion of Confidential Matters

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

COUNCIL RESOLUTION

625 Moved Cr S Iwanyk Seconded Cr J Brown

That Council re-open the meeting to members of the public at 9:44pm.

CARRIED 10/0

FOR: Cr D Griffiths, Cr B Wiffen, Cr S Iwanyk, Cr J Brown, Cr R Hoffman, Cr C Fernandez, Cr W Barrett, Cr P Morris, Cr L Griffiths, and Cr O Searle.

AGAINST: Nil.

9:44pm - Members of the public were invited to return to the meeting.

9:44pm - The Chief Executive Officer, Director Infrastructure, Director Planning and Sustainability, Acting Director Corporate Services, Director Community Engagement, Acting Director Governance, and the Minute Secretary returned to the meeting.

Notation

Upon re-opening the meeting to members of the public the Mayor advised that the staff recommendation had been amended and an additional motion had been adopted by Council, both of which Cr R Hoffman read aloud for the benefit of those present.

18. CLOSURE

The Mayor declared the meeting closed at 9:48pm and expressed her personal thanks to staff in attendance, and all Councillors, for work carried out on behalf of the community, wishing everyone a wonderful Christmas and a safe and healthy 2008.