



ORDINARY COUNCIL MEETING
25 OCTOBER 2011

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Minutes of the Ordinary Council Meeting held in the City of Gosnells Civic Centre Council Chambers, 2120 Albany Highway, Gosnells on Tuesday 25 October 2011.

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

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

1.1 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 City staff.

1.2 RECORDING OF COUNCIL MEETINGS

A printed copy of this notice is provided in the Public Gallery:

Please take notice that all Council Meetings are digitally recorded, with the exception of Confidential Agenda Items (in accordance with Section 5.23(2) of the Local Government Act 1995) during which time recording will cease.

Following publication and distribution of the meeting minutes to Elected Members the digital recording will be available in the following formats, for purchase 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 Governance Administration Officer on 9397 3012.

I _____ (THE PRESIDING MEMBER)
CERTIFY THAT THESE MINUTES WERE CONFIRMED BY THE COUNCIL OF THE
CITY OF GOSNELLS ON _____.

2. RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS

MAYOR
DEPUTY MAYOR

CR D GRIFFITHS
CR R MITCHELL
CR W BARRETT
CR J BROWN
CR T BROWN
CR G DEWHURST
CR L GRIFFITHS
CR R HOFFMAN
CR K JONES
CR R LAWRENCE
CR O SEARLE JP

STAFF

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

MR I COWIE
MR P QUIGLEY
MR R BOUWER
MR D HARRIS
MR C TERELINCK
MR T PERKINS
MISS S MACGROTTY

PUBLIC GALLERY

Seven

2.2 APOLOGIES

Nil.

2.3 LEAVE OF ABSENCE

Cr S Iwanyk was granted Leave of Absence from 24 October to 2 November 2011 vide Resolution 422 of the Ordinary Council Meeting held on 27 September 2011.

3. DECLARATIONS OF INTEREST

Cr J Brown declared an Impartiality Interest in Item 13.2.1, "History and Heritage Advisory Group Meeting - 6 October 2011".

Reason: Member of the History and Heritage Advisory Group.

Cr J Brown declared an Impartiality Interest in Item 13.2.2, "History and Heritage Advisory Group - Endorsement of Membership and Appointment of Presiding Member".

Reason: Member of the History and Heritage Advisory Group.

Cr T Brown declared an Impartiality Interest in Item 13.4.4, "Gosnells RoadWise Advisory Group - 5 October 2011".

Reason: Member of the RoadWise Advisory Group.

Cr J Brown declared an Impartiality Interest in Item 13.5.5, "Finalisation of Local Planning Policy Development Contribution Arrangements".

Reason: Own land in Precinct 3.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since 11 October 2011.

5. REPORTS OF DELEGATES

(without debate)

Cr W Barrett made a comment in regards to a newspaper article from last week regarding the Local Government Elections and the electoral boundaries.

Cr Barrett expressed his concern in regards to the inference made to the lack of ward boundaries, mentioning that the City conducted numerous workshops to inform the residents of why the City was to abolish the ward system.

In conclusion, Cr Barrett hoped the City would respond to this matter and the matters relating to the Local Government Reform.

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

A period of 15 minutes is allocated for questions with a further period of 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 3 minutes per speaker is 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

Nil.

6.2 PUBLIC STATEMENTS

Nil.

7. CONFIRMATION OF MINUTES

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

455 Moved Cr T Brown Seconded Cr J Brown

That the Minutes of the Ordinary Council Meeting held on 27 September 2011, as published and distributed be confirmed as an accurate record.

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

456 Moved Cr L Griffiths Seconded Cr T Brown

That the Minutes of the Special Council Meeting held on 17 October 2011, as published and distributed be confirmed as an accurate record.

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

8. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Petitions and Deputations are made in accordance with the requirements outlined in the City of Gosnells Standing Orders Local Law.

Copies of petitions and any documentation tabled or shown during a Deputation or Presentation must be provided to the Chief Executive Officer immediately following completion of the submission.

Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

Clause 2.9 of the City of Gosnells Standing Orders Local Law 2003 states:

- “(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 G Dewhurst requested leave of absence for the 8 November 2011, which includes the 8 November 2011 Ordinary Council Meeting, for personal reasons.

Cr R Lawrence requested leave of absence from the 8 November to 21 November 2011, which includes the 8 November 2011 Ordinary Council Meeting, for personal reasons.

COUNCIL RESOLUTION

457 Moved Cr R Hoffman Seconded Cr O Searle

That Council grant leave of absence to:

Cr G Dewhurst for the 8 November 2011;
Cr R Lawrence from the 8 November to 21 November 2011 inclusive.

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

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

For the convenience of the public gallery, Council may resolve to bring forward any matter that has been raised during Item 6 'Question Time for the Public and the Receiving of Public Statements', Item 8 'The Receiving of Petitions, Deputations and Presentations' or any other minutes item known to be of interest to the public in attendance [Clause 2.15.4(9) of the City of Gosnells Standing Orders Local Law]

COUNCIL RESOLUTION

458 Moved Cr R Mitchell Seconded Cr R Hoffman

That for the convenience of the Public Gallery, the following items be brought forward to this point of the meeting for discussion:

Item 13.5.7 Amendment No.130 to Town Planning Scheme No.6 - Initiation - Creation of a Development Zone and Rezoning of Land, Verna and Eileen Street, Gosnells;

Item 13.5.8 Review of Planning Guidance - Kelvin Road Precinct, Orange Grove.

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

12. MINUTES OF COMMITTEE MEETINGS

Nil.

13.5.7 AMENDMENT NO. 130 TO TOWN PLANNING SCHEME NO.6 - INITIATION - CREATION OF A DEVELOPMENT ZONE AND REZONING OF LAND, VERNA AND EILEEN STREETS, GOSNELLS

Author: R Windass
Author's Declaration Nil.
of Interest:
Application No: PF11/00028
Applicant: Planwest
Owner: Della-Vedova Family
Location: Various lots, Verna and Eileen Streets, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission
Area: 277 ha
Previous Ref: Nil.
Appendices: 13.5.7A Current Town Planning Scheme Map
13.5.7B Proposed Amendment Map

PURPOSE OF REPORT

For Council to consider the initiation of an amendment to Town Planning Scheme No. 6 (TPS 6) to:

- Create a new zone, to be referred to as "Development".
- Rezone land generally bound between Verna Street, Corfield Street, Eileen Street, Seaforth Avenue, Tonkin Highway and the Wungong River, Gosnells to the Development zone.

BACKGROUND

A proposal has been submitted by planning consultant, Planwest, on behalf of the Della-Vedova family, to amend TPS 6 to establish a new zone, to be known as Development and apply this zone to the family's expansive Gosnells landholding.

DISCUSSION**Subject Land**

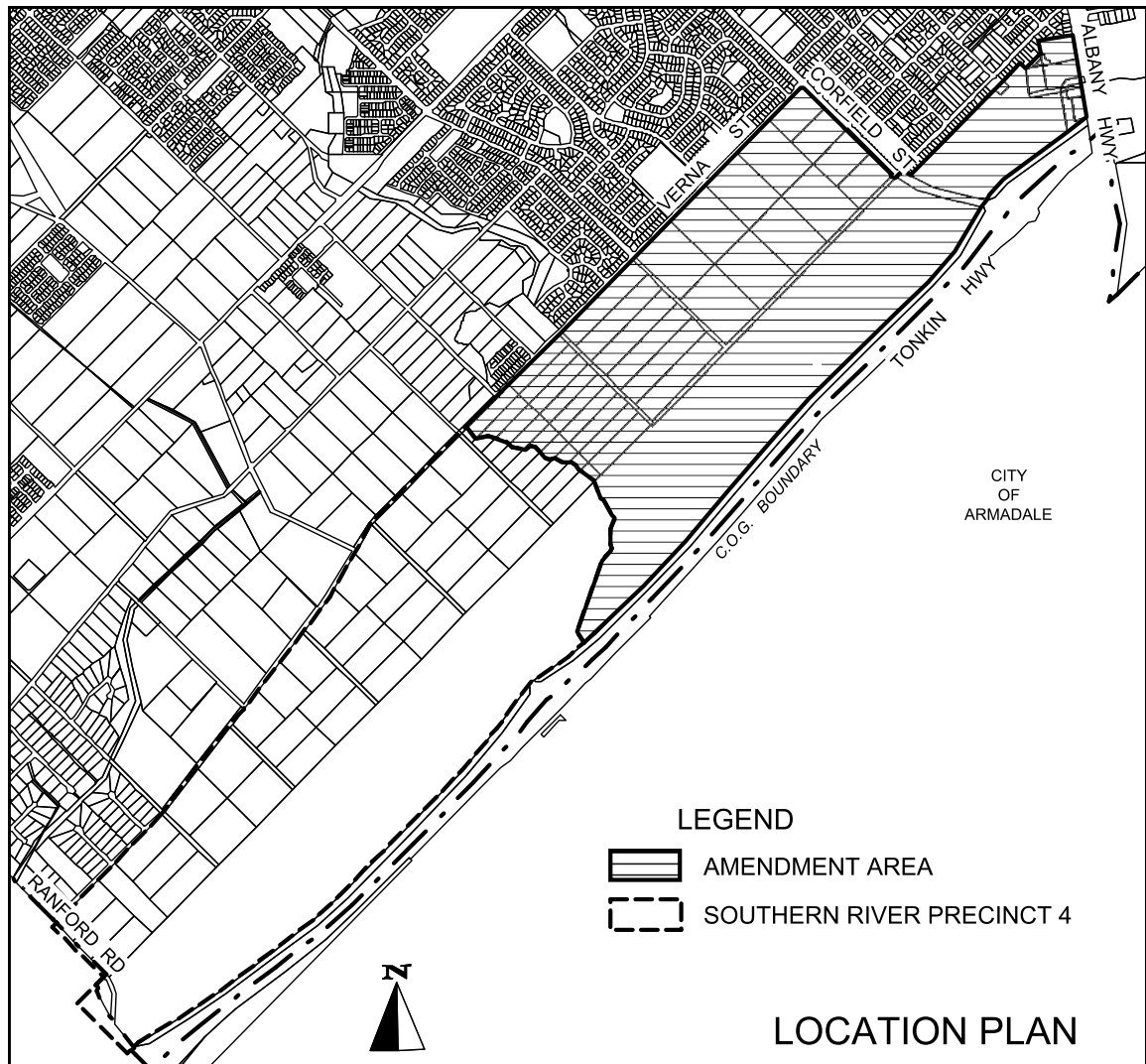
The land subject to the proposed amendment (the subject land) is shown on the Location Plan. It comprises numerous lots with a combined area of approximately 277 hectares. Most lots are in the ownership of the Della-Vedova family, with the exception of the Seaforth Primary School, the adjoining Lot 1 Corfield Street, several un-made road reserves and a gas pipeline adjacent to Tonkin Highway.

The subject land is zoned Urban in the Metropolitan Region Scheme (MRS) and, with the exception of the school site, Residential R17.5 in TPS 6.

The family also own approximately 300 hectares of land in the area referred to for planning purposes as Southern River Precinct 4, which is located to the south-west of the subject land and is zoned Urban Deferred in the MRS and General Rural in TPS 6.

Item 13.5.7 Continued

It is understood that a proposal will soon be submitted to amend the MRS and TPS 6 to enable development in Precinct 4, which with the subject land, will form the site of a potentially significant development project.



Proposal

Need for Creation of a Development Zone

TPS 6 currently has two zones, being Residential Development and Business Development, which may be applied to land that has been determined as requiring an Outline Development Plan (ODP) to guide subdivision and development.

The respective provisions relating to these zones operate in a similar manner, in that an adopted ODP can, in addition to establishing a layout and structure for subdivision and development, indicate land use classifications that have effect as if the land was zoned under the planning scheme.

Item 13.5.7 Continued

An advantage of this approach is that an ODP can detail a mix of land uses and a range of residential density codes, which would have statutory effect but can be readily modified to accommodate a change to the development layout or land use arrangements if required.

However, the objectives of the two zones vary somewhat.

The objective of the Residential Development zone is:

“to provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development generally in accordance with an Outline Development Plan adopted pursuant to clause 7.4”.

The objective of the Business Development zone is,

“to provide for the progressive and planned development of areas for commercial and industrial uses generally in accordance with an Outline Development Plan adopted pursuant to clause 7.4.”

The Residential Development zone is typically applied to an area intended primarily for residential uses, though it can also accommodate commercial and community uses. The Business Development zone is intended for business parks and industrial uses.

The Della-Vedova family has indicated its intent to facilitate development of its land for a range of land uses, including residential, industrial, commercial, education, research and community purposes. It is understood that some of the intended land uses would generally fit within both the Residential or Business Development zones, however some uses would fit in one zone but not the other.

The family has commissioned Planwest to prepare a structure plan to broadly establish the configuration, layout and arrangement of the planned development and it is understood that this plan will be submitted to the City soon as part of a request to amend the MRS and TPS 6 to rezone land in Precinct 4 to facilitate this development.

It is appreciated that it would be difficult at this preliminary stage, given the intended development structure is still to be defined, the large extent of project area and the likely mix of various land uses, to delineate the land into either the Residential or Business Development zone or other more specific zones, codes or reserves or to define zoning boundaries.

As development is likely to be staged over a substantial timeframe, modifications to the development structure, once established, may be necessary in response to various influences, such as changes in owner circumstances, urban design philosophy or market conditions. Defining matters that are subject to change in a planning scheme can be problematic due to the resources and timeframes involved in making amendments. A flexible planning approach is warranted in such a situation.

The intent of the proposed amendment to create a new Development zone in TPS 6 and apply it to the subject land is to enable a flexible and efficient approach to planning.

Item 13.5.7 Continued

The following objective is proposed for the Development zone:

"To provide for the progressive and planned development of land for a variety of uses and development, including residential, commercial, industrial, community and recreational in accordance with an Outline Development Plan adopted pursuant to clause 7.4."

Some minor changes are also proposed to the Zoning Table and provisions of Part 7 of TPS 6 text to make reference and give effect to the new zone and, critically, the ODP to guide land use, subdivision and development.

The process to modify an adopted ODP, particularly minor changes, is simpler and often quicker to complete than the process of making an amendment to a planning scheme, meaning changes to the development layout or land use arrangements can be made in a more timely manner, while ensuring appropriate opportunity for assessment and, where necessary, public input.

While the amendment proposal has been submitted at the request of the Della-Vedova family and in relation to the subject land, the proposed Development zone could be applied to other land in the City through subsequent, separate Scheme amendments.

Rezoning of Subject Land

An extract of the TPS 6 map as it relates to the subject land is contained in Appendix 13.5.7A.

It is proposed to amend the map to apply the Development zone to the area indicated on the plan contained in Appendix 13.5.7B.

Assessment

The creation of a Development zone is consistent with the two similar existing zones already established in TPS 6 that give effect to an ODP or ODPs prepared to guide subdivision and development.

The application of the Development zone to the subject land and the resulting requirement for the preparation and adoption of an ODP or ODPs would be consistent with the manner in which planning frameworks have been established and operated in other parts of the City that have undergone or are undergoing new urban development.

The size and significance of the development project involving the Della-Vedova family's land warrants such an arrangement and a flexible approach to planning.

It should be noted that the subject land is already zoned for urban development and the amendment proposal is essentially administrative in nature.

Therefore there is no requirement to assess the capability of the land for development, review any environmental requirements or consider the type and layout of proposed development - as these are matters for the ODP stage.

Item 13.5.7 Continued

CONCLUSION

The proposed amendment to TPS 6 to create a new Development zone will provide greater flexibility, efficiency and effectiveness in progressing planning for areas where it is intended to facilitate a mix of land uses and development through the use of an ODP or ODPs.

The application of the Development zone to the subject land has merit given the land's large extent and significance, the intent to develop a range of land uses and the need for a flexible, efficient and effective planning approach.

It will be recommended that Council initiate an amendment to TPS 6 to:

1. Introduce a new Development zone.
2. Apply the development zone to the subject land, as shown on the plan contained in Appendix 13.5.7B.

FINANCIAL IMPLICATIONS

A fee charged in accordance with the provisions of the Town Planning (Local Government Fees) Regulation 2011 covers the costs of processing the proposed amendment.

STATUTORY IMPLICATIONS

- Planning and Development Act 2005.
- Environmental Protection Act 1986.
- Town Planning Regulations 1967.
- Town Planning (Local Government Fees) Regulations 2011.
- Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.7 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

459 Moved Cr R Hoffman Seconded Cr O Searle

That Council, pursuant to Section 75 of the *Planning and Development Act 2005*, adopt Amendment No. 130 to Town Planning Scheme No. 6 for the purpose of:

1. Creating a new "Development" zone by;
 - a) Inserting the following text in Clause 4.2 "Objectives of the Zones":

**** Development Zone**

To provide for the progressive and planned development of land for a variety of uses including, residential, commercial, industrial, recreational and community generally in accordance with an Outline Development Plan adopted pursuant to clause 7.4."

- b) Adding a new column to Table 1: Zoning Table with the notation as follows:

ZONES		
	USE CLASS	Development
		See Note 1

- c) Adding "Development" zone to the Scheme map legend;
 2. Inserting the word "Development," after:
 - i) the word "zoned" in line one of clause 7.1 (a);
 - ii) the word "zoned" in line two of clause 7.2.1; and
 - iii) the word "than" in line one of clause 7.2.2.
 3. Deleting the definition of "Proposed Outline Development Plan" in "Part 1 General Definitions" of "Schedule 1 - Dictionary of Defined Words and Expressions", and inserting the following:

Item 13.5.7 Continued

"Proposed Outline Development Plan" means an Outline Development Plan, which applies to land zoned Development, Residential Development or Business Development, that has been prepared in accordance with Part 7;"

4. Reclassifying all the zoned land between Verna Street, Corfield Street, Tonkin Highway and the Wungong River Metropolitan Region Scheme Parks and Recreation Reserve boundary, Gosnells, from "Public Purposes - Primary School" and "Residential" to "Development" zone as shown on the Scheme Amendment Map;
5. Rezoning Lot 0 off Seaforth Avenue, portion of Lot 9001 Corfield Street, portion of Lot 5040 Tonkin Highway, Lot 1061 Eileen Street, and Lots 60, 134, 5040 and 9001 Seaforth Avenue, Gosnells, from "Residential" to "Development" zone as shown on the Scheme Amendment Map;
6. Deleting the Residential density code of R17.5 from the subject land; and
7. Amending the Scheme Map accordingly.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION
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460 Moved Cr R Hoffman Seconded Cr O Searle

That Council forward Amendment No. 130 to Town Planning Scheme No. 6 to:

1. The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act 2005; and
2. The Western Australian Planning Commission for consent to advertise for public comment;

and subject to no objections being received from the EPA and advertising consent being granted by the Commission, advertise the amendment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 (as amended) for a period of 42 days to the satisfaction of the Director Planning and Sustainability.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.5.8 REVIEW OF PLANNING GUIDANCE - KELVIN ROAD PRECINCT, ORANGE GROVE

Author: S O'Sullivan
Author's Declaration Nil.
of Interest:
Reference: PF11/00032
Previous Ref: OCM 13 September 2011 (Resolution 402)
Appendices: 13.5.8A Extract from Draft Foothills Rural Strategy -
Precinct 3
13.5.8B Metropolitan Region Scheme Amendment Plan -
Precinct 1 Maddington Kenwick Strategic
Employment Area
13.5.8C Land Use Survey Plan

PURPOSE OF REPORT

For Council to consider a review of the planning guidance and use of land adjacent to Kelvin Road, Orange Grove.

BACKGROUND

Council at its meeting on 13 September 2011 considered an application for planning approval for the construction of transportable buildings at 225 (Lot 508) Kelvin Road, Orange Grove.

The application was recommended by staff for refusal for the following reasons:

- "1. *The application is inconsistent with the draft Foothills Rural Strategy as it does not conform to the intent and purpose of the objectives of Precinct Three of the Strategy.*
2. *Approval of the proposal would constitute an undesirable precedent and may lead to further proposals to develop land east of Tonkin Highway for industrial purposes, resulting in the incremental expansion of industrial land uses into areas which enjoy a high level of rural amenity."*

Council did not accept this recommendation and instead resolved (Resolution 402) to defer consideration of the application for the following reasons:

- "1. *To allow consideration of the suitability of the proposal and surrounding land uses in the context of the current draft foothills strategy; and*
2. *To enable Council to consider a report on the relevance of the current local policy for the area abutting Kelvin Road near the Tonkin Highway at the Council meeting to be held on 25 October 2011."*

The following reason was given in support of the foreshadowed motion that was subsequently passed by Council as Resolution 402:

"There are a number of rural-industrial type uses in the immediate locality which have agglomerated over time and provide a useful service to the local community.

Item 13.5.8 Continued

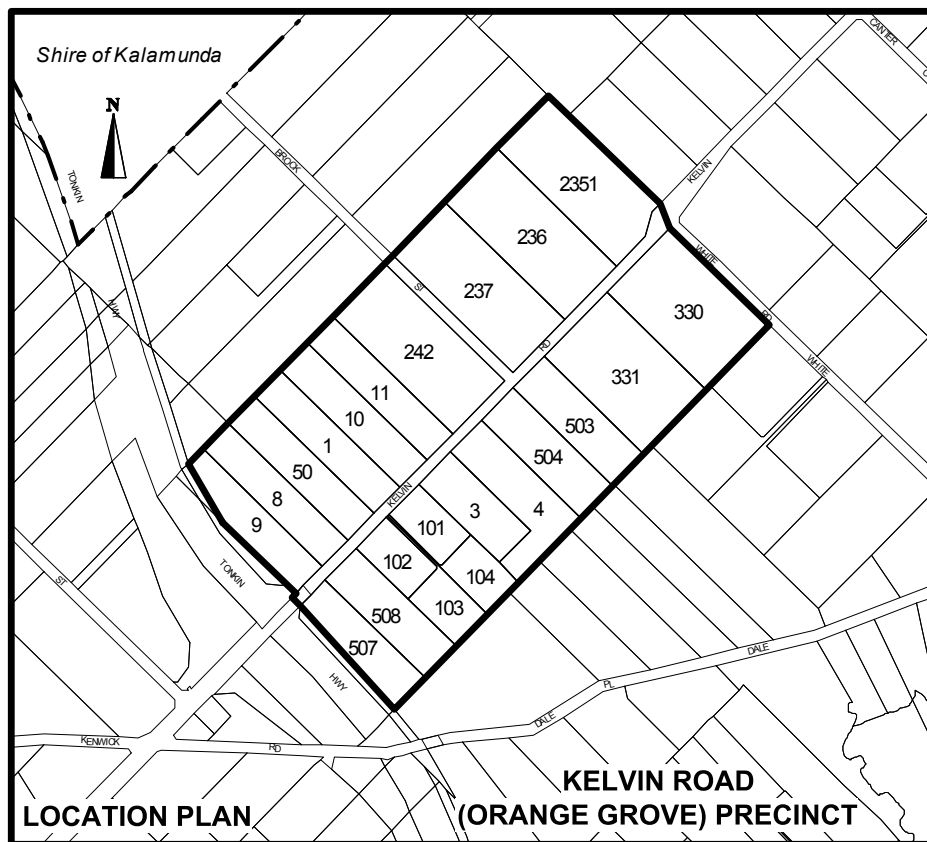
The immediate area may benefit from a re-evaluation of its current and potential land uses having regard to this fact, and in that case the proposal may prove to be compatible with the current and foreshadowed land uses in the area. The timeframe of 25 October is suggested as a suitable deadline because it falls outside the Council's caretaker period associated with the forthcoming election."

DISCUSSION

Interpretation of Resolution 402

This report has been prepared on the basis of the following interpretation of the intent of Resolution 402:

- Council deferred a decision on the subject application to consider it in the context of the existing uses of land near Lot 508 Kelvin Road, the land use planning framework that is relevant to this area and a re-evaluation of this framework.
- The 'area abutting Kelvin Road, near the Tonkin Highway' is interpreted as the set of properties that have a frontage to Kelvin Road, east of Tonkin Highway and extending to White Road, as shown on the Location Plan below and hereafter referred to as the Kelvin Road (Orange Grove) Precinct.



Item 13.5.8 Continued

Relevant Statutory Land Use Planning Guidance

Zoning

Land in the Kelvin Road (Orange Grove) precinct is zoned Rural in the MRS and General Rural in TPS 6.

There are no proposals to change these zonings in this location.

General Rural Zone Objectives

TPS 6 sets out the following objective for the General Rural zone:

"To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality."

Land Use Permissibility in the General Rural Zone

The following use classes are assigned the symbol 'P' in TPS 6 for the General Rural zone, meaning they are permitted where compliant with relevant Scheme development standards and requirements:

- Family Day Care
- Home Office
- Rural Pursuit
- Single House

The following use classes are assigned the symbol 'D' in TPS 6 for the General Rural zone, meaning they are not permitted unless Council (or its delegate or a Development Assessment Panel) has exercised its discretion to grant planning approval:

- Agriculture - extensive
- Agroforestry
- Bed and Breakfast
- Caretakers Dwelling
- Civic Use
- Commercial Vehicle Parking
- Community Purpose
- Home Business
- Home Occupation
- Industry - Cottage
- Industry - Rural
- Winery
- Retail Nursery

Item 13.5.8 Continued

- Ancillary Accommodation

The following use classes are assigned the symbol 'A' in TPS 6 for the General Rural zone, meaning they are not permitted unless Council (or its delegate or a Development Assessment Panel) has exercised its discretion to grant planning approval after undertaking public consultation:

- Agriculture - intensive
- Animal Establishment
- Animal Husbandry - intensive
- Caravan Park/Home Park
- Child Care Premises
- Club Premises
- Corrective Institution
- Educational Establishment
- Exhibition Centre
- Industry - Extractive
- Industry - Service
- Market
- Place of Worship
- Reception Centre
- Recreation - private
- Residential Building
- Restaurant
- Telecommunications Infrastructure
- Veterinary Centre

37 other listed use classes are assigned the symbol 'X' in TPS 6, meaning they are not permitted.

Industrial Land Use Definitions

While the Kelvin Road (Orange Grove) Precinct has wide variety of potential land uses afforded to it by TPS 6, the application for the construction of transportable homes at Lot 508 Kelvin Road provides an indication that there is demand to use land in the Precinct for semi-industrial or commercial activities.

The following classes of industrial development are the only type potentially permissible in the General Rural zone:

- Cottage (D use)
- Rural (D use)
- Extractive (A use)

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- Service (A use).

Industry - General, Industry - Light, Industry - Mining and Industry - Noxious are not permitted.

TPS 6 defines 'industry' in the following manner:

"means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for -

- (a) the storage of goods;*
- (b) the work of administration or accounting;*
- (c) the selling of goods by wholesale or retail; or*
- (d) the provision of amenities for employees,*

incidental to any of those industrial operations."

It is worth noting the definitions of Industry - Rural, Industry - Light and Industry - Service:

Industry - Rural means:

- (a) an industry handling, treating, processing or packing rural products; or*
- (b) a workshop servicing plant or equipment used for rural purposes;*

Industry - Light means:

"An industry -

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;*
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services."*

Industry - Service means:

- "(a) an industry - light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or*
- (b) premises having a retail shop front and uses as a depot for receiving goods to be serviced."*

Industry - Cottage means a trade or light industry producing arts and crafts goods which do not fall within the definition of a home occupation and is subject to restrictions on the nature and intensity of the activity.

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The findings of a land use survey of the Kelvin Road (Orange Grove) Precinct are detailed later in this report. None of the existing uses meet the definition of Industry - Rural or Industry - Cottage, nor would there appear to be much demand for land for these uses.

Effectively the only difference between the definitions of Industry - Light and Industry - Service is that the latter may have retail shopfront. The definitions are otherwise materially similar and while Industry - Service is potentially permissible on General Rural zoned land, Industry - Light is not. This seems illogical and would warrant an amendment being made to TPS 6 to prohibit Industry - Service from the General Rural zone, or alternatively allow Industry - Light in this zone.

It will be recommended in a forthcoming report to Council, that an amendment be made to TPS 6 to change the use class permissibility for Industry - Service from 'A' to 'X' to prohibit such uses in the General Rural zone, as part of a package of proposed Scheme changes. The amendment, if initiated and then considered appropriate, would likely take at least 12 months to finalise and it would be open for Council to consider approving applications for planning approval for Industry - Service in the General Rural zone in the meantime.

It would also be open to proponents to apply to amend TPS 6 to establish additional use rights for specific properties, where it is considered that these properties could be developed appropriately for a particular type of land use but are otherwise currently not permitted to do so by the Scheme.

Relevant Strategic Land Use Planning Guidance

The report to Council on 13 September 2011 contained details relating to the strategic land use planning context relevant to the proposal for Lot 508 Kelvin Road. The following section expands upon these details.

Draft Rural Foothills Strategy

The draft Rural Foothills Strategy was adopted by Council at its meeting of 13 April 2004.

The purpose of the Strategy is to guide land use, zoning, development and subdivision of lots in the Gosnells foothills, being Rural zoned land that is on or closely adjacent to the Darling Escarpment. The key objectives of the Strategy are to identify potential future land use options and to provide guidance to the management of land use to minimise and avoid land use conflict.

The draft Strategy has not been endorsed by the Western Australian Planning Commission (WAPC). The WAPC held it in abeyance for a substantial period, which is understood to be mainly due to its preference to await the completion of a dust study associated with the Martin hard rock quarry and the outcome of an application for review in 2009 to the State Administrative Tribunal (SAT) against the WAPC's decision to refuse a proposed two-lot subdivision of land near the quarry.

The WAPC wrote to the City in February 2011 to provide an update on its consideration of the dust study and the outcome of the SAT review. In its letter, the WAPC suggested certain modifications be made to the draft Strategy in relation to the Martin area, but none were in relation to land adjacent to Kelvin Road.

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It is intended that the modified draft Strategy be represented to Council for consideration, however the time that has passed since it was initially adopted warrants a broader review of its content. This will be conducted and presented to Council.

The draft Strategy identifies a series of precincts. Land in the Kelvin Road (Orange Grove) Precinct is located in Precinct Three - Tonkin Highway East, which is an area that comprises 331 lots and accommodates rural-residential living, hobby farms, agricultural lots and rural industrial uses on a variety of lot sizes ranging from 0.4ha to 5ha.

The main objectives for Precinct 3 are to:

- Protect, conserve and enhance the landscape character of the Precinct by:
 - Discouraging further clearing of remnant vegetation, unless required for building envelopes or bush fire protection.
 - Discouraging proposals that result in an unacceptable degradation of landscape character.
- Protect, enhance and conserve the natural environment in the Precinct by:
 - Considering land capability/suitability where proposals involve the location of on-site effluent disposal units and activities that could further degrade land.
- Protect and manage land uses within the Precinct by:
 - Minimising the potential for land use conflicts through the appropriate location of land uses.

The extent of Precinct 3 is shown on the plan contained in Appendix 13.5.8A. It covers a considerably larger area than the Kelvin Road (Orange Grove) Precinct. The objectives are focussed on maintaining the landscape character, environmental values and amenity of the area, which for most of Precinct 3 are to a high level given the low intensity of existing land use and development, the extent of native and planted vegetation and the scenic backdrop of the Darling Escarpment.

As will be detailed later in this report, the Kelvin Road (Orange Grove) Precinct, by contrast, does not have the same high level of landscape character, environmental value or amenity as the rest of Precinct 3, which suggests that the objectives in the draft Strategy for Precinct 3 are not as relevant to the Kelvin Road (Orange Grove) Precinct as they are to the rest of the area.

It would be open to Council to amend the draft Foothills Rural Strategy to delineate the Kelvin Road (Orange Grove) Precinct from the rest of Precinct 3 and apply a more flexible approach to land use and development in the area.

Draft Industrial Land Strategy 2009 Perth and Peel

The draft Industrial Land Strategy (ILS) was released by the WAPC for public comment in February 2010. It focuses on the identification of land potentially suitable for industrial activities.

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The draft ILS identified an area east of Tonkin Highway, of which the Kelvin Road (Orange Grove) Precinct forms a part, as an "Extension Industrial Site". The Department of Planning subsequently advised that the area had mistakenly been identified as such and that it should have been classified as a "Landbank" site.

In its submission on the draft ILS, Council strongly objected to the identification of Orange Grove as a potential future industrial site, on the following basis:

- The area is highly constrained and in fragmented ownership
- Identification of the area for future industrial uses is contrary to the City's draft Foothills Rural Strategy
- Landowners and residents have previously strongly expressed their desire for the area to remain rural in nature.

A public meeting held by the Department of Planning in March 2010 at the Maddington Community Centre in relation to the draft ILS was very well attended, particularly by residents of Orange Grove who were vociferous in their opposition to the suggestion made in the draft ILS about industrialisation of the area. It is understood that numerous submissions were made to the WAPC objecting the draft ILS.

The draft ILS has yet to be finalised by the WAPC. It is understood that the release of the final strategy is imminent and will not contain any reference to industrialisation of Orange Grove.

It could be inferred that the WAPC will therefore not be undertaking any further investigations into the potential for industrial development in Orange Grove, nor proposing any amendment to the MRS to rezone the area for industrial use in the foreseeable future.

This suggests that rezoning of Orange Grove under TPS 6 for an industrial zoning would not be appropriate. However, this would not preclude Council to taking a more flexible approach to land use and development in the Kelvin Road precinct through either amending use class permissibility in TPS 6, or exercising discretion with guidance through planning strategies or policies.

Strategic Land Use Planning of Surrounding Areas

Maddington Kenwick Strategic Employment Area

Council has allocated substantial resources to the Maddington Kenwick Strategic Employment Area (MKSEA) project.

Resources have been used to undertake a series of investigations into the potential for industrial development of the MKSEA, including studies into the environmental characteristics of the area, undertaking a water monitoring program, development of water management strategies, transport implications and servicing requirements, and extensive consultation with land owners.

A significant milestone for the MKSEA project was recently achieved when the Minister for Planning consented to the advertising of an amendment to the MRS to rezone land in an area referred to as Precinct 1 for public comment. The amendment proposes rezoning land from Rural to Industrial. The extent of the amendment area is shown on

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the plan contained in Appendix 13.5.8B and lies immediately to the south-west of the Kelvin Road (Orange Grove) Precinct, albeit separated by Tonkin Highway.

The public consultation period on the amendment is due to conclude on 4 November 2011.

While rezoning of Precinct 1 to Industrial under the MRS would provide a strong indication that the area may be developed for industrial purposes, this is only one of several planning requirements to be addressed for the area. Rezoning under TPS 6, the preparation of an Outline Development Plan and arrangements for the equitable provision of servicing and other infrastructure to facilitate development are key requirements.

Draft Shire of Kalamunda Local Planning Strategy

The Shire of Kalamunda recently released a draft Local Planning Strategy (LPS) for public comment.

One of the recommendations of the draft LPS is to investigate the potential for urban development of land in Wattle Grove, east of Tonkin Highway and immediately adjacent to the portion of the City/Shire boundary that runs parallel to Kelvin Road.

The draft LPS indicates development of the possible urban cell could yield 1,808 residential lots and house a population of 4,520 people.

It is understood that there is some opposition to this element of the draft LPS and it is presently unclear how the Shire and the WAPC will proceed from this point. Urban development in the area would have to be considered at best a long-term proposition.

Potential expansion of future urban development into the City of Gosnells to any significant extent would likely be constrained by the former Kelvin Road tip site, where the cost of remediation would likely render development unviable. However there is the prospect that in the long-term the Kelvin Road (Orange Grove) Precinct may have a substantial resident population in close proximity which could in part support a change of land use in the area.

Other Surrounding Areas

Land to the north-east, east and south-east of the Kelvin Road (Orange Grove) Precinct is predominately used for rural living purposes. The most significant non-rural development is the Crystal Brook Caravan Park further east along Kelvin Road. Properties fronting Vulcan Road, White Road, Canter Court and Dale Place are typically developed with single dwellings, some with various rural pursuits such as horse agistment and agriculture, and most enjoy a high level of rural amenity by virtue of the low intensity of development, undulating terrain, extent of vegetation cover, low traffic volume and the backdrop of the Darling Escarpment.

Existing Land Use in the Kelvin Road (Orange Grove) Precinct

Delineation of the Precinct

The Kelvin Road (Orange Grove) Precinct has been delineated simply to define the scope of the re-evaluation of the planning framework requested by Council through

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Resolution 402. The Precinct has not otherwise been defined in any previous planning study or plan.

The boundary of the Precinct generally aligns with the rear boundaries of the properties that have a frontage to Kelvin Road, between Tonkin Highway and White Road. The land between the rear boundaries of the properties that front the north-western side of Kelvin Road and the City/Shire district boundary have been excluded. The excluded area is owned by the City and forms part of the former Kelvin Road tip site.

Land Analysis

The Kelvin Road (Orange Grove) Precinct is comprised of 22 individual properties that collectively cover approximately 52 hectares. Four of the properties are owned by the City and 18 are held in private ownership.

The land is generally flat, though ground levels on the former tip site are slightly elevated compared to the rest of the Precinct, due to the filling that occurred. Landfill sites are typically unsuitable for building on, due to the composition and potential for settlement of fill material, unless properly remediated. The cost of remediation of the tip site on a broad scale would likely be unviable and therefore limit future development options of the site. Some properties on the south-eastern side of Kelvin Road lie somewhat below the rest of the Precinct due to apparent sand excavation in the past.

The Precinct has been largely cleared of native vegetation, though there are some mature tree species of varying types scattered throughout. A Bush Forever site is located on the corner of White Road and Kelvin Road, immediately adjacent to the eastern corner of the Precinct, generally containing banksia woodland which is rare in the area given the predominant vegetation type is generally jarrah and marri woodland along the base of the Darling Escarpment.

Much of the Precinct is exposed to significant traffic noise from Tonkin Highway and to a lesser extent Kelvin Road. The intersection of Tonkin Highway and Kelvin Road experiences heavy traffic congestion during peak hours. Land has been reserved and acquired by Main Roads Western Australia to enable the intersection to be grade-separated in future (that is, Kelvin Road will 'fly-over' Tonkin Highway). Development of land in the MKSEA will put further traffic pressure on this intersection.

A survey of existing land use in the Kelvin Road (Orange Grove) Precinct has been completed. A Land Use Survey Plan has been prepared, which is contained in Appendix 13.5.8C.

The survey reveals that land in the Precinct contains several land use activities that are commercial in nature, albeit of a relatively low intensity. These activities include three properties used for firewood and garden supplies and a property used for commercial vehicle parking.

It should be noted that not all properties in the Precinct are used for commercial activities. Some are vacant or contain a dwelling and outbuildings. One property (Lot 331 Kelvin Road - shown as site 12 on the plan in Appendix 13.5.8C) is approved for subdivision into three lots. However, in a general sense the area, by virtue of the generally flat terrain, extent of clearing, exposure to traffic noise and the extent of semi-commercial land use activities, does not have the same high level of landscape

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character, environmental value or amenity as the rest of the area identified in the draft Foothills Rural Strategy as Precinct 3.

Servicing

It has not been possible in the time available to prepare this report to investigate the availability of services in the Precinct. However, it is understood that electricity and water is available, but it is not known if there is capacity to cater for significant additional development. The reticulated sewer system is some distance away in the industrial area west of Tonkin Highway.

Land use and development would therefore be likely to be restricted, particularly if requiring significant volumes of water, having high energy demand or generating a high volume of wastewater.

Soils are understood to be sandy (in contrast to the clay soils further west in the MKSEA) and groundwater is not near the surface, which suggests on-site stormwater drainage should not be unduly constrained.

The future construction of a bridge over Tonkin Highway would have implications on access between Kelvin Road and several properties nearest to the highway, given the bridge approach would be elevated.

In the absence of detailed servicing and traffic investigations, it is not possible to be definitive about whether it would be appropriate to rezone the Precinct from General Rural to an alternative zoning that would facilitate more intensive development than presently exists. This could be investigated in the future.

In the meantime, it would be open to Council to consider taking a more flexible approach to allowing certain semi-commercial/industrial activities in the Precinct in the context of the current General Rural zoning by using the discretion that TPS 6 already affords Council. Such uses would need to be of low intensity, have low demand for services, involved managing stormwater and any effluent generated on-site or incorporate appropriate buffers (using fencing, setbacks and/or vegetation).

CONCLUSION

Summary of Findings

The following key findings have emerged from an evaluation of the planning framework relevant to the Kelvin Road (Orange Grove) Precinct and nature of land use activity in and around this area:

- The application for the construction of transportable homes at Lot 508 Kelvin Road provides an indication that there is demand to use land in the Precinct for semi-industrial or commercial activities. This proposal is seeking approval under the use class definition of Industry - Service. The definition of Industry - Service is materially similar to the definition of Industry - Light, yet the latter is not permitted on General Rural zoned land. This seems illogical and would warrant an amendment being made to TPS 6 to prohibit Industry - Service from the General Rural zone. A forthcoming report to Council will recommend that TPS 6 be amended to change the use class permissibility for Industry - Service from 'A' to 'X' to prohibit such uses in the General Rural zone, as part of a

Item 13.5.8 Continued

package of proposed Scheme changes. It would, however, be open for Council to consider approving applications for planning approval for Industry - Service in the General Rural zone in the meantime if the proposal is deemed appropriate on its merits. It would also be open to proponents to seek to apply to amend TPS 6 to establish additional use rights for specific properties, where it is considered that these properties could be developed appropriately for a particular type of land use but are otherwise currently not permitted to do so by the Scheme.

- The Precinct is located near the MKSEA and an amendment in the MRS to rezone Precinct 1 to Industrial immediately to the west of Tonkin Highway is being advertised for public comment. The potential for urban development in Wattle Grove, adjacent to the City/Shire district boundary, in the long term has recently been flagged by the Shire of Kalamunda. Hence, there is the prospect for land use change near the Precinct in the future, though timeframes are uncertain and other nearby areas with high rural amenity are likely to remain for the foreseeable future, such as in White Road, Vulcan Place, Dale Place and Canter Court.
- A land use survey of the Precinct found that the area contains several land use activities that are commercial in nature, albeit of a relatively low intensity. These activities include three properties used for firewood and garden supplies and a property used for commercial vehicle parking, however not all properties in the Precinct are used for commercial activities. Some are vacant or contain a dwelling and outbuildings. One property is approved for subdivision into three lots.
- The draft ILS identified an area east of Tonkin Highway, of which the Kelvin Road (Orange Grove) Precinct forms a part, as an "Extension Industrial Site". Council strongly objected to this element of the draft ILS and many Orange Grove residents did the same. It is understood that the final ILS will not contain any reference to industrialisation of Orange Grove and it could be inferred that the WAPC will not propose any amendment to the MRS to rezone the area for industrial use in the foreseeable future. This suggests that rezoning of Orange Grove under TPS 6 for an industrial zoning in the foreseeable future, particularly without having undertaken any detailed servicing, land capability and traffic investigations, would not be appropriate. However, this would not preclude Council from taking a more flexible approach to land use and development in the Kelvin Road precinct through either amending use class permissibility in TPS 6, or exercising discretion with guidance through planning strategies or policies.
- The Kelvin Road (Orange Grove) Precinct falls within an area identified in the draft Foothills Rural Strategy as Precinct 3. Precinct 3 covers a considerably larger area than the Kelvin Road (Orange Grove) Precinct. The objectives are focussed on maintaining the landscape character, environmental values and amenity of the area, which for most of Precinct 3 are to a high level given the low intensity of existing land use and development, the extent of native and planted vegetation and the scenic backdrop of the Darling Escarpment. The Kelvin Road (Orange Grove) Precinct, by contrast, does not have the same high level of landscape character, environmental value or amenity as the rest of Precinct 3, by virtue of the generally flat terrain, extent of clearing, exposure to traffic noise and the extent of semi-commercial land use activities, which suggests that the objectives in the draft Strategy for Precinct 3 are not as

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relevant to the Kelvin Road (Orange Grove) Precinct as they are to the rest of the area.

- It would be open to Council to consider taking a more flexible to approach to allowing certain semi-commercial/industrial activities in the Precinct in the context of the conclusions outlined above and given the current General Rural zoning by using the discretion that TPS 6 already affords Council. Such uses would need to be of low intensity, have low demand for services, involved managing stormwater and any effluent generated on-site or incorporate appropriate buffers (using fencing, setbacks and/or vegetation). It would also be open to proponents to apply to amend TPS 6 to establish additional use rights for specific properties, where it is considered that these properties could be developed appropriately for a particular type of land use but are otherwise not permitted to do so by the Scheme.

Recommended Approach to Planning of the Kelvin Road (Orange Grove) Precinct

In view of the findings detailed above, the following recommendations will be made:

- That Council note that a forthcoming report will recommend that TPS 6 be amended to change the use class permissibility of Industry - Service to prohibit it from the General Rural zone.
- That Council require the draft Foothills Rural Strategy to be amended to exclude the Kelvin Road (Orange Grove) Precinct from Precinct 3 and incorporate guidelines for a more flexible approach to land use and development in the area to be exercised provided that certain criteria are met in respect to servicing requirements, land capability and minimising any detrimental impact on the amenity of the locality.

It should be noted that given the changes likely to be recommended to the draft Foothills Rural Strategy and the time that has passed since consultation with the community occurred, further opportunity for community input should be provided. This will be addressed in a future report to Council in relation to the revised draft Strategy.

FINANCIAL IMPLICATIONS

An amendment to TPS 6 and modifications to the draft Foothills Rural Strategy can be met from the Planning and Sustainability Directorate's operational budget.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.8 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION
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461 Moved Cr R Mitchell Seconded Cr K Jones

That Council note that a forthcoming report will recommend that Town Planning Scheme No. 6 will be amended to change the use class permissibility of Industry - Service to prohibit it from the General Rural zone.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

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

462 Moved Cr R Mitchell Seconded Cr K Jones

That Council require the draft Foothills Rural Strategy be amended to exclude the Kelvin Road (Orange Grove) Precinct from Precinct 3 and incorporate guidelines for a more flexible approach to land use and development in the area to be exercised provided that certain criteria are met in respect to servicing requirements, land capability and minimising any detrimental impact on the amenity of the locality.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

13.1.1 MAJOR PROJECTS PROGRESS REPORT

Author: J Phillips
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 28 June 2011 (Resolution 331)
Appendix: 13.1.1A Major Projects Progress Report (July - September 2011)

PURPOSE OF REPORT

For Council to note the Major Projects Progress Report for the July - September 2011 quarter.

BACKGROUND

The City has, for some time, produced quarterly reports in relation to performance against the activities included in a 'Plan for the Future'. Due to new State Legislation, local governments are now being required to prepare a 10-Year Community Plan. Our Future: Our 10 Point / 10 Year Commitment was adopted as the City's 10-Year Community Plan. As part of the City's new strategic planning framework, the Major Projects Progress Report will be used to report on the progress of key annual strategic activities and projects, which will aim to achieve strategic goals and objectives identified in the City's 10-Year Community Plan.

DISCUSSION

The Major Projects Progress Report has been updated with progress for the July-September quarter and is attached as Appendix 13.1.1A.

It should be noted that a new column has been added to the Report, which links the activities and projects to goals listed in the City's 10 Year Community Plan.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required

Item 13.1.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

463 Moved Cr J Brown Seconded Cr L Griffiths

That Council note the updated Major Projects Progress Report for the July-September quarter, attached as Appendix 13.1.1A.

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.2 COMMUNITY ENGAGEMENT

The Mayor advised the meeting that Cr J Brown had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.2.1 HISTORY AND HERITAGE ADVISORY GROUP MEETING - 6 OCTOBER 2011

Author: A Cochran
Author's Declaration of Interest: Nil.
Previous Ref: Nil.
Appendix: 13.2.1A Minutes including proposed Actions of the History and Heritage Advisory Group Meeting held on Thursday 6 October 2011

PURPOSE OF REPORT

For Council to receive the Action Sheet and Minutes of the City of Gosnells History and Heritage Advisory Group (the Group) Meeting held on 6 October 2011 and to note and endorse the staff responses to the Group's proposed Actions which are within operational parameters.

BACKGROUND

In accordance with Policy No. 3.3.5, the Group meets every two months to provide a community perspective on aspects of history and heritage within the care or control of the City of Gosnells. The business of the meeting as reported in the Minutes of the Group held on 6 October 2011 is attached as Appendix 13.2.1A.

DISCUSSION

There were no proposed Actions from the Group meeting held on Thursday 6 October 2011 which require Council consideration.

FINANCIAL IMPLICATIONS

Actions can be addressed within operational budgets and resources.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 5.41.

City of Gosnells Policy No. 5.4.43 Advisory Groups - Establishment and Operation applies to the operations of Advisory Groups of the City.

City of Gosnells Policy No. 3.3.5 City of Gosnells History and Heritage Advisory Group - Terms of Reference.

Item 13.2.1 Continued

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

464 Moved Cr G Dewhurst Seconded Cr W Barrett

That Council receive the Minutes including proposed Actions of the City of Gosnells History and Heritage Advisory Group Meeting held on Thursday 6 October 2011 attached as Appendix 13.2.1A.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

465 Moved Cr G Dewhurst Seconded Cr W Barrett

That Council note the following proposed Actions from the Group's meeting held on Thursday 6 October 2011:

Proposed Action Reference Number	Advisory Group's Proposed Action	Action Taken
HHAG 2/06/2011-Proposed Action 8	That the History and Heritage Advisory Group acknowledge Gil McDonald's contribution to history and heritage in the City.	Acknowledgement included in minutes of meeting.
HHAG 2/06/2011-Proposed Action 9	That the History and Heritage Advisory Group acknowledge the Council for including the idea of a post World War Two museum in the City's operational plan.	Noted.
HHAG 2/06/2011-Proposed Action 10	That Mr Henry Zelones be invited to meet with members of the Group to discuss the issues included in the State Cultural Heritage Policy and Discussion Paper.	Invitation to be forwarded.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.2.2 HISTORY AND HERITAGE ADVISORY GROUP - ENDORSEMENT OF MEMBERSHIP AND APPOINTMENT OF PRESIDING MEMBER

The Mayor advised the meeting that Cr J Brown had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

Author: S Gurney
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.2.2A History and Heritage Advisory Group Nominations
13.2.2B Terms of Reference History and Heritage Advisory Group

PURPOSE OF REPORT

To seek Council endorsement of membership to and appointment of a Presiding Member for the History and Heritage Advisory Group (HHAG) for a term expiring at the 2013 Local Government elections.

BACKGROUND

At its Ordinary Council Meeting of 24 November 2009, Council adopted Resolution 585 which reads:

"That Council request the Chief Executive Officer to review and prepare Terms of reference for the following listed Advisory Groups, to ensure consistency with Council Policy 5.4.42 'Advisory Groups - Establishment and Operations' and that these be presented for Council's consideration at a future meeting:

- *History and Heritage Advisory Group*
- *RoadWise Advisory Group*
- *Safe City Christmas Lights Awards Advisory Group."*

Resolution 587 of the Ordinary Council Meeting held on 24 November 2009 resolved to extend the tenure of membership of the currently appointed HHAG community members to expire at the 2011 local government elections.

At its Ordinary Meeting held on 13 April 2010 Council adopted through Resolution 156 a new Terms of Reference for the group (see Attachment 13.2.2B) which implements a membership structure as follows:

- Maximum of four community members
- Maximum of two organisational representatives
- Maximum of two councillor delegates.

Item 13.2.2 Continued

Council Resolution 454 of the Ordinary Council meeting held on 17 October 2011 appointed Councillor Julie Brown and Councillor Olwen Searle as Council Delegates to this group.

DISCUSSION

Council Policy 5.4.43 'Advisory Groups – Establishment and Operations' provides directions as to the support of the operation of Advisory Groups established to provide input opportunities and advice to the City, as well as establishing the approach for attracting nominations for membership to the City's Advisory Groups. Accordingly the City has:

- Advertised in The Examiner newspaper on 22 September 2011 and the Comment News 27 September 2011 seeking nominations from interested persons.
- Written to each organisation listed below seeking their nomination of a representative:
- Heritage Council of WA
- National Trust (WA branch)
- Museums Australia (WA branch)
- Royal Western Australian Historical Society
- Youth Advisory Committee (YAC representative)
- Gosnells Regional Noongar Action Committee
- Western Australian Genealogical Society.

Unfortunately the majority of these organisations have advised the City that they declined to nominate a representative to the Advisory Group due to their staff and or volunteers' time constraints with three organisations having not responded to the invitation.

The City also wrote to each existing member of the History and Heritage Advisory Group to explain the procedures to be applied for the appointment of membership and to invite them to renominate for a position on the History and Heritage Advisory Group for the period ending at the 2013 local government elections.

The nomination period ended on 30 September 2011, and the following nominations for the community representatives were received.

- Mrs Peggy Clarke
- Mr Douglas Corker
- Dr Gilbert McDonald
- Mr Dale Miller
- Mrs Patricia Morris
- Mr Trevor Newman
- Mrs Anthea Rogers

Item 13.2.2 Continued

More detailed information on the above nominees is contained in Appendix 13.2.2A.

Of the seven community nominations received all but Mr Miller have previously been members of the History and Heritage Advisory Group.

Council can select four persons from these seven candidates to the four community representative positions on the History and Heritage Advisory Group. Council does retain the option of expanding the number of community members on the group in light of the nominations received.

The term of appointment for membership to the History and Heritage Advisory Group would be until the 2013 local government elections.

In accordance with Council Policy 5.4.43, Council is also required to appoint a Presiding Member from the History and Heritage Advisory Group membership.

FINANCIAL IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

There are no relevant statutory obligations for appointments to Advisory Groups, however Council Policy 5.4.43 'Advisory Groups - Establishment and Operations' and Council Policy 3.3.5 'History and Heritage Advisory Group - Terms of Reference' attached as Appendix 13.2.2B is relevant.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2)

Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council appoint the following persons as the community representative members of the City of Gosnells History and Heritage Advisory Group, for the period expiring at the 2013 Local Government elections:

1. [insert nominee's name]
2. [insert nominee's name]
3. [insert nominee's name]
4. [insert nominee's name]

Item 13.2.2 Continued

STAFF RECOMMENDATION (2 OF 2)

Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council appoint Cr _____ as Presiding Member to the History and Heritage Advisory Group for the period expiring at the 2013 Local Government elections.

Amendment to Staff Recommendation (1 of 2)

During debate Cr J Brown moved the following amendment to staff recommendation (1 of 2):

"That Council appoint the following persons as the community representative members of the City of Gosnells History and Heritage Advisory Group, for the period expiring at the 2013 Local Government elections.

*Mrs Peggy Clarke
Mr Douglas Corker
Dr Gilbert McDonald
Mr Dale Miller
Mrs Patricia Morris
Mr Trevor Newman
Mrs Anthea Rogers"*

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

"As no nominations have been received from organisations Council expand the numbers of Community Representatives to include all seven community nominations".

Cr O Searle 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 O Searle

"That Council appoint the following persons as the community representative members of the City of Gosnells History and Heritage Advisory Group, for the period expiring at the 2013 Local Government elections:

1. Mrs Peggy Clarke
2. Mr Douglas Corker
3. Dr Gilbert McDonald
4. Mr Dale Miller
5. Mrs Patricia Morris
6. Mr Trevor Newman
7. Mrs Anthea Rogers"

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 13.2.2 Continued

The amendment was put and carried with the amendment becoming the substantive motion.

Notation

During debate, Cr Julie Brown nominated Cr O Searle to the position of Presiding Member to the History and Heritage Advisory Group.

Cr O Searle declined the nomination and Cr J Brown then nominated Dr Gilbert McDonald to the position of Presiding Member to the History and Heritage Advisory Group, which Cr O Searle seconded.

At conclusion of debate the Mayor put the amended staff recommendation (1 of 2) and staff recommendation (2 of 2) together.

Amended Staff Recommendation (1 of 2)

COUNCIL RESOLUTION

466 Moved Cr J Brown Seconded Cr O Searle

That Council appoint the following persons as the community representative members of the City of Gosnells History and Heritage Advisory Group, for the period expiring at the 2013 Local Government elections:

1. Mrs Peggy Clarke
2. Mr Douglas Corker
3. Dr Gilbert McDonald
4. Mr Dale Miller
5. Mrs Patricia Morris
6. Mr Trevor Newman
7. Mrs Anthea Rogers

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

COUNCIL RESOLUTION

467 Moved Cr J Brown Seconded Cr O Searle

That Council appoint Dr Gilbert McDonald as Presiding Member to the History and Heritage Advisory Group for the period expiring at the 2013 Local Government elections.

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.3 CORPORATE SERVICES

13.3.1 FINANCIAL ACTIVITY STATEMENTS - SEPTEMBER 2011

Author: K Smith
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.3.1A Financial Activity Statement report for the month of September 2011

PURPOSE OF REPORT

For Council to adopt the Financial Activity Statement Report for the month of September 2011.

BACKGROUND

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

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

DISCUSSION

The Financial Activity Statement Report for the month of September 2011 is attached as Appendix 13.3.1A.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996, regulation 34.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.3.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

468 Moved Cr L Griffiths Seconded Cr T Brown

That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations, adopt the following reports, contained in the Financial Activity Statement Report for the month of September 2011, attached as Appendix 13.3.1A:

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

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.3.2 PAYMENT OF ACCOUNTS

Author: K Smith
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.3.2A Cheque and EFT Payment Listing for the period
1 September to 30 September 2011

PURPOSE OF REPORT

To advise Council of payments made for the period 1 September 2011 to 30 September 2011.

BACKGROUND

Nil.

DISCUSSION

Payments of \$8,664,188.08 as detailed in the cheque and EFT payment listing for the period 1 September 2011 to 30 September 2011 attached as Appendix 13.3.2A have been approved by the Director Corporate Services under delegated authority.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996, regulation 13 (2) requires a local government to prepare a list of accounts for approval showing the payee's name; the amount of the payment and sufficient information to identify the transaction and the date of the meeting of the Council to which the list is to be presented.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

469 Moved Cr R Lawrence Seconded Cr O Searle

That Council note the payment of accounts totalling \$8,664,188.08 as shown in the cheque and EFT payment listing, attached as Appendix 13.3.2A for the period 1 September 2011 to 30 September 2011.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 ADDIE MILLS CENTRE ROOF RENEWAL CAPITAL WORKS PROJECT

Author: R Edom
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

For Council to approve a number of budget variations to enable essential roof renewal works at the Addie Mills Centre to be carried out.

BACKGROUND

There is currently \$95,000 allocated in the 2010/2011 capital budget for the renewal of the existing roof covering at the Addie Mills Centre. The existing roof suffers from frequent leaks, infiltration by possums and the roof tiles are too heavy for the roof structure which is sagging in some parts. As a result a decision was made to replace the tiles with a metal roof which will have less impact on the roof timbers and allow greater protection from infiltration by possums. It was recognised that the metal roof would need to be secured to the building structure and an allowance for this was made when the original estimate was prepared. As a result of various extensions, roof penetrations and the fact that the roof is at different levels in various parts of the facility it was recognised that the project was complex in comparison to other roof renewal projects carried out in recent times. As a result of this it was deemed prudent to engage the services of a consultant structural engineer to provide expert opinion, working drawings and a scope of works as this task is outside the expertise of existing staff.

The Engineer's report highlighted the fact that due to the elaborate roof structure at Addie Mills it is necessary to ensure all the different roof structure types are securely anchored to the building. Structural details provided by the consultant engineer require the roof structure to be tied down to the brickwork via metal rods placed in the cavity and secured to brickwork. Other anchors are required at every rafter both at the ridge and top plate as well as collar ties. This is to compensate for the difference between a heavy weight roof cladding which currently exists and colorbond roof sheeting which is much lighter and prone to uplift in high winds.

As a result of these requirements the estimated cost to complete the works is \$200,000.

DISCUSSION

In order to be able to fund the required works fully it is proposed that two projects in the 2011/2012 capital budget be deferred and reviewed at the half-yearly budget review. Should funds be available as a result of the review the projects will proceed, otherwise they will be carried out in the 2012/2013 financial year as part of the building renewal capital program.

Item 13.4.1 Continued

The projects in question are the Langford Pre School Window Replacement which has \$40,000 allocated and the Kenwick Community Facility Ceiling Renewal which has \$35,000 allocated.

It is considered that the deferral of these projects will have the least impact on the users of these facilities on the understanding that the projects will be completed in 2012/2013 at the latest.

It is proposed that the remaining \$30,000 required is transferred from the Liddelow Homestead Roof Renewal project. This project has been completed \$30,000 under budget due to a review of the project resulting in a more cost-effective solution being found that meets the objective of the project which is to ensure that the life of the roof is prolonged and that the roof is watertight.

FINANCIAL IMPLICATIONS

All costs associated with this project are included in the relevant building capital renewal budgets for 2011/2012.

STATUTORY IMPLICATIONS

Section 6.8 of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Simple Majority required for recommendation 1.

Absolute Majority required for recommendations 2, 3 and 4.

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION**470 Moved Cr J Brown Seconded Cr L Griffiths**

That Council authorise works to proceed on the Addie Mills Centre roof renewal project at the amended estimated project cost of \$200,000.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 13.4.1 Continued

STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION

471 Moved Cr J Brown Seconded Cr L Griffiths

That Council approve the budget variation to enable the allocation of funds to Job Number 12- 10152-3800-261 - Addie Mills Centre Roof Renewal.

Account	Description	Debit \$	Credit \$
JL 12-10160-3800-261	Langford Pre-School Window Replacement Project		40,000
JL 12-10152-3800 261	Addie Mills Centre Roof Renewal	40,000	

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION

472 Moved Cr J Brown Seconded Cr L Griffiths

That Council approve the budget variation to enable the allocation of funds to Job Number 12- 10152-3800-261 - Addie Mills Centre Roof Renewal

Account	Description	Debit \$	Credit \$
JL 12-10164-3800-261	Kenwick Community Facility Ceiling Renewal		35,000
JL 12-10152-3800-261	Addie Mills Centre Roof Renewal	35,000	

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (4 OF 4) AND COUNCIL RESOLUTION

473 Moved Cr J Brown Seconded Cr L Griffiths

That Council approve the budget variation to enable the allocation of funds to Job Number 12- 10152-3800-261 - Addie Mills Centre Roof Renewal

Account	Description	Debit \$	Credit \$
JL 12-10162-3800-261	Liddelow Homestead Roof Renewal		30,000
JL 12- 10152-3800-261	Addie Mills Centre Roof Renewal	30,000	

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.4.2 REQUEST FOR LIGHTING AT PARK SITUATED BETWEEN CORTIS WAY AND JENNINGS COURT LANGFORD - PETITION TO COUNCIL

Author: M Hamling
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

To provide a response to the petition presented to Council at its meeting of 13 September 2011 on behalf of residents requesting the installation of lighting in the park situated between Cortis Way and Jennings Court, Langford.

BACKGROUND

At the Ordinary Council Meeting of 13 September 2011, a Petition containing 27 signatures initiated by Anthony Mah of 30 Cortis Way, Langford on behalf of local residents was presented by Cr B Wiffen. The Petition reads as follows:

"We the residents would like to request to have lightings (sic) at the park situated between Cortis Way and Jennings Court. This is because there were several theft incidents that had happened in the last few months in the houses near to the park and the thief(s) (sic) were seen hiding in the park before fleeing.

Lightings (sic) would deter them from hiding out at the park and we, the residents would be able to see them and recognize their appearance or clothing, thus increases our chance towards fighting crime in this area."

Council resolved to adopt Resolution 400, which reads in part:

"That the petition initiated by Anthony Mah of 30 Cortis Way, Langford containing 27 signatures that seeks consideration of a request for lighting at park situated between Cortis Way and Jennings Court, Langford, be received and a report be prepared for Council's consideration."

DISCUSSION

Jennings Court Reserve is currently classified as a B4 reserve with minimal infrastructure contained within it. The Local Open Space Strategy has identified this reserve as requiring an upgrade but is not included in the initial six-year implementation plan which was adopted by Council at the Ordinary Council Meeting of 14 December 2010. Lighting within the reserve will be a key component when the reserve is upgraded.

In the interim an inquiry was made to Western Power regarding the installation of safety watch lighting being installed on their existing power poles that run adjacent to the reserve but the authority advises they no longer support this type of installation on their infrastructure assets.

Item 13.4.2 Continued

The only other option available is to install a solar powered light in an appropriate location on the reserve. Whilst this form of ambient lighting is not as effective as traditional lighting methods it would provide a level of improved lighting until the scheduled upgrade of the reserve.

FINANCIAL IMPLICATIONS

It is estimated that the supply and installation of a solar powered light at Jennings Court Reserve will cost \$5,000. The lighting component of the 2011/2012 Parks and Environmental Operations Capital Works Budget has not yet been fully allocated and there is scope within the current budget to facilitate the installation of a solar powered light at the reserve.

STATUTORY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority for Staff Recommendation 1.
Absolute Majority required for Staff Recommendation 2.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

474 Moved Cr O Searle Seconded Cr R Lawrence

That Council approve the installation of a solar powered light in Jennings Court Reserve with the \$5,000 estimated cost to be funded from the 2011/2012 Parks and Environmental Operations Capital Works Budget, Job Number 60132 - Various / Park Lighting and that the petitioners be advised accordingly.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

475 Moved Cr O Searle Seconded Cr R Lawrence

That Council approve the budget variation to enable the allocation of funds from Job Number 60132 - Various / Park Lighting to Job Number 60338 Lighting - Jennings Court Reserve as per the following:

Account	Description	Debit \$	Credit \$
JL 15-60338-3800-764	Lighting - Jennings Court Reserve	5,000	
JL 15-60132-3800-741	Various - Park Lighting		5,000

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.4.3 REQUEST FOR LIGHTING AT PARK SITUATED AT PARAKEELA GROVE AND ELLAMERE RETREAT MADDINGTON - PETITION TO COUNCIL

Author: M Hamling
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

To provide a response to the petition presented to Council at its meeting of 13 September 2011 on behalf of residents requesting the installation of lighting to light up the entire footpath within Parakeela Grove to reduce a danger to pedestrians from undesirable elements from within the community.

BACKGROUND

At the Ordinary Council Meeting of 13 September 2011, a Petition containing 45 signatures initiated by Boronia Miller of 13 Parakeela Grove, Maddington on behalf of users of the public open space was presented by Cr D Griffiths. The Petition reads as follows:

"We the undersigned electors of the City of Gosnells request to have the entire footpath lit up, from Parakeela Grove side through to Ellamere Retreat, for the following reasons:

There is insufficient lighting in such a big area which is a danger for the pedestrians as the darkness allows for criminals, predators and vandals to hide unnoticed. All other parks in the area have some form of lighting where as ours has none, which makes it very unsafe for the many children that play in it."

Council resolved to adopt Resolution 400, which reads in part:

"That the petition initiated by Boronia Miller of 13 Parakeela Grove, Maddington containing 45 signatures that seeks consideration of a request for lighting at park situated at Parakeela Grove and Ellamere Retreat, Maddington, be received and a report be prepared for Council's consideration."

DISCUSSION

Parakeela Grove Reserve was redeveloped as a component of the Parks and Environmental Operations Capital Works Program in 2004/2005. The redevelopment consisted of irrigation, grassing, play equipment, seating, drinking fountain, environmental treatment of the open waterway that runs through the park and a footpath that connects Parakeela Grove with Ellamere Retreat. This path connection meanders through the park. Lighting of footpaths were not part of upgrade specifications at the time.

Since 2007, lighting of footpaths in parks that provide a connection between streets has been included in the specifications of a park upgrade. The City has also, over the past two financial years, included money in the capital works program to retrofit path

Item 13.4.3 Continued

lighting into parks that have been developed over the past 10 years but did not receive lighting as part of the upgrade. Parakeela Grove Reserve falls into this category.

FINANCIAL IMPLICATIONS

It is estimated that the installation of path lighting at Parakeela Grove Reserve will cost approximately \$18,000. The lighting component of the 2011/2012 Parks and Environmental Operations Capital Works Budget has not yet been fully allocated and there is scope within the current budget to facilitate the installation of path lighting at the reserve.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority for Staff Recommendation 1.
Absolute Majority Required for Staff Recommendation 2.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

476 Moved Cr T Brown Seconded Cr J Brown

That Council approve the installation of path lighting in Parakeela Grove Reserve with the \$18,000 estimated cost to be funded from the 2011/2012 Parks and Environmental Operations Capital Works Budget, Job Number 60132 - Various / Park Lighting and that the petitioners be advised accordingly.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

477 Moved Cr T Brown Seconded Cr L Griffiths

That Council approve the budget variation to enable the allocation of funds from Job Number 60132 - Various / Park Lighting to Job Number 60337 - Lighting Parakeela Grove Reserve as per the following:

Account	Description	Debit \$	Credit \$
JL 15-60337-3800-764	Lighting - Parakeela Grove reserve	18,000	
JL 15-60132-3800-741	Various - Park Lighting		18,000

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

The Mayor advised the meeting that Cr T Brown had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.4.4 GOSNELLS ROADWISE ADVISORY GROUP - 5 OCTOBER 2011

Author: M Botte
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.4.4A Action Sheet of the City of Gosnells RoadWise Advisory Group Meeting held on Wednesday 5 October 2011

PURPOSE OF REPORT

For Council to receive the Action Sheet of the RoadWise Advisory Group Meeting held on Wednesday 5 October 2011.

BACKGROUND

The City of Gosnells RoadWise Advisory Group meets on the first Wednesday of every month. The Group 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 programs and initiatives which target groups and issues identified in the State Road Safety Strategy.

The Action Sheet of the meeting is attached as Appendix 13.4.4A.

DISCUSSION

Proposed Actions from the Group Meeting held on Wednesday 5 October 2011

There is no proposed action from the RoadWise Advisory Group meeting which requires Council consideration. There are five proposed actions which have been addressed within operational parameters with the status now being reported to Council.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

City of Gosnells Policy 2.4.19 City of Gosnells RoadWise Advisory Group – Terms of Reference.

Item 13.4.4 Continued

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

478 Moved Cr R Hoffman Seconded Cr J Brown

That Council receive the Action Sheet of the City of Gosnells RoadWise Advisory Group Meeting held on Wednesday 5 October 2011.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

479 Moved Cr R Hoffman Seconded Cr J Brown

That Council note and endorse the officer's response undertaken within operational parameters to address the proposed Actions from the Group's meeting held on 5 October 2011.

Action Reference	Action	Status
RAG 5/10/2011 – Proposed Action 22	Discussion on the availability of RAG members took place for the upcoming events - Canning Show / Multicultural Food Festival and World Day of Remembrance. As RAG members have been placed in the required times, there are still some vacancies to be filled. It was suggested to contact the Armadale RoadWise Group for assistance to fill the vacant time slots.	Minute Secretary is to invite Armadale RoadWise to assist RAG members in the Cannington Show event.
RAG 5/10/2011 Proposed Action 23	In relation to the World Day of Remembrance event the guest list is to be forwarded from the WALGA Representative.	An invitation list is to be updated and forwarded. Minute Secretary to send invitations approximately two weeks prior to 4 November.

Item 13.4.4 Continued

<p>RAG 5/10/2011 Proposed Action 24</p>	<p>The World Day of Remembrance program is to be organised with the Canning Vale College.</p>	<p>Feedback from the WALGA Representative is required as soon as possible regarding the setting up of the venue by the RAG members at the Canning Vale College.</p>
<p>RAG 5/10/2011 Proposed Action 25</p>	<p>In relation to the Multicultural Food Festival, the RoadWise trailer is unfortunately without electrical power, as advised by the Community Engagement organiser.</p>	<p>The WALGA Representative is to advise the RAG members whether he can arrange to power the RoadWise trailer at the Multicultural Food Fair on 11 November 2011.</p>
<p>RAG 5/10/2011 – Proposed Action 26</p>	<p>The School Art Competition event was discussed with only two primary schools sending in their applications to register their schools for the competition which closed on 19 August 2011. The Art Competition closed on 16 October with three additional schools sending in their art work without registering their schools.</p>	<p>It was suggested that should this competition be occurring next year, a different approach will be taken which is to get the schools to firstly register their interest and for the schools to select the drawings they consider would be of benefit as there was an abundance of children's drawings handed in.</p>

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.5 PLANNING AND SUSTAINABILITY

13.5.1 DEVELOPMENT APPLICATION - FAMILY DAY CARE - 110 (LOT 733) AMHERST ROAD, CANNING VALE

Author: E Flanagan
Author's Declaration Nil.
of Interest:
Reference: 239433
Application No: DA11/00108
Applicant: Natasha Crommelin
Owner: Wayne Casewell
Location: 110 (Lot 733) Amherst Road
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 501m²
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

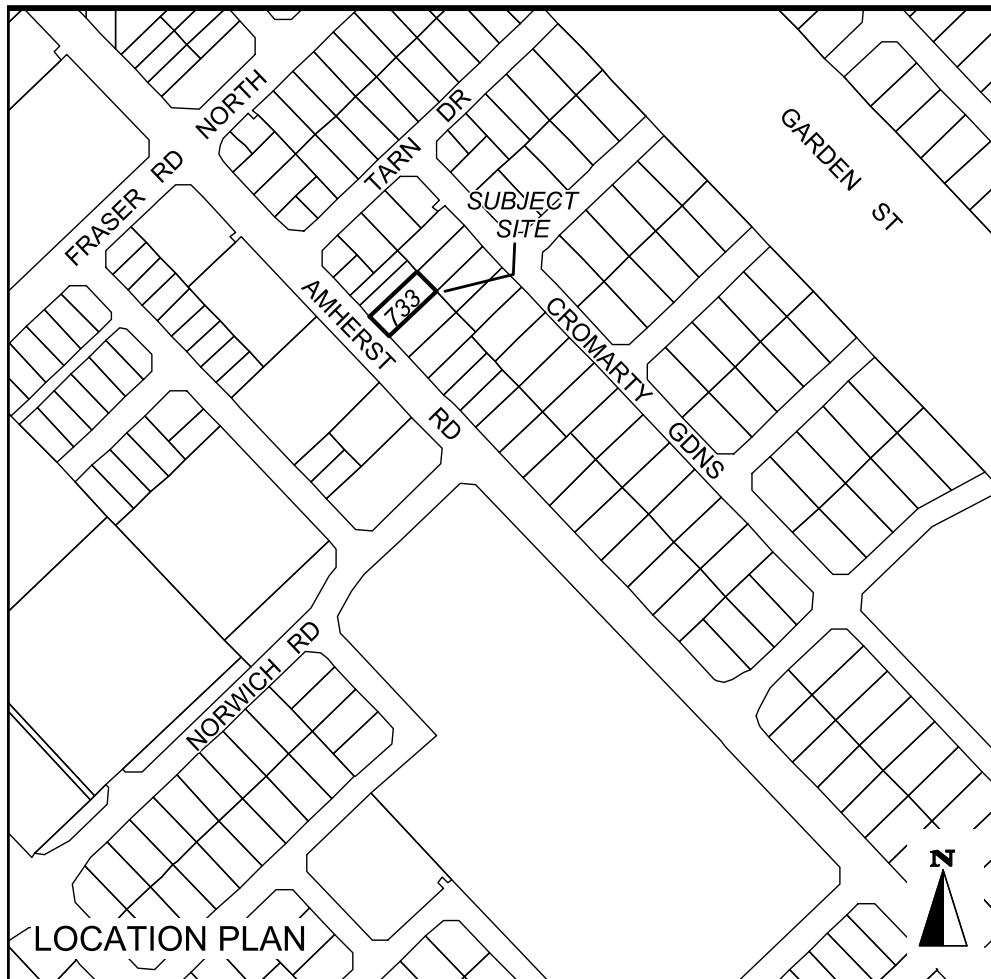
For Council to consider an application for planning approval for a Family Day Care at 108 (Lot 733) Amherst Road, Canning Vale, as the proposal is outside the authority delegated to staff due to a comment received during the advertising period.

BACKGROUND

The subject site is 501m² in area and accommodates a single dwelling. The property is zoned Residential Development under Town Planning Scheme 6 (TPS 6) and is designated as part of a High Density Node in the Canning Vale Outline Development Plan (ODP), which provides for a residential density up to R60.

A plan showing the location of the subject site follows.

Item 13.5.1 Continued

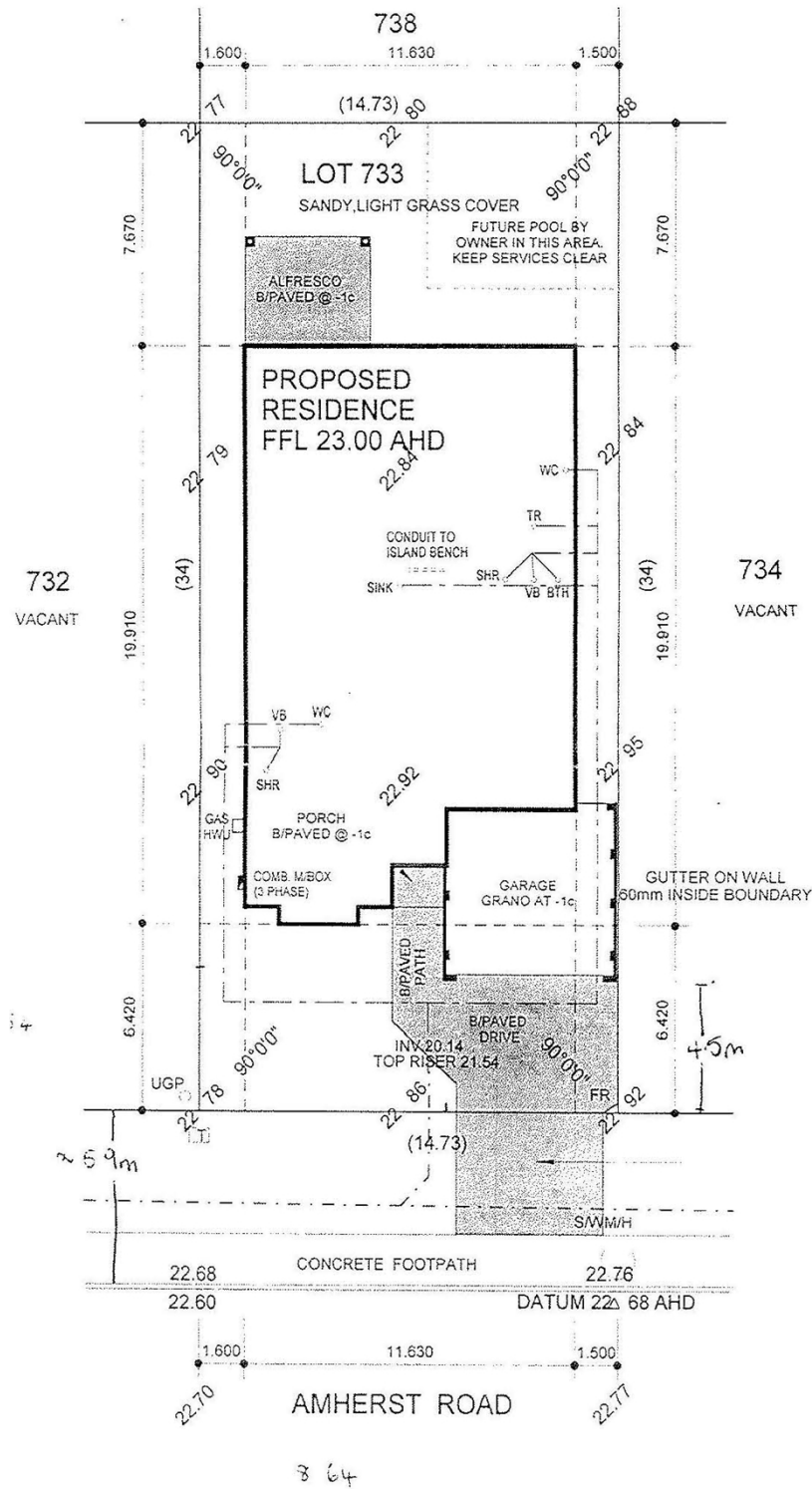
**Proposal**

The application is seeking approval for a Family Day Care. Details of the proposal are as follows:

- The hours of operation will be from 7am to 6pm on Tuesdays and Wednesdays
- At any one time, the Family Day Care may accommodate up to seven children, including the applicant's own children, with a limit of four of those children being under the school age
- The children will occupy the area shown in yellow on the floor plan that follows
- Two car parking bays are located on the driveway within the front setback area.

A site plan and floor plan follow.

Item 13.5.1 Continued



SITE PLAN

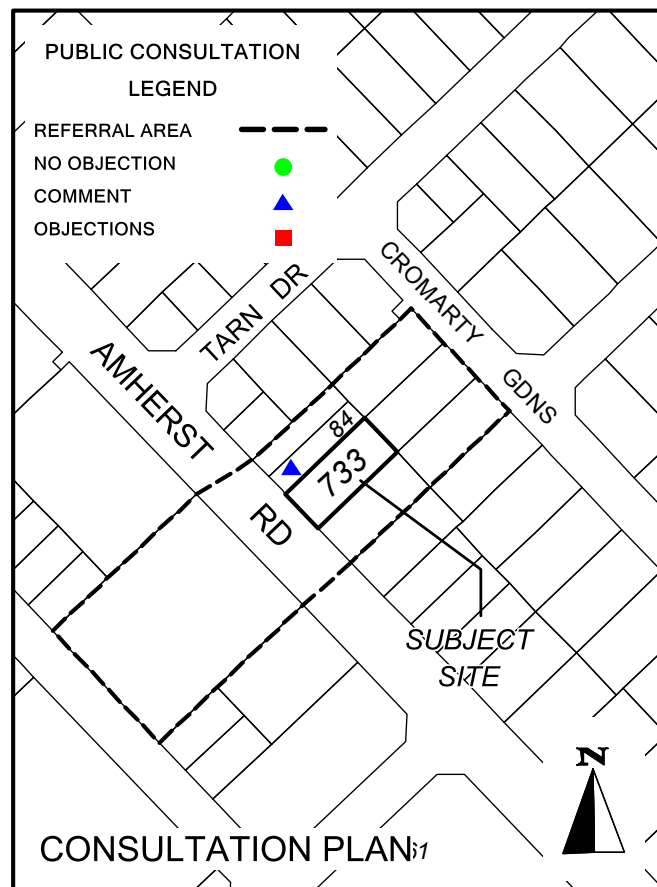
Item 13.5.1 Continued

Consultation

The proposal was advertised for public comment for 14 days in accordance with TPS 6 requirements, during which time one submission was received providing a comment on the proposal.

The submitter was concerned about the noise that may be generated by the proposed use, given that there may be as many as seven children from 7am up until 6pm. This matter is discussed in the Discussion section.

A map identifying the location of each submission follows.



DISCUSSION

Town Planning Scheme No. 6

The proposed development involves the use class of Family Day Care in TPS 6. A Family Day Care is defined under TPS 6 as follows:

"Family day care means premises used to provide family day care within the meaning of the Community Services (Child Care) Regulations 1988."

In accordance with Table 1 of TPS 6, Family Day Care is a "P" use in a Residential Development zone which means that the use is permitted providing the use complies with the relevant development standards and the requirements of the Scheme.

Item 13.5.1 Continued

The Community Services (Child Care) Regulations 1988 defines Family Day Care as a "child care service provided to a child in a private dwelling in a family or domestic environment."

There is an obligation to consider the suitability of the proposal to this particular location and to the layout of the area, as well as its ability to fit with the prevailing residential environment.

Draft Home Based Activity Policy

On 9 August 2011, Council resolved to adopt (for the purposes of advertising for public comment) a draft Home Based Activities Policy (Policy). This draft policy provides guidance on determining applications for Home Businesses, Home Occupations and Family Day Care facilities, in order to provide consistency in the decision making process. An assessment of the proposal against the draft Policy is contained in the table below:

Draft Policy Requirements		Assessment/Comment
4.1 (a)	The subject site shall have a minimum lot size of 450m ²	The subject lot is 501m ² in area.
4.1 (b)	The Family Day Care shall involve a maximum of seven children (including the applicant's children)	The proposal involves the care of up to seven children (including the applicant's own children).
4.1 (c)	A minimum of two car parking bays are to be provided on site, in addition to the bays required in association with the dwelling on site	The proposal involves the provision of two visitors car bays in addition to two bays for residential use, with all parking proposed to be contained on site.
4.1 (d)	A Family Day Care shall operate between 6am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays	The applicant intends to operate the Family Day Care from 7am to 6pm on Tuesdays and Wednesdays.
4.1 (e)	Any outdoor play is to be a minimum of 1.0m from lot boundaries. Play areas may be required to be separated from the boundary by a physical barrier	No play area is shown on the submitted plan, however, a condition could be imposed on an approval requiring any play area to be setback 1.0m from lot boundaries.
4.1 (f)	A Family Day care may incorporate one advertising sign, no greater than 0.2m ² in area	No signage has been proposed.

As demonstrated above, the application complies with the requirements of the draft Policy, with the exception of the play area, which is not shown on submitted plan. As detailed above, the 1.0m setback could be imposed as a condition of planning approval.

Amenity

Noise

A concern has been raised about the potential noise impact of the proposed Family Day Care. The submitter is concerned about the noise, particularly in the rear part of their house, due to having up to seven children on the site at one time.

Item 13.5.1 Continued

Given that the Family Day Care is proposed to operate from 7am to 6pm on Tuesdays and Wednesdays only, the proposed development is not expected to generate noise in excess of what could be considered acceptable in an urban area or which would detrimentally impact on the amenity of the area.

CONCLUSION

The proposal is supported for the following reasons:

- Family Day Care is typical in residential zones and it is recognised that they assist in providing an essential service to the local community.
- The development is not expected to detrimentally impact the amenity of the area.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6.
- Draft Local Planning Policy - Home Based Activities.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

480 Moved Cr O Searle Seconded Cr R Lawrence

That Council approve the application for a Family Day Care at 110 (Lot 733) Amherst Road, Canning Vale, dated 29 March 2011, subject to the following conditions:

1. A minimum of two on-site car bays are to be provided for client use, with no parking by clients permitted on the road verge.
2. The operation of the family day care, including the drop off and pick up of children shall only be permitted between 7am and 6pm on Tuesdays and Wednesdays.
3. Employment of persons not part of the immediate family of the occupier is not permitted.
4. No more than seven children under 12 years of age, including the applicants' own children are permitted to be cared for at any one time, in accordance with the Community Services (Child Care) Regulations 1988.
5. Any outdoor play is to be a minimum of 1.0m from lot boundaries.
6. The approval may be revoked on the basis of a substantiated and justifiable traffic, parking or noise complaint.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

**13.5.2 DEVELOPMENT APPLICATION - OUTBUILDING - 340 (LOT 4)
MADDINGTON ROAD, ORANGE GROVE**

Author: E Flanagan
Author's Declaration Nil.
of Interest:
Reference: 207916
Application No: DA11/00223
Applicant: Steven John Stephens
Owner: Steven John Stephens
Location: 340 (Lot 4) Maddington Road, Orange Grove
Zoning: MRS: Rural
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 4,047m²
Previous Ref: OCM 28 June 2005 (Resolutions 278)
Appendix: 13.5.2A Floor Plan and Elevations

PURPOSE OF REPORT

For Council to consider an application for planning approval for an outbuilding at 340 (Lot 4) Maddington Road, Orange Grove, as the proposal is outside the authority delegated to staff.

BACKGROUND**History**

On 28 June 2005, Council resolved (Resolution 278) to approve an application for commercial vehicle parking on the subject site. The application gave approval to park two trucks with trailer combinations in the western corner of the subject site, behind the existing outbuilding and dwelling.

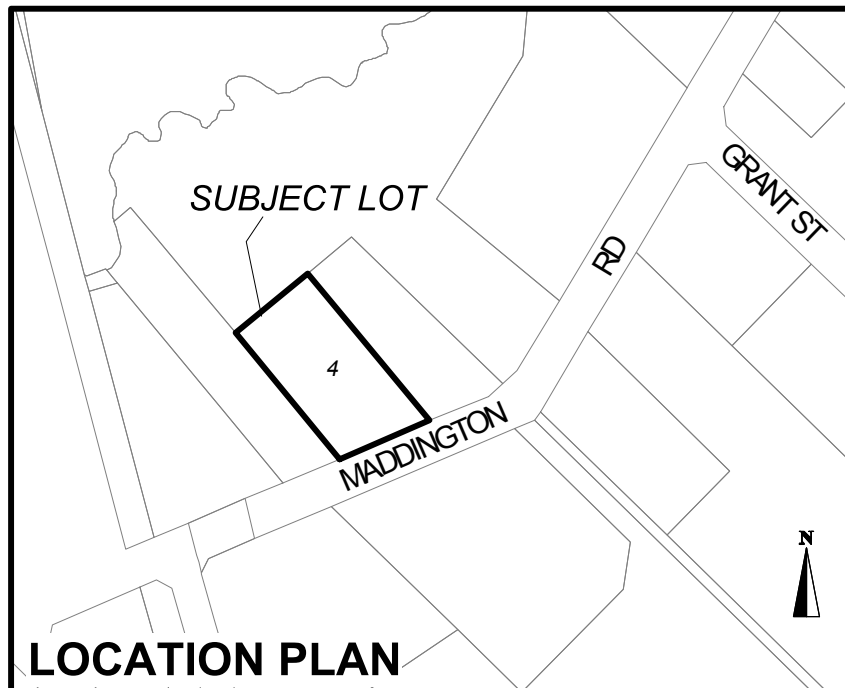
Site Description and Planning Framework

The subject site is 4,047m² in area and is zoned General Rural under TPS 6 and Rural under the Metropolitan Region Scheme (MRS).

Existing development on the site consists of a single dwelling and a 67.5m² outbuilding. An approved parking area for two commercial vehicles is located behind the existing outbuilding.

The landowner has recently lodged an application seeking approval for a new dwelling and the conversion of the existing dwelling to Ancillary Accommodation. This application has not yet been determined.

A map identifying the location of the subject site follows.

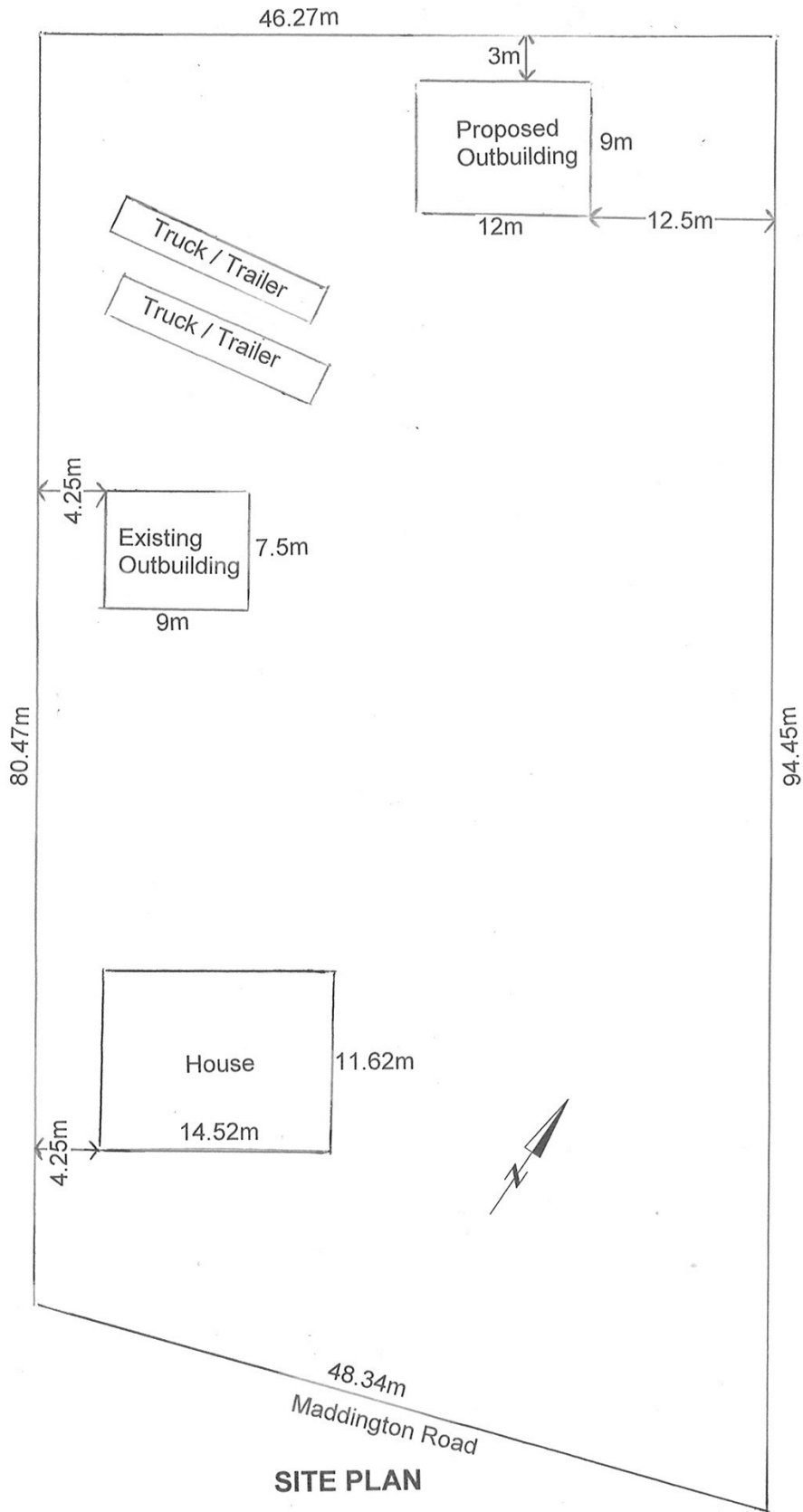
Item 13.5.2 Continued**Proposal**

The application seeks approval for an outbuilding on the subject site, as follows:

- The construction of a 108m² (12m x 9m) outbuilding with a wall height of 4.5m and a roof height of 5.33m.
- The outbuilding will be located to the rear of the property, 3m from the rear boundary and 12.5m from the east side boundary.
- The proposed outbuilding will be constructed of green Colorbond.
- The outbuilding will be used as a workshop/storage space for storing a tractor, vintage trucks and water tanks.

A site plan follows. A floor plan and elevations are contained as Appendix 13.5.2A.

Item 13.5.2 Continued



SITE PLAN

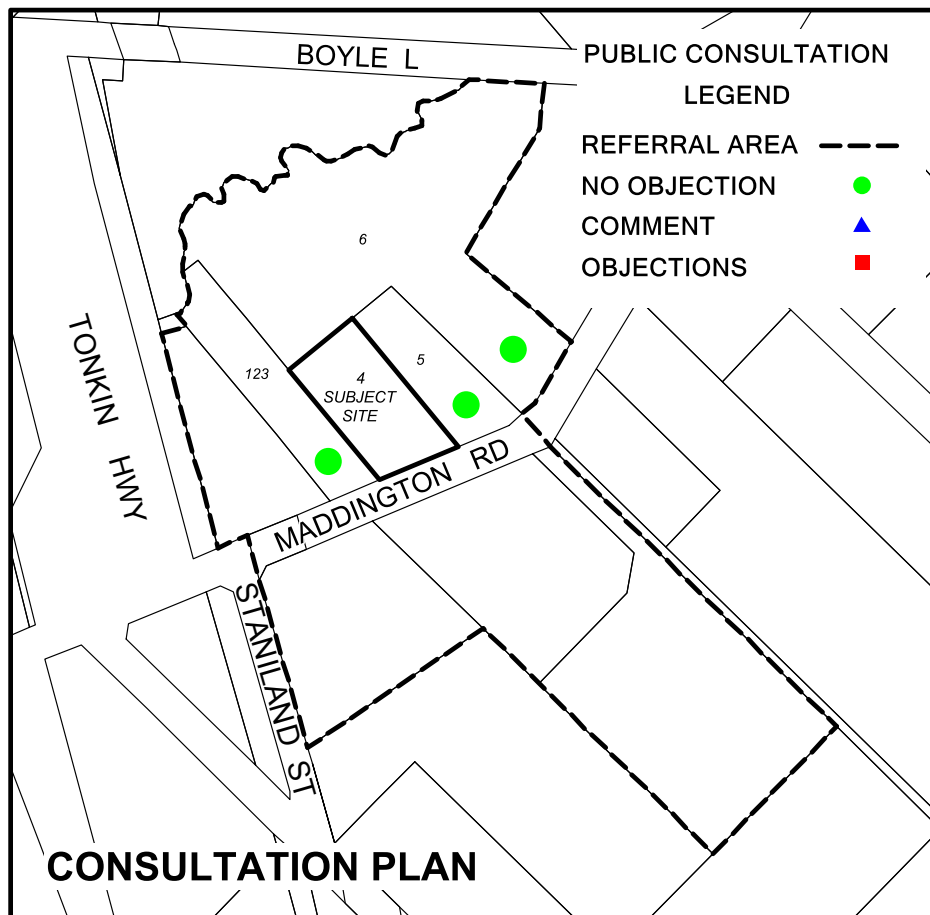
Item 13.5.2 Continued

Consultation

The applicant, in support of the proposal, has provided letters of no objection from the landowners of properties immediately abutting the subject lot.

However, the proposal was required to be advertised for public comment for 14 days in accordance with TPS 6 requirements, during which time no additional submissions were received.

A Consultation Plan showing the consultation area follows.



DISCUSSION

Local Planning Policy 2.2 - Outbuildings

Council's Outbuildings Policy provides assessment criteria to determine whether an application for an outbuilding is generally acceptable, requires consultation to potentially affected landowners, or is generally unacceptable. The relevant criteria and staff assessment is tabled below.

The application does not meet all the requirements of Columns B and C (Acceptable) of Table 1 of the Policy, and as such some aspects of the proposal fall within Column D (Unacceptable). In accordance with Clause 1.3 of the Policy, applications for

Item 13.5.2 Continued

outbuildings that fall within one or more of the criteria in Column D (Unacceptable) of Table 1 will generally be refused.

Outbuilding Policy 2.2 Requirements	Assessment/Comment
ii. The area, wall height and/or roof height of the proposed outbuilding is more than 15% greater than specified in Column B (see below). <ul style="list-style-type: none"> • Column B requires a maximum floor area 150m², therefore, Column D provides that an aggregate area of over 172.5m² is unacceptable. • Column B requires a maximum wall height 3m, therefore, Column D provides that a wall height of over 3.45m is unacceptable. • Column B requires a maximum roof height 4.2m, therefore, Column D provides that a roof height of over 4.83m is unacceptable. 	<p>The proposed aggregate floor is 175.5m² (existing outbuilding of 67.5m² plus proposed outbuilding of 108m²)</p> <p>The wall height of the proposed outbuilding is 4.5m.</p> <p>The roof height of the proposed outbuilding is 5.33m.</p>

As detailed above, the proposal does not comply with the maximum floor area, wall height or roof height specified in the policy.

In considering the appropriateness of the proposal, the following matters are relevant:

- The outbuilding is to be located 82m from Maddington Road, and will likely be screened in future by a new dwelling (subject to Council approval for Ancillary Accommodation). The building will therefore have little impact on the Maddington Road streetscape.
- The nearest dwelling is located approximately 40m from the proposed outbuilding.
- The proposed outbuilding is to be constructed of low reflecting green Colorbond cladding.
- Letters of no objection have been provided from all abutting landowners.
- Council is able to impose a condition requiring the planting of vegetation to reduce any visual impact of the proposed outbuilding.

Based on the above, it will be recommended that Council support a variation to the Outbuildings Policy in this instance.

CONCLUSION

The proposal is supported for the reasons outlined above.

It is therefore recommended that the proposal be approved, subject to the imposition of appropriate conditions as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

Item 13.5.2 Continued

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6.
- Local Planning Policy 2.2 - Outbuildings.

VOTING REQUIREMENTS

Absolute Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

481 Moved Cr T Brown Seconded Cr J Brown

That Council approve the application for an outbuilding at 340 (Lot 4) Maddington Road, Orange Grove, dated 24 June 2011, subject to the following conditions:

1. The applicant shall submit a drainage plan, to the satisfaction of the City, showing how stormwater drainage from the proposed building and/or paved areas is to be connected to the existing drainage system.
2. The approved outbuilding is not to be used for habitation, commercial or industrial purposes, without the approval of the City.
3. A landscape plan for the development site, to assist in the screening of the proposed outbuilding, is to be submitted in accordance with the City’s Local Planning Policy 4.5 – Development – Landscaping, and approved by the City, prior to the issue of a building licence.
4. Landscaping and irrigation of the development site is to be installed prior to occupying the proposed outbuilding, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Manager Parks and Environmental Operations.

CARRIED BY ABSOLUTE MAJORITY 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.3 DEVELOPMENT APPLICATION - RETROSPECTIVE SEA CONTAINER AND TWO HORIZONTAL SIGNS - 1884 (LOT 80) ALBANY HIGHWAY, MADDINGTON

Author: L Langford
Author's Declaration Nil.
of Interest:
Reference: 216969
Application No: DA11/00144
Applicant: Hunter Automotive Group Pty Ltd
Owner: Main Roads Western Australia
Location: 1884 (Lot 80) Albany Highway, Maddington
Zoning: MRS: Primary Regional Road
TPS No. 6: Regional Reserve
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1,129m²
Previous Ref: Nil.
Appendices: 13.5.3A Site Plan
13.5.3B Elevation Plan
13.5.3C Photographs

PURPOSE OF REPORT

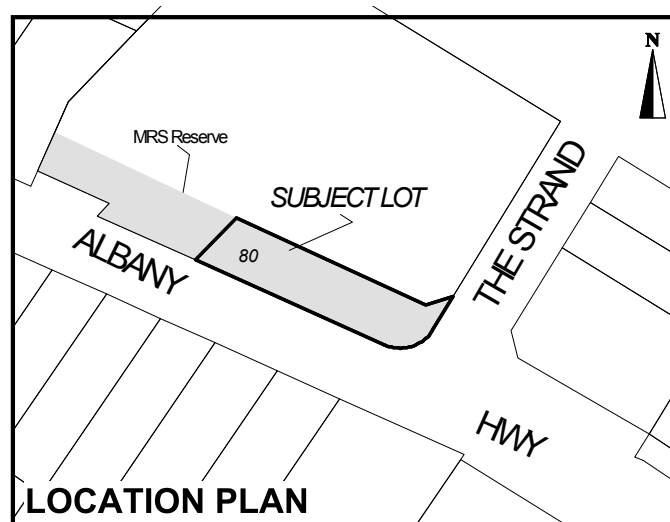
For Council to consider an application for retrospective planning approval for a sea container and two horizontal signs at 1884 (Lot 80) Albany Highway, Maddington as the proposal is outside the authority delegated to staff.

BACKGROUND**Site Description and Planning Framework**

The subject site is 1,129m² in area and is used for Motor Vehicle Sales purposes in conjunction with the adjoining property, 1882 (Lot 99) Albany Highway. It is located on the corner of Albany Highway and The Strand, and reserved as a Primary Regional Road under the Metropolitan Region Scheme (MRS). The property will be required at some time in the future for road purposes.

The property is surrounded by land zoned Highway Commercial and Mixed Business under Town Planning Scheme No. 6 which accommodates various commercial premises.

A map identifying the location of the subject property follows.

Item 13.5.3 Continued**Proposal**

The application seeks retrospective approval for a sea container and two horizontal signs. Details of the application are as follows:

- The sea container is 6m in length, 2.6m in height and 2.4m in depth
- The sea container is setback 3.1m from the front lot boundaries
- The sea container accommodates two horizontal signs, both of which are 2.34m in height and 5.55m in width
- A vehicle will be placed on the top of the sea container for the purpose of advertising vehicles sold at the site.

A site plan, elevation plan and photos are contains as Appendices 13.5.3A, 13.5.3B and 13.5.3C respectively.

Requirement for Approval to be Granted

The sea container is located on land reserved as Primary Regional Road under the MRS. Clause 3.2.2 of TPS 6 states that approval under the local scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

However, the provisions of the MRS and the associated delegation of development control powers require the sea container to be determined under the MRS, and the determination may be made by the local government in certain circumstances. The delegation states that where an application relates to development on or abutting a Category 1 Primary Regional Road reservation, the application shall be referred to Main Roads Western Australia for comment and recommendation before being determined by the Local Government. As Main Roads Western Australia own the subject site, it required their consent to the application being made. In addition, Main Roads advised that it did not object to the application.

Item 13.5.3 Continued

DISCUSSION

Town Planning Scheme No. 6

The placement of sea containers and signage is defined as development under TPS 6 and therefore requires planning approval. The Signs Local Law is the guiding document for assessing signage proposals therefore the signage component of the application will be assessed against this Local Law which is discussed in a later section of the report.

In considering the sea container component of the application, Council is to have regard for the following matters under Clause 11.2 of the Scheme:

- "(i) the compatibility of a use or development with its setting;*
- (n) the preservation of the amenity of the locality;*
- (o) the relation of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;"*

With regards to (i) above, the surrounding area is commercial in nature and contains a number of car yards which generally have buildings setback a significant distance from the street. Any advertising signage in the area is generally through the use of pylon signs near the front boundaries of properties or horizontal signs attached to building facades. The proposed development is therefore considered to be incompatible with its setting.

With regards to (n) above, Council's Second Hand Railway Carriages and Sea Container Policy controls the placement of, and conditions associated with, the installation of temporary buildings within the district. The Policy does not set parameters for sea containers in commercial areas, however for industrial areas it requires that they be located behind the building setback line and be screened from public view. It is generally accepted that commercial areas have a higher level of amenity than industrial areas and therefore a sea container in a commercial area that is not screened from view is considered inappropriate and incompatible with the surrounding area.

With regards to (o) above, it is considered that if signage were to be approved in the proposed location then an alternative structure (other than a sea container) should be used to display the signage or alternatively the sea container facade should be screened.

Local Laws Relating to Signs, Hoardings and Bill Postings

The proposed horizontal signage has been assessed against and complies with all the relevant provisions of TPS 6 and the Signage Local Law with the exception of the provisions outlined in the following table.

Item 13.5.3 Continued

Local Law Clause Requirements	Assessment/Comment
<p>5.7 Horizontal Signs 5.7.1 A horizontal sign shall:</p> <p>(a) afford a minimum headway of 2.75m;</p> <p>(e) not be within 600mm of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 25mm in front of and 75mm above and below the sign.</p> <p>5.7.4 The name of the building or structure, owner or occupier may be shown on the façade of a building or structure but:</p> <p>(b) the letters of the name shall not exceed 1.2m in height.</p>	<p>The sign is attached to a sea container which is placed on the ground. Therefore the proposed signs cannot meet this standard.</p> <p>The signs are located within (approximately) 250mm from the edge of the sea container.</p> <p>The signs contain some lettering which greater than 1.2m in height.</p>

It is considered that non-compliance with clauses 5.7.1(a) and (e) above will not lead to any significant amenity impacts, however in relation to clause 5.7.4(b) it is considered that the information shown on the sign is excessive. The proposed signage contains information relating to car brands, prices, financing options, photos of the cars and contact details of the car dealer - all with varying sizes of lettering and information. This is considered to contribute to excessive visual clutter and has a detrimental impact on the amenity of the area.

CONCLUSION

The proposal is not supported for the following reasons:

- The sea container is clearly visible from the public realm which is incompatible with the commercial zone and the existing amenity of the area.
- The proposed signage is considered to be excessive due to the amount of information shown on the sign and is therefore considered to contribute to excessive visual clutter and has a detrimental impact on the amenity of the area.

It is therefore recommended that the proposal be refused for the reasons listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6.
- Signs, Hoardings and Bill Postings Local Law.

Item 13.5.3 Continued

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

482 Moved Cr R Mitchell Seconded Cr O Searle

That Council refuse the retrospective application for a sea container and two horizontal signs at 1884 (Lot 80) Albany Highway, Maddington, for the following reasons:

1. The sea container is clearly visible from the public realm and is incompatible with the commercial zone and the amenity of the area.
2. The proposed signage is considered to be excessive due to the amount of information shown on the sign.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

483 Moved Cr R Mitchell Seconded Cr O Searle

That Council direct the occupiers of 1884 (Lot 80) Albany Highway, Maddington to remove the sea container and signage within 60 days of the date of Council's resolution.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

484 Moved Cr R Mitchell Seconded Cr O Searle

That should the occupier of 1884 (Lot 80) Albany Highway, Maddington, not remove the sea container and signage from the subject site within 60 days of the date of adoption of Council's resolution, Council authorises the Director Planning and Sustainability to initiate legal proceedings against the occupiers for the unauthorised development of 1884 (Lot 80) Albany Highway, Maddington, which is contrary to Section 213(2) of the *Planning and Development Act 2005*.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.5.4 DRAFT MODIFIED LOCAL PLANNING POLICY - COMMERCIAL VEHICLE PARKING

Author:	R Munyard
Author's Declaration of Interest:	Nil.
Application No:	PF11/00005
Previous Ref:	OCM 28 June 2011 (Resolution 265) OCM 23 March 2010 (Resolution 111) OCM 10 November 2009 (Resolution 540) OCM 23 June 2009 (Resolution 269) OCM 25 November 2008 (Resolution 612) OCM 10 May 2005 (Resolution 192)
Appendices:	13.5.4A Draft Modified Local Planning Policy 2.1 - Commercial Vehicle Parking (as advertised) 13.5.4B Draft Modified Local Planning Policy 2.1 - Commercial Vehicle Parking (as modified following advertising)

PURPOSE OF REPORT

For Council to consider the final adoption of the draft modified Local Planning Policy – Commercial Vehicle Parking.

BACKGROUND

On 28 June 2011, Council resolved (Resolution 265) to advertise the draft modified Local Planning Policy 2.1 - Commercial Vehicle Parking for public comment. A copy of the draft Policy, as advertised, is contained as Appendix 13.5.4A.

Consultation

The draft Policy was advertised for public comment by way of:

- An advertisement in a local newspaper
- Display on the City's website
- Letters to interested persons and organisations as determined by the Director Planning and Sustainability.

One submission was received, which is summarised, and responded to, in the table that follows:

Item 13.5.4 Continued

Summary of Submission	Comment
<p>1. The definition for the use Transport Depot in Schedule 1 of Town Planning Scheme No. 6 (TPS 6) will need amending to be consistent with Local Planning Policy 2.1 (LPP 2.1). If not done then the Scheme definition would prevail (refer to Clause 2.3.1 of TPS 6) and this whole process for modifying LPP 2.1 will be a waste of time.</p>	<p>Noted. This matter will be addressed via the proposed omnibus amendment to TPS 6, as contained elsewhere in this agenda.</p>
<p>2. A definition for the use Commercial Vehicle Parking will also need to be included in Schedule 1 of TPS 6 so it has statutory strength if contested at the State Administrative Tribunal in future.</p>	<p>See response to point 1 above.</p>
<p>3. Clause 2.2 of LPP 2.1 should stipulate what is meant by regular or routine basis.</p>	<p>The City considers this insertion unnecessary; the common meaning of the term is intended to apply.</p>
<p>4. Clause 2.6 of LPP 2.1 stipulates “where the property is of sufficient size (as prescribed in part 4)... etc.” Part 4 of LPP 2.1 does not stipulate what are sufficient property sizes.</p>	<p>See Proposed Modification to Policy section of the report.</p>
<p>5. Clause 3.2 of LPP 2.1 stipulates that a transport depot is when a commercial vehicle is parked on a site, where that vehicle is not driven by the occupant of a dwelling on that site. As LPP 2.1 is currently, trailers in excess of 1.5 tonnes are permitted to be towed off/on site where they are parked, by someone who does not reside where the trailer is parked. Please amend this clause to read as “a commercial vehicle that is parked on a site, where that vehicle is not driven or towed by an occupant of a dwelling on that site.... etc.”</p>	<p>See Proposed Modification to Policy section of the report.</p>
<p>6. Section 1.3A of Table 1 of LPP 2.1 stipulates that commercial vehicles are to be able to leave a Rural property in a forward gear. Unless the road is proven to carry low traffic volumes (eg is a cul-de-sac) then they should be required to enter and leave all properties (Residential, Rural and Industrial) in a forward motion, especially if the property has direct access to/from a Blue or Red road under the Metropolitan Region Scheme. This will then be consistent with clause 5.4 of LPP 2.1. When maneuvering onto and off a property, the commercial vehicle should also be required to do this in one movement to avoid disruptions and potential safety risks to other drivers and pedestrians. To demonstrate whether this is possible the applicant should be required to provide a truck movement showing the vehicle’s movement path in relation to the road reserve’s width, footpaths, street trees etc.</p>	<p>Agreed in part. See Proposed Modification to Policy section of the report regarding forward vehicle movements. With regard to the suggestion that applicants be required to submit vehicle movement templates, it is considered impractical to impose this requirement given the many different types of vehicles that may be subject of a planning application.</p>

Item 13.5.4 Continued

<p>7. LPP 2.1 should include provisions related to situations when a commercial vehicle (eg a bob cat in excess of 1.5 tonnes) is kept on a trailer which is parked on the same property as, for example, a prime mover which tows that trailer. Section 3.0 in Table 1 of LPP 2.1 covers maximum combination lengths when trucks are attached to trailers only. It is suggested that this be changed to maximum aggregate lengths so that all commercial vehicles are considered regardless of their situation, or restrictions are included stating that such loads are prohibited in residential areas and to be covered from public view in rural areas due to the visual impact.</p>	<p>The City considers this suggestion unnecessary as the draft modified Policy adequately defines a "truck" and "trailer" and that the Policy allows the City to impose conditions prohibiting the parking of laden commercial vehicles on a property, regardless of its zoning.</p>
<p>8. No requirements or suggested conditions exist for maximum idling times. This is definitely warranted when a commercial vehicle is able to be parked on a small residential lot.</p>	<p>See Proposed Modification to Policy section of the report.</p>

DISCUSSION

Proposed Modification to Policy

The draft Policy was reviewed after the close of advertising period and the following changes are suggested:

- In Clause 2.6, removing the reference to the minimum lot size criteria, as that criteria applies to all applications (Maddington Kenwick Strategic Employment Area or otherwise) by virtue of Section 5.
- In Clause 3.2, add the words "or towed" after the words "not driven" and reword the definition to refer to the subject land, so as to adequately capture trailers as part of the Policy provision and improve the definition generally.
- In Section 6, add the words "(including the length of any idling time)" after the words "be started", so as to enable Council to impose conditions regarding vehicle idling times.
- In Clause 1.3A(iii) of Table 1, replace the word "leave" with the words "arrive to and leave from", so as to require all vehicles to arrive to and leave from a rural site in forward gear.
- In Clause 3.2B of Table 1, remove the words "plus any trailer", so as to more clearly define the Policy provision.

The revised Policy, incorporating the above changes, is attached as Appendix 13.5.4B.

CONCLUSION

The draft modified Policy provides further guidance and clarification on the determination of commercial vehicle parking applications.

It will therefore be recommended that Council adopt the draft modified Local Planning Policy 2.1 - Commercial Vehicle Parking, as contained in Appendix 13.5.4B.

Item 13.5.4 Continued

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

In accordance with Clause 2.4.3 of Town Planning Scheme No. 6, if Council resolves to finally adopt the draft modified Policy, with or without modifications, a notice of the Policy must be published once in a newspaper circulating in the Scheme area. A copy of the adopted Policy is to be forwarded to the WAPC for its information.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2)

Moved Cr R Hoffman Seconded Cr R Mitchell

That Council, pursuant to Clause 2.4.2(a) of Town Planning Scheme No. 6, note the submission received in respect of the draft modified Local Planning Policy 2.1 - Commercial Vehicle Parking.

STAFF RECOMMENDATION (2 OF 2)

Moved Cr R Hoffman Seconded Cr R Mitchell

That Council, pursuant to Clause 2.4.2(b) of Town Planning Scheme No. 6, adopt the draft modified Local Planning Policy 2.1 - Commercial Vehicle Parking, as contained in Appendix 13.5.4B and pursuant to Clause 2.4.3 of Town Planning Scheme No. 6, publish a notice of the adopted Policy once in a local newspaper circulating in the Scheme area, and forward a copy of the adopted Policy to the Western Australian Planning Commission.

Amendment to Staff Recommendation (2 of 2)

During debate Cr O Searle moved the following amendment to staff recommendation (2 of 2):

"That Council amend staff recommendation (2 of 2) by adding the following after the words "Western Australian Planning Commission"

"subject to Clause 1.3A (iii) of Table 1 contained within Appendix 13.5.4B being amended by deleting the words "arrive to" and substituting them with the words "arrive at"."

Item 13.5.4 Continued

Cr O Searle provided the following written reason for the proposed amendment:

"To correct a grammatical error".

Cr W Barrett Seconded Cr O Searle's proposed amendment.

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

Moved Cr O Searle Seconded Cr W Barrett

That Council amend staff recommendation (2 of 2) by adding the following after the words "Western Australian Planning Commission";

"subject to Clause 1.3A (iii) of Table 1 contained within Appendix 13.5.4B being amended by deleting the words "arrive to" and substituting them with the words "arrive at"."

with the amended recommendation to read;

"That Council, pursuant to Clause 2.4.2(b) of Town Planning Scheme No. 6, adopt the draft modified Local Planning Policy 2.1 - Commercial Vehicle Parking, as contained in Appendix 13.5.4B and pursuant to Clause 2.4.3 of Town Planning Scheme No. 6, publish a notice of the adopted Policy once in a local newspaper circulating in the Scheme area, and forward a copy of the adopted Policy to the Western Australian Planning Commission subject to Clause 1.3A (iii) of Table 1 contained within Appendix 13.5.4B being amended by deleting the words "arrive to" and substituting them with the words "arrive at"."

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

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 together, which reads:

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

485 Moved Cr R Hoffman Seconded Cr R Mitchell

That Council, pursuant to Clause 2.4.2(a) of Town Planning Scheme No. 6, note the submission received in respect of the draft modified Local Planning Policy 2.1 - Commercial Vehicle Parking.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 13.5.4 Continued

COUNCIL RESOLUTION

486 Moved Cr O Searle Seconded Cr W Barrett

That Council, pursuant to Clause 2.4.2(b) of Town Planning Scheme No. 6, adopt the draft modified Local Planning Policy 2.1 - Commercial Vehicle Parking, as contained in Appendix 13.5.4B and pursuant to Clause 2.4.3 of Town Planning Scheme No. 6, publish a notice of the adopted Policy once in a local newspaper circulating in the Scheme area, and forward a copy of the adopted Policy to the Western Australian Planning Commission subject to Clause 1.3A (iii) of Table 1 contained within Appendix 13.5.4B being amended by deleting the words "arrive to" and substituting them with the words "arrive at".

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

The Mayor advised the meeting that Cr J Brown had disclosed an Impartiality Interest in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.5.5 FINALISATION OF LOCAL PLANNING POLICY DEVELOPMENT CONTRIBUTION ARRANGEMENTS

Author: S O'Sullivan
Author's Declaration Nil.
of Interest:
Reference: PF11/00009
Previous Ref: OCM 12 July 2011
Appendices: 13.5.5A Draft Local Planning Policy - Development Contribution Arrangements
13.5.5B Schedule of Submissions

PURPOSE OF REPORT

For Council to consider adopting a draft local planning policy, which is intended to guide the establishment and operation of City-administered development contribution arrangements (DCA).

BACKGROUND

The City administers DCAs for various areas where it has been determined necessary to facilitate the shared provision of certain infrastructure among developers.

Council at its meeting on 12 July 2011 endorsed for the purposes of public consultation, a draft policy to guide the establishment and operation of DCAs.

The draft policy, which is contained in Appendix 13.5.5A, was advertised for comment by way of advertisements in local newspapers, the planning e-newsletter and on the City's website for 21 days.

One submission of comment was received on the draft policy. The submission is replicated and responded to in the Schedule contained in Appendix 13.5.5B.

DISCUSSION

Analysis of the submission on and a review of the provisions contained in the draft local policy has resulted in only one modification being identified as necessary.

It will be recommended that the draft policy be adopted, subject to clause 2.7 being modified by the addition of the words shown in bold below, for the reasons detailed in the Schedule in Appendix 13.5.5B:

*"2.7 Have the estimated costs of items reviewed by an appropriately qualified external professional **in accordance with relevant legislative requirements and procedures** as a cost to the arrangement."*

FINANCIAL IMPLICATIONS

The cost of publishing a notice of the finalisation of the draft policy can be met from the Planning and Sustainability Directorate's operational budget.

Item 13.5.5 Continued

STATUTORY IMPLICATIONS

Section 2.4 of Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

487 Moved Cr O Searle Seconded Cr R Mitchell

That Council pursuant to Clause 2.4.2 (a) of Town Planning Scheme No. 6 note the Schedule of Submissions on the draft Local Planning Policy - Development Contribution Arrangements, as contained in Appendix 13.5.5B.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

488 Moved Cr O Searle Seconded Cr R Mitchell

That Council, pursuant to Clause 2.4.2(b) of Town Planning Scheme No. 6, note the draft Local Planning Policy - Development Contribution Arrangements, as contained in Appendix 13.5.5A, subject to clause 2.7 being amended in the following manner:

"2.7 Have the estimated costs of items reviewed by an appropriately qualified external professional in accordance with relevant legislative requirements and procedures as a cost to the arrangement."

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

489 Moved Cr O Searle Seconded Cr R Mitchell

That Council, pursuant to Clause 2.4.3 of Town Planning Scheme No. 6, publish a notice of the adopted Policy once in a local newspaper circulating in the Scheme area, and forward a copy of the adopted Policy to the Western Australian Planning Commission.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.5.6 AMENDMENT NO 129 TO TOWN PLANNING SCHEME NO. 6 - OMNIBUS AMENDMENT

Author: L Gibson
 Author's Declaration Nil.
 of Interest:
 Application No: PF11/00024
 Applicant: City of Gosnells
 Review Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.
 Previous Ref: Nil.
 Appendix: 13.5.6A Amendment maps

PURPOSE OF REPORT

For Council to consider initiation of an omnibus amendment to Town Planning Scheme No. 6 (TPS 6).

DISCUSSION

The purpose of this amendment is to make a series of minor changes to both the Scheme map and text. The proposed amendment comprises of 20 separate proposals which are individually detailed in the following table. The first six relate to text changes. The next 14 relate to map changes. The scheme amendment maps, showing the proposed changes, as presented in Appendix 13.5.6A.

Proposal No.	Proposal	Reason
Text		
1	Replacing all reference to "Residential Design Codes (2002)" with "Residential Design Codes".	To ensure the Scheme refers to the most recent version of the Residential Design Codes.
2	Modifying Table 1 (Zoning Table) of the Scheme so that the "Family Day Care" land use is classified as "D" within the Residential, Residential Development, Regional Centre, District Centre, Local Centre, Mixed Business, General Rural and Special Rural zones.	Currently, Council has no ability to refuse an application for a Family Day Care on the grounds that the use is unsuitable for the zone. The proposed amendment will give Council greater control over the assessment and determination of applications involving a Family Day Care land use. This proposal is in accordance with Council's Resolution 363 from its 9 August 2011 meeting.
3	Modifying Table 1 (Zoning Table) of the Scheme so that the "Service - Industry" land use is classified as "X" within the General Rural zone.	By virtue of the Scheme definitions, "Industry - Service" is materially similar to "Industry - Light", apart from the fact that the former may have a retail shopfront. The latter is prohibited within the General Rural zone and it is considered appropriate to change the land use permissibility to ensure that the "Industry - Service" use is also prohibited in that zone.
4	Amending Clause 10.4.3(a) (which relates to Council's consultation obligations) to delete the words "and occupiers".	To modify the advertising requirements so as to require consultation with landowners but not occupiers. It is considered that consultation with occupiers represents a duplication of the advertising process.

Item 13.5.6 Continued

5	Inserting the following definition into Schedule 1: "commercial vehicle parking means the parking of a commercial vehicle on a site, where that vehicle is driven by an occupant of a dwelling on that site as part of their occupation".	To define the difference between the land uses "Commercial Vehicle Parking" and "Transport Depot".
6	Modifying the following definition in Schedule 1: "transport depot means premises used for the parking of a commercial vehicle, where that vehicle is not driven by an occupant of a dwelling on that site as part of their occupation".	To define the difference between the land uses "Commercial Vehicle Parking" and "Transport Depot".
Map		
7	Zoning the currently unzoned portion of Lot 1627 Ranford Road, Southern River as Residential Development.	To ensure a uniform zoning across the site.
8	Rezoning parts of Lot 1296 Southern River Road and Lots 505-510 Prince Regent Boulevard, Gosnells from General Rural to Residential R17.5.	To ensure a uniform zoning across the sites and to ensure that TPS 6 is consistent with the Metropolitan Region Scheme.
9	Rezoning parts of Lot 510 Stebbing Road and Lot 800 Mandarin Road, Maddington from Local Open Space to General Industry.	To reflect the existing development on the sites and to ensure that the zoning is consistent with the existing cadastral boundaries.
10	Rezoning parts of Lots 226-229 Madrid Place, Maddington from Local Open Space to General Industry.	To reflect the existing development on the sites and to ensure that the zoning is consistent with the existing cadastral boundaries.
11	Reserving parts of Lots 9 and 10 Percy Street, Gosnells as Local Open Space.	To reflect the extent of the Conservation Category Wetland, as mapped by the Department of Environment and Conservation.
12	Reserving part of Lot 4863 Eva Street, Maddington as Local Open Space.	To reflect the site's status as a Crown reserve.
13	Zoning the currently unzoned portion of Lot 125 Carpenteria Crescent, Kenwick as Composite Residential / Light Industry.	To ensure a uniform zoning across the site.
14	Rezoning and reserving land within the Claridge Circle Reserve area.	To ensure that the zoning and reservations are consistent with the existing cadastral boundaries.
15	Rezoning part of Lot 2 Staplehurst Street, Kenwick from Residential R20/60 to Local Centre.	The adjoining Lot 1 accommodates an existing Liquor Store, the access to which encroaches into Lot 2. The Western Australian Planning Commission has recently approved a subdivision application involving a boundary realignment between the two lots, which will effectively cause one of the resultant lots to have two separate zonings. The proposal will ensure that each resultant lot only has a single zoning.
16	Zoning the currently unzoned portions of Lots 40, 65 and 66 Wimbledon Street, Beckenham as Residential R17.5.	To ensure a uniform zoning across the sites.

Item 13.5.6 Continued

17	Unzoning the portion of Lot 9001 Seaforth Avenue, Gosnells that is located on the southeast side of Tonkin Highway.	Tonkin Highway forms the municipal boundary between the Cities of Gosnells and Armadale. The land on the southeast side of Tonkin Highway is located within the City of Armadale and therefore should not form part of the City of Gosnells Town Planning Scheme No. 6 map.
18	Zoning the currently unzoned portion of Lot 201 Astley Street, Gosnells as Residential R17.5.	To ensure a uniform zoning across the site.
19	Rezoning part of the Rimmer Lane Planning Precinct from General Rural to Residential Development.	To ensure a uniform zoning across the Precinct and to ensure that TPS 6 is consistent with the Metropolitan Region Scheme.
20	Zoning the currently unzoned portions of Lots 6 and 7 Spencer Road, Thornlie as Residential R17.5.	To ensure a uniform zoning across the sites.

CONCLUSION

The above mapping proposals are, in isolation, relatively minor and do not substantially change the operation of the Scheme. The proposed textual amendments will effectively correct various anomalies and give Council greater control of the development assessment and determination process.

It will therefore be recommended that Council initiate Amendment No. 129.

FINANCIAL IMPLICATIONS

The cost of advertising the amendment proposal can be met from the Planning Implementation operational budget.

STATUTORY IMPLICATIONS

- Planning and Development Act 2005.
- Town Planning Regulations 1967.
- Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.6 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION
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490 Moved Cr G Dewhurst Seconded Cr L Griffiths

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* (as amended) adopt Amendment No. 129 to Town Planning Scheme No. 6 by:

1. Modifying the Scheme Text by:
 - (i) Replacing all reference to "Residential Design Codes (2002)" with "Residential Design Codes".
 - (ii) Modifying Table 1 (Zoning Table) of the Scheme so that the "Family Day Care" land use is classified as "D" within the Residential, Residential Development, Regional Centre, District Centre, Local Centre, Mixed Business, General Rural and Special Rural zones.
 - (iii) Modifying Table 1 (Zoning Table) of the Scheme so that the "Service - Industry" land use is classified as "X" within the General Rural zone.
 - (iv) Amending Clause 10.4.3(a) to delete the words "and occupiers".
 - (v) Inserting the following definition into Schedule 1:

"commercial vehicle parking means the parking of a commercial vehicle on a site, where that vehicle is driven by an occupant of a dwelling on that site as part of their occupation".
 - (vi) Modifying the following definition in Schedule 1:

"transport depot means premises used for the parking of a commercial vehicle on a site, where that vehicle is not driven by an occupant of a dwelling on that site as part of their occupation".
2. Modifying the Scheme Map in accordance with the amendment maps contained as Appendix 13.5.6A.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 13.5.6 Continued

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

491 Moved Cr G Dewhurst Seconded Cr L Griffiths

That Council forward Amendment No. 129 to Town Planning Scheme No. 6 to:

1. The Environmental Protection Authority (EPA) for comment, pursuant to Section 81 of the Planning and Development Act 2005.
2. The Western Australian Planning Commission for information.

and subject to no objections being received from the Environmental Protection Authority, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 (as amended) for a period of 42 days to the satisfaction of the Director Planning and Sustainability.

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.5.7 AMENDMENT NO. 130 TO TOWN PLANNING SCHEME NO.6 - INITIATION - CREATION OF A DEVELOPMENT ZONE AND REZONING OF LAND, VERNA AND EILEEN STREETS, 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 2003 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the first report in these Minutes.

13.5.8 REVIEW OF PLANNING GUIDANCE - KELVIN ROAD PRECINCT, ORANGE GROVE (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

The above item was brought forward in accordance with paragraph (9) of Sub-Clause 2.15.4 of the City of Gosnells Standing Orders Local Law 2003 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the second report in these Minutes.

**13.5.9 PROPOSED MODIFICATIONS TO MADDINGTON ROAD PRECINCT B
OUTLINE DEVELOPMENT PLAN**

Author:	L Langford
Author's Declaration of Interest:	Nil.
Reference:	Nil.
Application No:	PF08/00001
Applicant:	Development Planning Strategies
Owner:	Various
Location:	Land generally bound by Maddington Road, Dellar Road and Alcock Street
Zoning: MRS:	Urban
TPS No. 6:	Residential Development
Review Rights:	Yes. State Administrative Tribunal or Western Australian Planning Commission against any discretionary decision of Council.
Area:	Approximately 14.3ha
Previous Ref:	OCM 10 February 2009 (Resolutions 36 - 38) OCM 24 June 2008 (Resolution 276) OCM 27 May 2008 (Resolution 214)
Appendices:	13.5.9A Draft Maddington Road Precinct B Outline Development Plan (as approved by Council on 10 February 2009) 13.5.9B Public Open Space Contribution Schedule

PURPOSE OF REPORT

For Council to respond to the Western Australian Planning Commission's (WAPC) request for proposed modifications to the proposed Maddington Road Precinct B Outline Development Plan (ODP).

BACKGROUND**History**

On 10 February 2009, Council considered the proposed Maddington Road Precinct B ODP and resolved (Resolutions 36 - 38) to adopt the advertised ODP (subject to modifications being made), and forward the proposal to the WAPC for determination. The ODP as adopted by Council is contained as Appendix 13.5.9A.

In March 2010, the WAPC subsequently advised that it requires modifications to be made to the ODP adopted by Council on 10 February 2009. Following that advice, there were protracted discussions between the City and the Department of Planning regarding the issue of Public Open Space. Those discussions have recently concluded, with the matter now able to be considered by Council.

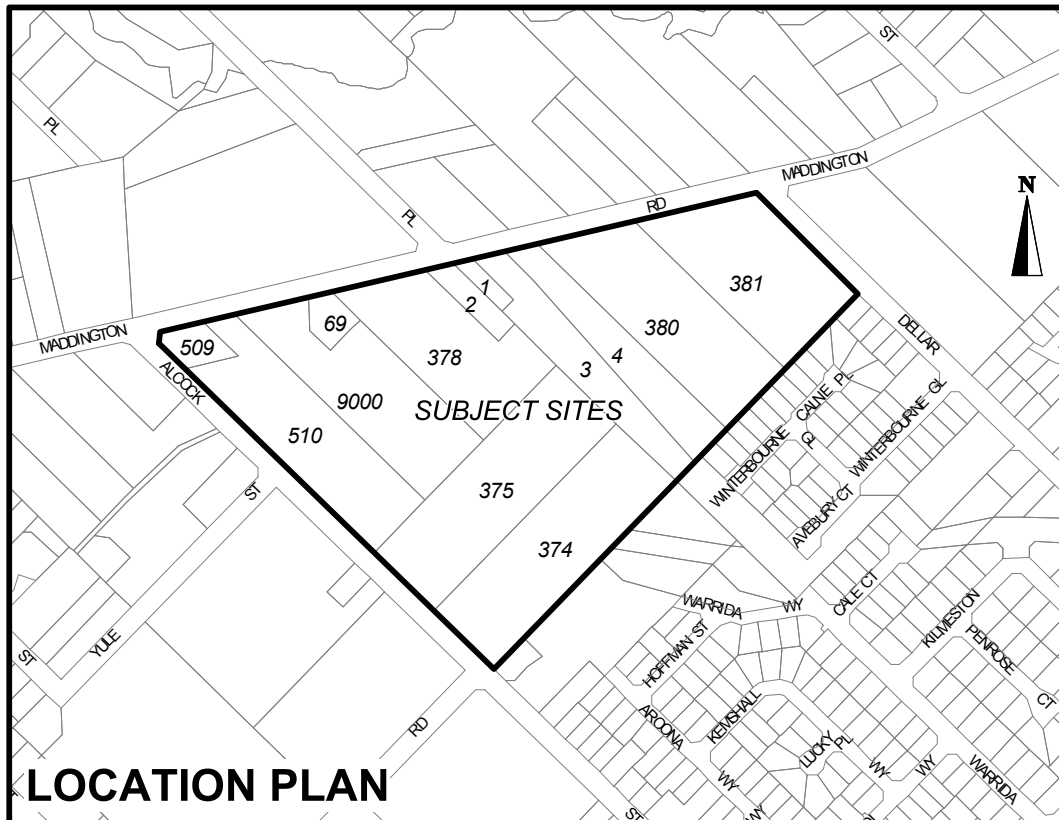
Clause 7.4.13 of Town Planning Scheme No. 6 (TPS 6) requires the WAPC to consult with the City prior to approving an ODP which requires modifications.

Item 13.5.9 Continued

Site Description

The Maddington Road Precinct B ODP area encompasses approximately 14.3ha of land bound by Maddington Road, Dellar Road and Alcock Street, and is comprised of 13 individual landholdings amongst eight individual landowners. Lot sizes range from 1,012m² to 2.23ha.

A plan showing the location of the ODP area follows.



DISCUSSION

Details of Proposed Modifications

The following table details the WAPC's required modifications to the ODP and City staff comments in response.

No.	Modification Details
1.	Modify Section 2.0 and 5.0, of the Outline Development Plan to replace the words 'Structure Plan' with 'Outline Development Plan'. Staff Comment: The modification is considered acceptable.
2.	Modify Section 4.1 and 4.2 to reflect the current zoning of the land in the Metropolitan Region Scheme and the City of Gosnells Town Planning Scheme No. 6. Staff Comment: The modification is considered acceptable.

Item 13.5.9 Continued

3.	<p>Modify Section 5.2, paragraph 2 as follows:</p> <p><i>"The proposed allotments ranging in size from 304m² to 2751m² (R40 site), with an overall average lot area of 487m². These lot areas are preliminary and are subject to detailed subdivisional design. The lot modules predominantly comprise of 14m to 16m frontages for the R25 product, reduced to 9-12 metres for the R30 product. Lots with frontages less than 12 metres are proposed to be serviced via a rear access laneway. Lot depths are primarily 30m."</i></p> <p>Staff Comment: The modification is considered acceptable.</p>
4.	<p>Modify Section 5.3, paragraph 2 as follows:</p> <p><i>"No connection onto Maddington Road is proposed, however, two access legs abutting Maddington Road are proposed to facilitate pedestrian and bicycle movement between the estate and Maddington Road."</i></p> <p>Staff Comment: The modification is considered acceptable.</p>
5.	<p>Modify Section 5.4, paragraph 2 as follows:</p> <p><i>"Consistent with current practice, the public open space system has been designed to accommodate most of the storm water drainage in the form of 'dry' shallow basins. Under the Western Australian Planning Commission's Liveable Neighbourhoods 3 policy document (available from their website) such facilities can be used as 'restricted use' public open space, provided that the drainage requirement does not exceed 20% of the minimum 10% public open space requirement."</i></p> <p>Staff Comment: The modification is considered acceptable.</p>
6.	<p>Insert the revised Public Open Space Schedule date stamped 18 March 2010 (attached) at the end of Section 5.4.</p> <p>Staff Comment: The modification is considered acceptable.</p>
7.	<p>Remove Section 7.0, which related to development staging.</p> <p>Staff Comment: The modification is considered acceptable, as the information, whilst accurate at the time, is now redundant.</p>
8.	<p>Modify Section 8.0 to delete paragraph 3, which related to the previous General Rural zoning of the subject land.</p> <p>Staff Comment: The modification is considered acceptable, as the information, whilst accurate at the time, is now redundant.</p>
9.	<p>Append a POS distribution schedule to the ODP to outline the amount of POS provided on each lot, and the extent of the credit deficit against each land holding to assist land owners understand whether they will be required to pay a cash-in-lieu contribution for their POS deficit, or whether they will be reimbursed by the City for any POS credit against their landholding.</p> <p>Staff Comment: The modification is considered acceptable. It will be recommended that Council attach the POS Contribution Schedule (as contained as Appendix 13.5.9B) to the ODP text.</p>
10.	<p>Update the Outline Development Plan - Plan 5 so that the POS areas (distribution and areas of restricted use POS) correlate with the approved Local Water Management Strategy.</p> <p>Staff Comment: The modification is considered acceptable.</p>
11.	<p>Delete notations a) - c) (relating to the need for a Public Open Space schedule, the need for an amended Local Water Management Strategy, and the need for an Urban Water Management Plan, respectively) on the Outline Development Plan - Plan 5 and insert the following notation:</p> <p><i>"Should the Place of Worship be redeveloped for residential purposes in the future, a public open space or cash-in-lieu contribution equivalent to ten percent of the gross subdivisible area will be required."</i></p>

Item 13.5.9 Continued

	<p>Staff Comment: The deletion of notation a) is considered acceptable, subject to:</p> <p>(i) The following notation being inserted on the Outline Development Plan - Plan 5: <i>"Public Open Space contributions are to be made in the form of land and/or cash-in-lieu, in accordance with the Public Open Space Contribution Schedule"</i></p> <p>(ii) The Public Open Space Contribution Schedule (as contained as Appendix 13.5.9B) being appended to the ODP document.</p> <p>With regards to the above, the POS Schedule is required for the area because of the following reasons:</p> <ul style="list-style-type: none"> • The absence of a POS Schedule for the ODP area will result in a situation that exposes the City to financial risk. Cash-in-lieu contributions are based on valuations which, after deductions, reduce the value of contributions to or near unimproved land values. These funds are then held until such time as a claim for reimbursement is made by a landowner developing land that is required for surrender in excess of the established POS rate under the ODP. • Generally, the value of land increases at a greater rate than cash, meaning that cash held for the future acquisition of land is effectively devaluing over time. • The City is unable to control the rate or staging of subdivision and development in many cases, and owners who are required to surrender large areas of land for POS are slow to develop, whilst those who do not have any requirement to surrender land often develop sooner. The result is that the actual value cost increases and undermines the notional value of the funds previously collected, meaning that it would be impossible for the City to acquire all of the land identified as POS, without relying on an external funding source. • Whilst previously collected POS funds for the Maddington locality could be used as a funding source, the ODP is a self-contained development cell and is therefore required to provide its own POS without imposing on the wider community. <p>Based on the above, it is considered more equitable to manage POS contributions within the ODP area; collecting cash-in-lieu funds where required and apportioning those funds to landowners as detailed in the POS Contribution Schedule, as they become available. It is important to note that the City has discussed the issue of POS equalisation with Department of Planning staff, who confirmed in-principle support of the proposed method of sharing the burden of POS amongst various landowners.</p> <p>The deletion of notation b) is considered acceptable as a Local Water Management Strategy (LWMS) has been approved by the Department of Water. The deletion of notation c) is considered acceptable as an Urban Water Management Plan is only required to be approved prior to subdivision if no approved LWMS is in place. The addition of the new notation is considered acceptable.</p>
12.	<p>Overlay the pedestrian and cycle network depicted in Plan 7 onto Plan 5.</p> <p>Staff Comment: The modification is considered acceptable.</p>

As noted in the above table, the proposed modifications are considered to be generally acceptable.

CONCLUSION

It is considered that the proposed modifications to the Maddington Road Precinct B Outline Development Plan are generally acceptable. It will therefore be recommended that Council support the Western Australian Planning Commission in approving the modifications, subject to:

- (i) The following notation being inserted on the Outline Development Plan - Plan 5:

Item 13.5.9 Continued

"Public Open Space contributions are to be made in the form of land and/or cash-in-lieu, in accordance with the Public Open Space Contribution Schedule"

- (ii) The Public Open Space Contribution Schedule (as contained as Appendix 13.5.9B) being appended to the ODP document.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

492 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council indicate to the Western Australian Planning Commission that it supports the Commission approving the Maddington Road Precinct B Outline Development Plan including its recommended modifications (as contained in Appendix 13.5.9A), subject to:

- (i) The following notation being inserted on the Outline Development Plan - Plan 5:

"Public Open Space contributions are to be made in the form of land and/or cash-in-lieu, in accordance with the Public Open Space Contribution Schedule"

- (ii) The Public Open Space Contribution Schedule (as contained as Appendix 13.5.9B) being appended to the ODP document.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.6 GOVERNANCE

13.6.1 CITY OF GOSNELLS WASTE LOCAL LAW 2011 - AMENDMENT

Author: B Tucker
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 9 February 2010
OCM 11 May 2010
OCM 8 February 2011
OCM 12 July 2011
Appendix: Nil.

PURPOSE OF REPORT

To seek Council endorsement of undertakings required by the Joint Standing Committee on Delegated Legislation (Parliamentary Committee) in relation to minor amendments to the City of Gosnells Waste Local Law 2011.

BACKGROUND

In accordance with the requirements of Section 3.16 of the *Local Government Act 1995* (Act), the City of Gosnells Waste Local Law 2011 was adopted by Council at its meeting held 12 July 2011 (Resolution 322).

As prescribed, the adopted local law was published in the Government Gazette on 22 July 2011, became effective on 11 August 2011 and was provided to the Parliamentary Committee in accordance with the prescribed local law process.

The Parliamentary Committee considered the local law at its meeting on 26 September 2011 and resolved to seek undertakings from the City in order to address drafting matters and a number of concerns identified in the local law.

The Parliamentary Committee's concerns were conveyed to the City in correspondence dated 27 September 2011 requesting a range of undertakings by the Council by close of business on Wednesday 12 October 2011. As a number of the required undertakings were considered nebulous the City provided a response in writing dated 29 September 2011 seeking further clarification of the same and advising that due to the schedule of Council meetings the matter could not be considered by Council prior to 25 October 2011.

At the time of drafting this report for the agenda that clarification had not been received.

DISCUSSION

The undertakings required by the Parliamentary Committee are as follows:

- *to delete the word 'City' before 'waste' in clause 2.1;*
- *to amend the instrument to make the terms in the instrument consistent with the Waste Avoidance and Resource Recovery Act 2007 and the Local Government Act 1995 by replacing references to the "City" with "local government";*

Item 13.6.1 Continued

- *to define the phrase "collection service of recyclable material" and "collection of bulk material" in clause 1.2;*
- *to review and revise the offences and Schedule 1 (prescribed Offences). Please provide details of the proposed amendments;*

and that

- *all consequential undertakings arising from the undertaking will be made;*
- *clauses will not be enforced in a manner contrary to the undertakings that the Council gives;*
- *the undertaking will be completed within six months of the date of the City's letter giving the undertakings;*
- *the City of Gosnells will provide a copy of the minutes of the meeting at which the Council resolves to provide the undertaking above; and*
- *where the Local Law is made publicly available, whether in hard copy or electronic form, it be accompanied by a copy of these undertakings."*

In relation to the first required undertaking it is agreed that the inclusion of the word "City" before "waste" in clause 2.1 could cause confusion. As such an undertaking to amend the local law to address this issue should be given.

The direction to replace the term "City" with "local government" is one that should be challenged. Prior to the commencement of the local law review the City sought legal opinion on the use of the term "City" rather than the more generic "local government" as contained within all model local laws circulated by the Western Australian Local Government Association. The advice received supported such change and suggested there was no legal difference between the two.

A review of local laws gazetted in recent years has revealed no less than six local governments have adopted shire, town or city rather than local government, none of which have been required to make undertakings by the Parliamentary Committee. For further clarification on this matter correspondence has been forwarded to the Department of Local Government requesting that agency seek State Solicitor's clarification on the matter. It is considered inappropriate, until such clarification is available, for Council to make an undertaking on the terminology to be used.

The terms "*collection service of recyclable material*" and "*collection of bulk material*" are included in four other waste local laws gazetted since 2009 without associated definitions. These four local laws have been accepted and none of the local governments have been required to make undertakings by the Parliamentary Committee. The City is seeking further clarification from the Parliamentary Committee on this issue. Therefore it is considered premature for Council to make an undertaking to define these terms.

In relation to the fourth undertaking, other local governments have adopted similar local laws over the past 12 months. These have listed a range of penalties, in many cases considerably more than the modified penalty proposed by the City. None of these local laws appear to have been challenged by the Parliamentary Committee. As previously mentioned, clarification by the Parliamentary Committee on this and other matters are still outstanding and as such it is considered inappropriate, at this time, for Council to make an undertaking on the penalty provisions.

Item 13.6.1 Continued

FINANCIAL IMPLICATIONS

There are no financial implications at this time however, once the local law amendment procedure is commenced, expenditure will be incurred for public notices at the commencement and conclusion of the local law making process as well as publication of the amendment to the local law in the Government Gazette.

STATUTORY IMPLICATIONS

There are no statutory implications relevant to the recommendation, however at the time an amendment of the local law is proposed, then Section 3.12 of the *Local Government Act 1995* which outlines the procedure for making local laws, will apply.

VOTING REQUIREMENTS

Simply Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

493 Moved Cr G Dewhurst Seconded Cr J Brown

That Council approve the following undertaking to the Joint Standing Committee on Delegated Legislation in relation to the City of Gosnells Waste Local Law 2011 which is to be included in a future amendment of the local law:

1. To delete the word 'City' before 'waste' in clause 2.1 of the local law

and that:

- a) All consequential undertakings arising from the undertaking will be made.
- b) Clauses will not be enforced in a manner contrary to the undertakings that the Council gives.
- c) The undertaking will be completed within six months of the date of the City's letter giving the undertakings.
- d) The City of Gosnells will provide a copy of the minutes of the meeting at which the Council resolves to provide the undertaking above.
- e) Where the Local Law is made publicly available, whether in hard copy or electronic form that it be accompanied by a copy of these undertakings.

CARRIED 11/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

Item 13.6.1 Continued

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION
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494 Moved Cr G Dewhurst Seconded Cr J Brown

That Council seek an extension of time from the Joint Standing Committee on Delegated Legislation, prior to it taking measures to disallow the City of Gosnells Waste Local Law 2011, to enable the City to consider responses from both that body and the Department of Local Government once received in relation to the following required undertakings;

1. To replace references to the "City" with "local government".
2. To define the terms "collection service of recyclable material" and "collection of bulk material".
3. To review and revise the offences and Schedule 1 (prescribed Offences).

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. NOTICES OF MOTION FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

16. URGENT BUSINESS
(by permission of Council)

Nil.

17. CONFIDENTIAL MATTERS

COUNCIL RESOLUTION

495 Moved Cr O Searle Seconded Cr L Griffiths

That Council declare the meeting closed to members of the public at 8.09pm to allow for discussion of confidential matters in accordance with section 5.23(2)(c) and (e)(ii) of the *Local Government Act 1995*

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

17.1 COMMUNITY SPONSORSHIP PROGRAM - CONSIDERATION AND APPROVAL OF SPONSORSHIP REQUEST FOR 2011 SECOND FUNDING ROUND

Author: A Cochran

Author's Declaration Nil.

of Interest:

Previous Ref: OCM 21 September 2010 (Resolutions 426, 427, 428, 429 and 430)

OCM 19 April 2011 (Resolutions 149, 150, 151, 152 and 153)

Appendix: 17.1A Confidential – Sponsorship Matrix – Summary of Applications Submitted for Assessment and Officer Assessment

PURPOSE OF REPORT

To advise Council of the sponsorship applications received in the 2011 second funding round of the City's Community Sponsorship Program and for Council to determine the awarding of sponsorships under categories 1 to 6 in accordance with Policy 3.2.2 Community Sponsorship Program.

Item 17.1 Continued

BACKGROUND

The Community Sponsorship Program is facilitated by the City to assist community organisations in the delivery of effective programs and services within the local community and individual community members to achieve high standards in their chosen field of endeavour.

At its Ordinary Meeting held on 23 August 2011, Council resolved to endorse amendments to Council Policy 3.3.2 - Community Sponsorship Program. The amendments included the provision of two new sponsorship categories for Natural Disaster Emergency Relief projects and Heritage Conservation projects. Council also resolved to amend the sponsorship guidelines to achieve a greater spread of sponsorship within the community, by permitting eligible organisations to apply for sponsorship in up to two categories each round. As the August 2011 funding round application period had already closed at this time, the above policy amendments will come into effect from the City's first sponsorship round in March 2012.

An invitation to apply for sponsorship for the funding round was advertised in early July 2011, with the closing date for submissions being 5 August 2011. By the time of closure, a total of 27 applications had been received in the following categories:

Category	Number of applications received
Minor Equipment	9 applications
Minor Capital Works	5 applications
Innovative Program or Project	8 applications
Learning and Development	4 applications
Strategic Initiative	0 applications
Community Support	1 application

Following the closure, the sponsorship applications were evaluated using the Sponsorship Assessment Criteria contained within Policy 3.2.2. The evaluation matrix is presented to Council for consideration and is attached as Confidential Appendix 17.1A.

DISCUSSION

Contained in Confidential Appendix 17.1A are the summaries of applications received by the City under categories 1 to 6 and the officer assessments, including detailed comments against the criteria contained within Policy 3.2.2 for those applications.

In accordance with Policy 3.2.2, assessments were undertaken to evaluate each sponsorship application against the Community Sponsorship Program eligibility criteria. Comments are included in the matrix on whether or not the applications meet the eligibility criteria.

Applications have been given a project assessment score (% out of 100) after being assessed against the following:

Item 17.1 Continued

- Project justification – Has the applicant provided sound justification of the need for the project?
- Community benefit – Who and how many people will benefit from the project?
- Management planning – Has the applicant described how it is intended that the project will be managed and do they have the capacity to deliver what they say they will provide?
- Access and opportunity – Does the project or program provide equitable access and opportunities for all residents to participate?
- Financial viability – Is the project for which the applicant is seeking sponsorship financially viable?
- Coordination – Has the applicant consulted with other organisations that may be affected by the proposed project?
- Sustainability – Is the project sustainable or would it require ongoing subsidies from Council for it to continue?
- Project history – Has this project received prior sponsorship through the Community Sponsorship Program within the last three years? If so, was it acquitted successfully? A higher priority may be given to new projects and programs.

Each project has also been given a project rating derived through the potential benefits offered in accordance with the following rating scale:

- Well planned and needed by the City (“A” rating)
- Well planned and needed by the applicant (“B” rating)
- Needed by the City, more planning required (“C” rating)
- Needed by the applicant, more planning required (“D” rating)
- Not recommended (“E” rating).

Following assessments, the applications were ranked in order of priority from the highest to the lowest score. Lastly, sponsorship amounts were recommended and the amounts proposed reflect the order of priority. For five of the sponsorship applications, a reduced amount is proposed to be offered to the applicants. This recommendation is due to some parts of their requests not being eligible for sponsorship. However, all applicants have confirmed that projects would still proceed if the reduced sponsorship amounts were awarded.

In accordance with Policy 3.2.2, the assessment matrix and staff recommendations are to be presented to Council for its determination of recipients.

After the sponsorships are determined by Council, applicants are formally notified whether their applications were successful or not, and if approved, they are advised of the sponsorship amount to be provided. Applicants are also informed of potential alternative funding sources that may assist in the delivery of their project(s), such as state and federal grants, corporate sponsorship and partnering opportunities.

Item 17.1 Continued

Formal sponsorship agreements will be developed for all successful applicants to commit the applicant to comply with both the terms for which the sponsorship is provided and the lodgement of acquittal documentation following completion of the project.

FINANCIAL IMPLICATIONS

The total value of sponsorships requested in the current round is \$73,681.50. The table below shows the breakdown of sponsorship sought within each sponsorship category.

Sponsorship Category	Sponsorship Requested	Sponsorship Recommended
Minor Equipment	\$8,260.00	\$4,887.00
Minor Capital Works	\$29,427.00	\$5,579.00
Innovative Program or Project	\$30,694.50	\$13,500.00
Learning and Development	\$4,300.00	\$1,720.00
Strategic Initiative	\$0	\$0
Community Support	\$1,000.00	\$1,000.00
Total Sponsorship Requested	\$73,681.50	\$26,686

Funding totalling \$96,250 has been allocated within the 2011/12 Council budget for the two funding rounds categories 1 - 6 of the Community Sponsorship Program. Of this amount, it is recommended that \$26,686 excluding GST be allocated in the current sponsorship round. This would leave \$69,564 available for allocation in the second round of the Community Sponsorship Program, which historical evidence has shown is in higher demand by the community.

STATUTORY IMPLICATIONS

Council Policy 3.2.2 – Community Sponsorship Program is relevant.

Section 5.23(2)(c) and (e)(ii) of the *Local Government Act 1995* - report contains information on future sponsorship contracts that may be entered into and information that has commercial value to the respective individuals and organisations.

VOTING REQUIREMENTS

Simple majority required.

Item 17.1 Continued

STAFF RECOMMENDATION (1 OF 5)

Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 1 - Minor Equipment:

Applicant	Project	Sponsorship Amount
Kenwick Tee-ball and Baseball Club	Purchase new safety equipment; helmets, catchers equipment and safety backing net	\$412
Gosnells Baseball Club	Purchase new safety equipment such as helmets, catchers and umpiring equipment	\$650
Gosnells City Football, Sporting and Social Club	Purchase a set of small sized junior soccer goals and associated equipment	\$1,700
Gosnells City Football, Sporting and Social Club	Purchase a portable crowd barrier in order to comply with State League regulations as set out by Football West	\$350
Maddington Junior Football Club	Purchase a new line marker to mark football ovals at Harmony Fields	\$462
Gosnells City Football, Sporting and Social Club	Purchase and install racks and shelves for the club's new equipment storage room	\$500
Gosnells City Football, Sporting and Social Club	Purchase a new computer, printer and phone	\$813

STAFF RECOMMENDATION (2 OF 5)

Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 2 - Minor Capital Works:

Applicant	Project	Sponsorship Amount
Bletchley Park Primary School P & C Association	Purchase and installation of an obstacle course on the school oval, which would be accessible to the school children and broader community	\$5,579

Item 17.1 Continued

STAFF RECOMMENDATION (3 OF 5)

Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 3 - Innovative Program or Project:

Applicant	Project	Sponsorship Amount
Community Development Foundation (Non profit charitable foundation)	To deliver a program for parents and community members at Wirrabirra Primary School to promote healthy active lifestyles	\$1,500
Gosnells Cricket Club	To deliver a 12 week Cricket Champs program designed for children with special needs aged between 6 - 15 yrs.	\$3,500
Brookland Greens Residents and Ratepayers Association	To coordinate a free community event called "Christmas in the Park" at Brookland Greens, Canning Vale	\$1,000
Maddington Cricket Club	To develop a publication that details the last 100 years of the Maddington Cricket Club	\$4,000
Centrepont Church	To facilitate a free community event called "Easter Family Fair" for local residents on 24 March 2012	\$3,000
Liddelow Homestead Arts and Crafts Club	To facilitate a free community arts and crafts exhibition at Liddelow Homestead	\$500

STAFF RECOMMENDATION (4 OF 5)

Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 4 - Learning and Development:

Applicant	Project	Sponsorship Amount
Gosnells Police and Community Youth Centre	To train and accredit gymnastics volunteers in coaching	\$620

Item 17.1 Continued

Gosnells City Football, Sporting and Social Club	To provide club coaches with a sports safety workshop and a basic injury prevention strapping training course	\$1,100
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STAFF RECOMMENDATION (5 OF 5)

Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 6 - Community Support:

Applicant	Project	Sponsorship Amount
Maddington Cricket Club	To facilitate a gala event in January 2012 to celebrate the club's centenary year	\$1,000

Amendment to Staff Recommendation (3 of 5)

During debate Cr O Searle moved the following amendment to staff recommendation (3 of 5):

"That Council amend staff recommendation (3 of 5) by inserting the following after the words "Program or Project";

"subject to the contribution to the Liddelow Homestead Arts and Crafts Club being increased to \$1,000"."

Cr O Searle provided the following written reason for the proposed amendment:

"A true community group who have made few demands for funding. Demonstrates what is actually happening in this community facility".

Cr R Lawrence Seconded Cr O Searle's proposed amendment.

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

Moved Cr O Searle Seconded Cr R Lawrence

That Council amend staff recommendation (3 of 5) by inserting the following after the words "Program or Project:";

"subject to the contribution to the Liddelow Homestead Arts and Crafts Club being increased to \$1,000"."

Item 17.1 Continued

with the amended recommendation to read;

"That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 3 - Innovative Program or Project subject to the contribution to the Liddelow Homestead Arts and Crafts Club being increased to \$1,000:

Applicant	Project	Sponsorship Amount
Community Development Foundation (Non profit charitable foundation)	To deliver a program for parents and community members at Wirrabirra Primary School to promote healthy active lifestyles	\$1,500
Gosnells Cricket Club	To deliver a 12 week Cricket Champs program designed for children with special needs aged between 6 - 15 yrs.	\$3,500
Brookland Greens Residents and Ratepayers Association	To coordinate a free community event called "Christmas in the Park" at Brookland Greens, Canning Vale	\$1,000
Maddington Cricket Club	To develop a publication that details the last 100 years of the Maddington Cricket Club	\$4,000
Centrepoint Church	To facilitate a free community event called "Easter Family Fair" for local residents on 24 March 2012	\$3,000
Liddelow Homestead Arts and Crafts Club	To facilitate a free community arts and crafts exhibition at Liddelow Homestead	\$1,000

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

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

Item 17.1 Continued

STAFF RECOMMENDATION (1 OF 5) AND COUNCIL RESOLUTION

496 Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 1 - Minor Equipment:

Applicant	Project	Sponsorship Amount
Kenwick Tee-ball and Baseball Club	Purchase new safety equipment; helmets, catchers equipment and safety backing net	\$412
Gosnells Baseball Club	Purchase new safety equipment such as helmets, catchers and umpiring equipment	\$650
Gosnells City Football, Sporting and Social Club	Purchase a set of small sized junior soccer goals and associated equipment	\$1,700
Gosnells City Football, Sporting and Social Club	Purchase a portable crowd barrier in order to comply with State League regulations as set out by Football West	\$350
Maddington Junior Football Club	Purchase a new line marker to mark football ovals at Harmony Fields	\$462
Gosnells City Football, Sporting and Social Club	Purchase and install racks and shelves for the club's new equipment storage room	\$500
Gosnells City Football, Sporting and Social Club	Purchase a new computer, printer and phone	\$813

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 17.1 Continued

STAFF RECOMMENDATION (2 OF 5) AND COUNCIL RESOLUTION

497 Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 2 - Minor Capital Works:

Applicant	Project	Sponsorship Amount
Bletchley Park Primary School P & C Association	Purchase and installation of an obstacle course on the school oval, which would be accessible to the school children and broader community	\$5,579

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Amended Staff Recommendation (3 of 5)

COUNCIL RESOLUTION

498 Moved Cr O Searle Seconded Cr R Lawrence

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 3 - Innovative Program or Project subject to the contribution to the Liddelow Homestead Arts and Crafts Club being increased to \$1,000:

Applicant	Project	Sponsorship Amount
Community Development Foundation (Non profit charitable foundation)	To deliver a program for parents and community members at Wirrabirra Primary School to promote healthy active lifestyles	\$1,500
Gosnells Cricket Club	To deliver a 12 week Cricket Champs program designed for children with special needs aged between 6 - 15 yrs.	\$3,500
Brookland Greens Residents and Ratepayers Association	To coordinate a free community event called "Christmas in the Park" at Brookland Greens, Canning Vale	\$1,000

Item 17.1 Continued

Maddington Cricket Club	To develop a publication that details the last 100 years of the Maddington Cricket Club	\$4,000
Centrepoint Church	To facilitate a free community event called "Easter Family Fair" for local residents on 24 March 2012	\$3,000
Liddelow Homestead Arts and Crafts Club	To facilitate a free community arts and crafts exhibition at Liddelow Homestead	\$1,000

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (4 OF 5) AND COUNCIL RESOLUTION

499 Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 4 - Learning and Development:

Applicant	Project	Sponsorship Amount
Gosnells Police and Community Youth Centre	To train and accredit gymnastics volunteers in coaching	\$620
Gosnells City Football, Sporting and Social Club	To provide club coaches with a sports safety workshop and a basic injury prevention strapping training course	\$1,100

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 17.1 Continued

STAFF RECOMMENDATION (5 OF 5) AND COUNCIL RESOLUTION

500 Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council in accordance with Policy 3.2.2 Community Sponsorship program approve the following sponsorship applications received for Category 6 - Community Support:

Applicant	Project	Sponsorship Amount
Maddington Cricket Club	To facilitate a gala event in January 2012 to celebrate the club's centenary year	\$1,000

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

COUNCIL RESOLUTION

501 Moved Cr R Hoffman Seconded Cr J Brown

That Council re-open the meeting to members of the public at 8.25pm.

CARRIED 11/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

18. CLOSURE

The Mayor declared the meeting closed at 8.25pm.