



ORDINARY COUNCIL MEETING
8 MARCH 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 8 March 2011.

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.30pm 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 O SEARLE JP
CR B WIFFEN JP
CR W BARRETT
CR J BROWN
CR T BROWN
CR C FERNANDEZ
CR D GRIFFITHS
CR L GRIFFITHS
CR K JONES
CR R MITCHELL

STAFF

CHIEF EXECUTIVE OFFICER
ACTING DIRECTOR COMMUNITY ENGAGEMENT
DIRECTOR CORPORATE SERVICES
DIRECTOR INFRASTRUCTURE
DIRECTOR GOVERNANCE
MINUTE CLERK
MANAGER PLANNING IMPLEMENTATION
MANAGER GOVERNANCE

MR I COWIE
MS B MACMILLAN
MR R BOUWER
MR D HARRIS
MR T PERKINS
MISS S MACGROTTY
MR L GIBSON
MRS B TUCKER

PUBLIC GALLERY

7

2.2 APOLOGIES

Nil.

2.3 LEAVE OF ABSENCE

Cr R Hoffman was granted Leave of Absence from 10 February 2011 to 11 March 2011 vide Resolution 4 of the Ordinary Council Meeting held on 8 February 2011.

Cr S Iwanyk was granted Leave of Absence from 23 February 2011 to 20 March vide Resolution 37 of the Ordinary Council Meeting held on 22 February 2011.

3. DECLARATIONS OF INTEREST

Cr L Griffiths declared an Impartiality Interest in Item 13.4.3, "City of Gosnells RoadWise Advisory Group Meeting - 2 February 2011".

Reason: Member of the RoadWise Advisory Group.

Cr C Fernandez declared an Impartiality Interest in Item 13.4.3, "City of Gosnells RoadWise Advisory Group Meeting - 2 February 2011".

Reason: Member of the RoadWise Advisory Group.

Cr T Brown declared an Impartiality Interest in Item 13.4.3, "City of Gosnells RoadWise Advisory Group Meeting - 2 February 2011".

Reason: Member of the RoadWise Advisory Group.

Cr B Wiffen declared an Impartiality Interest in Item 13.4.3, "City of Gosnells RoadWise Advisory Group Meeting - 2 February 2011".

Reason: Member of the RoadWise Advisory Group.

Cr B Wiffen declared an Impartiality Interest in Item 12.1, "Local Emergency Management Committee Meeting".

Reason: Member of the Local Emergency Management Committee.

CR J Brown declared an Impartiality Interest in Item 13.2.2, "History and Heritage Advisory Group Meetings - 2 December 2010 and 3 February 2011".

Reason: Member of the History and Heritage Advisory Group.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

The Mayor circulated to Councillors a list of functions and events she had attended since 22 February 2011.

5. REPORTS OF DELEGATES

(without debate)

Nil.

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

Question Time for the Public commenced at 7.33pm.

Mrs Gibbs of 26 Lacey Street, Beckenham asked the following question:

Q1 Why is it we are having on going issues regarding NCU?
We have been under scrutiny for over 30 years. Can I have a clear definition of the NCU and conditions thereof in writing?

Response: The Mayor advised that Mrs Gibbs question would be taken on notice and responded to in writing.

Question Time for the Public concluded at 7.35pm.

6.2 PUBLIC STATEMENTS

Public Statement Time commenced at 7.35pm.

- 6.2.1** Mrs Gibbs submitted the following statement in relation to Item 13.5.2 "Initiation of Legal Proceedings - Non Compliance with Town Planning Scheme No.6 - 28 (Lot 36) Lacey Street, Beckenham" speaking against the proposed staff recommendation:

Mrs Gibbs requested that Council advise what work is required to be done, and if extra time is allowed the requirements of the NCU will be completed.

Public Statement Time concluded at 7.37pm.

7. CONFIRMATION OF MINUTES

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

58 Moved Cr D Griffiths Seconded Cr R Mitchell

That the Minutes of the Ordinary Council Meeting held on 22 February 2011, as published and distributed be confirmed as an accurate record.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

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”.

A written request was received by Cr R Hoffman seeking an extension to his leave of absence, to the 31 March 2011, which includes the 22 February 2011 Ordinary Council Meeting, for personal reasons.

COUNCIL RESOLUTION

59 Moved Cr R Mitchell Seconded Cr C Fernandez

That Council grant an extension of leave of absence for Cr R Hoffman to the 31 March 2011, inclusive.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

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

Nil.

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

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

60 Moved Cr C Fernandez Seconded Cr W Barrett

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

Item 13.5.2 Initiation of Legal Proceedings - Non Compliance with Town Planning Scheme No.6 - 28 (Lot 36) Lacey Street, Beckenham.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

13.5.2 INITIATION OF LEGAL PROCEEDINGS - NON COMPLIANCE WITH TOWN PLANNING SCHEME NO. 6 - 28 (LOT 36) LACEY STREET BECKENHAM

Author: C Terelinck
Author's Declaration Nil.
of Interest:
Reference: 224969
Owner: D, M and M Waters
Location: Lot 36 Lacey Street Beckenham
Zoning: MRS: Urban
TPS No. 6: Residential R20/R25
Review Rights: Nil.
Area: 1,290 m²
Previous Ref: OCM 14 November 2006 (Resolutions 574-575)
OCM 12 September 2000 (Resolutions 728-729)
Appendix: 13.5.2A Photographs from 2000
13.5.2B Recent photographs showing storage on property
13.5.2C Letter from Mr K Oliver

PURPOSE OF REPORT

For Council to consider authorising legal proceedings against the owner and lessee of 28 (Lot 36) Lacey Street Beckenham, due to lack of compliance with the non-conforming use (NCU) rights that apply to the land.

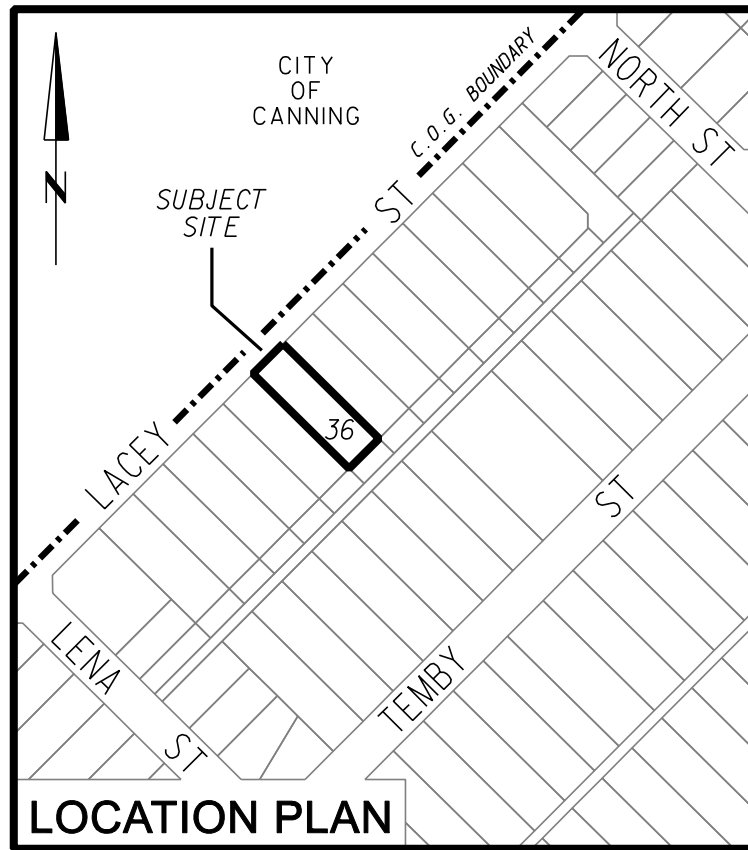
BACKGROUND**Site Description and Planning Framework**

The subject site is currently used for the storage of motor vehicles and equipment. The site is 1,290m² in area and does not accommodate any buildings.

The surrounding land uses are predominately low density residential dwellings, with lot sizes ranging from approximately 430m² to 2,000m².

A location plan of the site follows.

Item 13.5.2 Continued



Site History

The site has been the subject of numerous complaints, as a result of its use for the storage of motor vehicles and equipment, stemming back at least 30 years.

A number of aspects of the previous deliberation about this site are relevant as outlined in the following paragraphs.

In 1999 the Minister for Planning defined the level of activity (in relation to the NCU right) as "the parking of two prime mover / semi trailer combinations together with the carrying out of minor maintenance thereto with no earthmoving equipment being stored or used on the land and no miscellaneous equipment being stored on site."

In 2000 complaints continued to be received. In response, the City engaged Queen's Counsel (QC) to provide additional advice about the extent of activity on the land, and whether that amounted to a breach of the NCU right. Photographs were taken at the time, and these are retained on file. The QC's opinion was that the extent of activity being undertaken was reasonable when compared to the 1999 Ministerial Order.

Item 13.5.2 Continued

In 2004, the complainant brought the issue to the attention of the then Minister for Planning by making a complaint under section 18 of the then Town Planning and Development Act. This part of the then Act provided for a complaint to be made that a Local Government may not be enforcing its Planning Scheme. In response to this complaint to the Minister, the Town Planning Appeals Committee reviewed the City's actions and concluded that a breach of section 18 of the then Act had not occurred.

Notably, the process to end the matter appears not to have been followed, given that the then Minister did not finalise the investigation of the complaint by releasing a finding.

Subsequent observations of the site have confirmed that the degree of storage activity occurring on the land has increased substantially over time. The degree of increase is the essence of the City's concern.

Over the past two years, the current Minister for Planning has sought to finalise the complaint which has been referred to above. Correspondence has been provided to the City seeking its advice and action in September 2009 and September 2010. In addition the Minister's Office has been in contact with the City in December 2010, January 2011 and February 2011 for updates on the progress of this matter.

Until recently, the land was owned by Mr Alan Gibbs who also owns an adjoining property. In recent years, he has sold Lot 36 but retains the use of this Lot for the storage and collection of equipment (including trucks, cars, motor bikes, farm implements, chassis parts and sundry other mechanical equipment).

In brief, the City has acknowledged that a NCU right exists on the land, which allows the parking of two truck and trailer combinations on the site and activity at the level of the photographs taken in 2000 (Appendix 13.5.2A) when the QC's opinion was provided.

Over time the use of the land for the storage of equipment and materials has incrementally grown to a level that is significantly beyond the extent of the acknowledged NCU rights for the land as identified in the Minister's determination and the QC's opinion.

DISCUSSION

The City has made repeated attempts to have the extent of storage activity reduced to a level which could be argued as being within the limits of the NCU right as identified in the Minister's determination and the QC's opinion. Despite various requests and time periods being allowed for remedial works to occur, progress has been negligible. By late 2010, the following items were stored on the land:

Item 13.5.2 Continued

- Twelve trucks
- Two tractors
- One tractor with fork lift fitting
- Two cars
- Three motor bikes
- Three trailers
- A wide variety of smaller equipment including chassis parts and other goods.

Photographs indicating the above storage are contained as Appendix 13.5.2B.

Mr Gibbs also stores a substantial amount of equipment, vehicle parts and vehicles on his own lot, however this is not the subject of this report.

Based on an evaluation of the facts, and evidence of the amount of storage located on the land, it is clear that the acknowledged NCU right is being exceeded.

Mr Gibbs occasionally uses a representative (Mr K Oliver) to assist him in dealing with the City. Mr Oliver has written to the City (on 2 February 2011) requesting that further time be allowed for the removal of equipment from the land. The letter is attached as Appendix 13.5.2C.

Based upon the long established behaviours and lack of cooperation that has been received in the past, it becomes increasingly difficult to accept that the situation would improve to a degree that meets the defined extent of NCU. The City has been asking Mr Gibbs to remove the excessive materials since mid 2009 which has given him 18 months to take action. Notably, during a portion of this time, action was held off given that the property was listed for sale, although the sale did not eventuate.

Section 218 (a) of the *Planning and Development Act 2005* (the Act) provides that it is an offence to contravene a local planning scheme. Section 218 (b) of the Act provides that it is an offence to continue to contravene a local planning scheme. Section 223 of the Act provides for a maximum penalty of \$50,000 for an offence and \$5,000 for each day that the offence continues.

CONCLUSION

Mr Gibbs has been made fully aware of the City's concern about the activity and has been afforded generous and extended opportunities to comply with the requirements of the City of Gosnells TPS 6. To date the storage activity remains and although a minor amount of equipment is said to have been removed in the past two months, it falls substantially short of the level of storage which is afforded by the NCU right.

Correspondence was provided to the new owner of the land (in November 2010 and December 2010) to establish the City's concern and request cooperation to bring the lot into compliance with TPS 6.

Item 13.5.2 Continued

Given that Mr Gibbs is the lessor of the land, it is recommended that the Council authorise the commencement of legal action against both the owner and lessor of the land.

FINANCIAL IMPLICATIONS

Legal fees, funds for which have been budgeted, should be recouped at least in part, subject to a favourable ruling by the Court.

STATUTORY IMPLICATIONS

- City of Gosnells Town Planning Scheme No. 6
- *Planning and Development Act 2005*
- *Sentencing Act 1995*

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION

Moved Cr D Griffiths Seconded Cr L Griffiths

That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against the lessor of 28 (Lot 36) Lacey Street, Beckenham, Mr A Gibbs and the owners of 28 (Lot 36) Lacey Street, Beckenham, for the unapproved storage of vehicles and equipment on that site.

Amendment

During debate Cr R Mitchell moved the following amendment to the staff recommendation:

“That the staff recommendation be amended by inserting the following after the word “site” where it appears on the last line “in the event the works have not been completed to the satisfaction of the City by the 31 May 2011”.”

Cr R Mitchell provided the following written reason for the proposed amendment:

“To afford the owner adequate opportunity to clear the site”.

Cr W Barrett Seconded Cr R Mitchell's proposed amendment.

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

Item 13.5.2 Continued

Moved Cr R Mitchell Seconded Cr W Barrett

That the staff recommendation be amended by inserting the following after the word "Site" where it appears on the last line "in the event the works have not been completed to the satisfaction of the City by the 31 May 2011";

with the amended recommendation to read;

"That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against the lessor of 28 (Lot 36) Lacey Street, Beckenham, Mr A Gibbs and the owners of 28 (Lot 36) Lacey Street, Beckenham, for the unapproved storage of vehicles and equipment on that site in the event the works have not been completed to the satisfaction of the City by the 31 May 2011."

CARRIED 8/2

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr L Griffiths, Cr K Jones, Cr R Mitchell and Cr B Wiffen.

AGAINST: Cr D Griffiths and Cr O Searle.

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

COUNCIL RESOLUTION

61 Moved Cr D Griffiths Seconded Cr L Griffiths

That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against the lessor of 28 (Lot 36) Lacey Street, Beckenham, Mr A Gibbs and the owners of 28 (Lot 36) Lacey Street, Beckenham, for the unapproved storage of vehicles and equipment on that site in the event the works have not been completed to the satisfaction of the City by the 31 May 2011.

CARRIED 8/2

FOR: Cr W Barrett, Cr T Brown, Cr C Fernandez, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Cr J Brown and Cr D Griffiths.

12. MINUTES OF COMMITTEE MEETINGS

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

12.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING

Author: R. Wallington
Author's Declaration of Interest: Impartiality.
Previous Ref: Nil.
Appendix: 12.1A Minutes of Local Emergency Management Committee Meeting 16 February 2011

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Local Emergency Management Committee meeting held on 16 February 2011.

BACKGROUND

The Local Emergency Management Committee meets quarterly to discuss emergency management planning, any major incidents that have occurred within the City and to update the Local Emergency Management Arrangements where changes have occurred.

The minutes of the Local Emergency Management Committee meeting held on Wednesday 16 February 2011 are attached as Appendix 12.1A

DISCUSSION

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Section 38 *Emergency Management Act 2005* requires Local Governments to establish Emergency Management Committees.

VOTING REQUIREMENTS

Simple Majority required

Item 12.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

62 Moved Cr B Wiffen Seconded Cr C Fernandez

That Council receive the minutes of the Local Emergency Management Committee Meeting held on Wednesday 16 February 2011 attached as Appendix 12.1A.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

13.1.1 QUARTERLY REPORTING: MAJOR PROJECT PROGRESS REPORT

Author:	I. Cowie
Author's Declaration of Interest:	Nil.
Previous Ref:	Nil.
Appendix:	13.1.1A Major Projects Progress Report
	13.1.1B Final progress report on the remaining Strategic Plan activities

PURPOSE OF REPORT

To present a replacement format of quarterly reporting on key City activities and to present a final progress report on outstanding activities identified in the Strategic Plan.

BACKGROUND

The City has, for some time, produced quarterly reports in relation to performance against the activities included in the Strategic Plan. The City's Strategic Plan for the Future 2007 - 2010 (the Plan) was developed to cover the period to December 2010. As December 2010 has now passed, it is proposed that the City report quarterly on key activities being undertaken during the current year. The October – December 2010 progress report on these key activities is attached as Appendix 13.1.1A.

There are a number of activities from the Strategic Plan for the Future 2007 - 2010 that either have not been concluded or are not included in the Major Projects Progress Report. Final progress updates on these activities are reported in Appendix 13.1.1B.

DISCUSSION

The attached Major Projects Progress Report (the Report) lists major projects being undertaken by the City during 2010 – 2011. Some key features of the attachment include:

- A statement, completed at the start of the financial year, about the project's expected situation at June 2011 when the financial year ends
- An ability to compare the progress made in one quarter with the situation at the conclusion of the previous quarter or quarters
- A colour-coded indication of whether the project is on track, slightly behind schedule, whether urgent action is required, or whether the project has been completed.

The first two dot points represent enhancements to reporting which are being introduced with this different approach.

The Report shows that four projects have been completed; that none are in need of urgent action and that the majority of projects are on track.

Item 13.1.1 Continued

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report as it is a report on project progress.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

63 Moved Cr T Brown Seconded Cr L Griffiths

That Council note:

1. The Major Projects Progress Report attached as Appendix 13.1.1A.
2. The Final progress report on the remaining Strategic Plan activities attached as Appendix 13.1.1B.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

13.2 COMMUNITY ENGAGEMENT

13.2.1 PROPOSAL FOR INSTALLATION OF PHYSICAL ACTIVITY PROMOTION POLES

Author:	P Quigley
Author's Declaration of Interest:	Nil.
Previous Ref:	Nil.
Appendix:	13.2.1A Calico Physical Activity Promotion Poles Project Proposal
	13.2.1B Calico Physical Activity Promotion Poles Project Photos

PURPOSE OF REPORT

To seek Council approval of a proposal involving the installation of a series of physical activity promotion poles along a walking path adjacent to the Canning River in Thornlie for a three year trial period.

BACKGROUND

The City has been offered the opportunity to trial physical activity promotion poles termed Calico by the manufacturer Calico Pty Ltd. The full proposal is provided as Appendix 13.2.1A and an example of the types of poles to be installed is provided as Appendix 13.2.1B.

One of the strategies within the City's Strategic Plan 2007-2010 is to plan for an active community through recreation, leisure and sport opportunities. Contained within the City's Active Communities Plan is the objective to provide facilities in the natural and built environment to encourage all community members to take part in physical activity. The proposed Calico project is consistent with this strategic outcome for the City.

Relevant City staff have assessed the proposal and the suitability of the installation of the poles and consider the proposal has merit and as such present it for Council's determination.

DISCUSSION

Calico Pty Ltd's proposal provides for the installation of information poles at regular intervals along a riverside footpath within the City, which is used by community members undertaking informal physical activities, such as walking, running and cycling. These poles contain physical activity messages that aim to engage with people as a health promotion initiative. This is done through the following ways:

- Physical activity promotion messages appear on both sides of the poles and information is included for users on the "calories in-calories out" message
- Website address details displayed on Poles for people to have access to the Calico website from home to receive ongoing advice on health and nutrition
- People can set individual fitness and weight loss goals through accessing information about exercise undertaken and calories burned on an Activity Tracker on the website (see Activity Tracker below).

Item 13.2.1 Continued

The proposal involves the installation of 14 physical activity promotion poles along a 6.5km dual use path through Thornlie that is adjacent to the Canning River. The poles would be installed at 500m intervals along this path from near Burslem Drive (behind Polytechnics West Campus) to south of Nicholson Road. The proposed location map appears within Appendix 13.2.1A. The reason for selecting this path is that it has been identified as a suitable location, as the path offers a scenic route for walkers and runners and it is well utilised by the community, including on a regular basis by one of the City's walking groups. The Calico poles are made from aluminium and measure 2500mm high (i.e. 1900mm above ground when installed) and 215mm wide. A graffiti-resistant film coating is applied over the top to assist in maintaining the poles.

The cost for the supply and installation of the 14 physical activity promotion poles is \$8,000, plus an estimated annual cost of \$4,000 to maintain them, with these costs being covered by Calico Pty Ltd. At the end of the three year trial period, Calico agrees to remove the units at their cost. Alternatively, the City may decide to continue with the poles at no cost if the project evaluation at the conclusion of the period indicates effective usage by the community.

Calico Pty Ltd is able to recoup some of its costs for the physical activity promotion poles by selling a small area of advertising space on the base of the units. The company estimates to make a return on their investment in the future when their project gets large enough to become attractive to corporate sponsors.

If the poles are damaged or marked with graffiti, Calico Pty Ltd agrees to have them replaced/restored/cleaned within several days. The City has the option to assist with the simple upkeep of the poles by adding the units onto its normal graffiti cleaning schedule, if considered appropriate. The poles are recommended to be listed on the City's asset register during the three year trial period and hence included on the City's Public Liability Insurance Scheme.

Council Policy 5.4.35 - Incoming Sponsorship prescribes a range of criteria that are to be assessed before the City is to enter into a sponsorship agreement with another organisation. All sponsorship criteria are satisfactorily achieved, following an assessment of the Calico proposal against Council Policy 5.4.35.

Calico Pty Ltd has been made aware of the City's advertising approvals process and accepts that any advertising must not compromise the City's reputation, public image, governance, probity, or ability to fulfil its functions.

The main benefits of the proposed project are:

- The project shall enhance the City's reputation as an organisation committed to assisting with community health and wellbeing
- The project will support the City to engage the community in physical activity
- The project will provide an in-kind financial contribution of \$20,000 towards a local community physical activity initiative
- Residents will gain free use of online software from Calico Pty Ltd to assist with enhancing their nutrition, health and wellbeing
- The City will be supplied local aggregate community usage data during the trial period to assist with evaluating the project.

Item 13.2.1 Continued

The riverside locations proposed for the physical activity promotion poles are within Swan River Trust (SRT) land. For this reason, the City sought feedback from the SRT about their approvals process and STR advised that the poles could be considered following the City submitting a Form 7 application permit, as per Regulation 9 of the Swan and Canning Rivers Management Regulations 2007. This permit application process would occur should Council decide to proceed with the proposal. It should be noted that the SRT has also recently established a Riverpark Iconic Trails Project Steering Group, of which the City is a member. The objective of this Steering Group is to develop a master plan to guide the future development of a trails network along the Swan and Canning Rivers. This objective is expected to take 2-3 years to complete. The physical activity promotion poles proposal is seen as an effective component to trial as part of the SRT Steering Group's strategic trails project.

If the proposal is approved by Council and the SRT, a written contract will be developed to clearly outline the responsibilities of Calico Pty Ltd and the City.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

City of Gosnells Policy Number 5.4.35 - Incoming Sponsorship.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

64 Moved Cr D Griffiths Seconded Cr L Griffiths

That Council support the installation of 14 Physical Activity Promotional Poles and endorse an application to the Swan River Trust for the poles to be installed along the Canning River walking path in Thornlie for a three year trial period, as outlined in the proposal attached as Appendix 13.2.1A.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

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.

13.2.2 HISTORY AND HERITAGE ADVISORY GROUP MEETINGS - 2 DECEMBER 2010 AND 3 FEBRUARY 2011

Author:	A Cochran
Author's Declaration of Interest:	Nil.
Previous Ref:	Nil.
Appendix:	13.2.2A Minutes including proposed Actions of the History and Heritage Advisory Group Meeting held on Thursday 2 December 2010
	13.2.2B Minutes including proposed Actions of the History and Heritage Advisory Group Meeting held on Thursday 3 February 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) Meetings held on 2 December 2010 and 3 February 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 meetings held on 2 December 2010 and 3 February 2011 are attached as Appendices 13.2.2A and 13.2.2B respectively.

DISCUSSION

There were no proposed Actions from the Group meetings held on Thursday 2 December 2010 and 3 February 2011 which require Council consideration. There were six proposed Actions which have been addressed within operational parameters with the status now being reported to Council.

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 13.2.2 Continued

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

65 Moved Cr C Fernandez Seconded Cr L Griffiths

That Council receive the Minutes including proposed Actions of the City of Gosnells History and Heritage Advisory Group Meetings held on Thursday 2 December 2010 and 3 February 2011 attached as Appendices 13.2.2A and 13.2.2B respectively.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

66 Moved Cr C Fernandez Seconded Cr L Griffiths

That Council note and endorse officer response undertaken within operational parameters to address the proposed Actions from the Group's meeting held on 2 December 2010:

Proposed Action Reference Number	Advisory Group's Proposed Action	Action Taken
HHAG 02/12/2010-Proposed Action 23	The History and Heritage Advisory Group support the staff recommendation that the development application of 108 Mills Road West, Martin does not affect the heritage value.	Planning Officer notified, waiting on formal Council decision.
HHAG 02/12/2010- Proposed Action 24	Manager Library & Heritage Services to review information on local government heritage conservation policies and provide further information at the next meeting.	Manager Library & Heritage Services reviewing information.
HHAG 02/12/2010- Proposed Action 25	The History and Heritage Advisory Group accept the recommendations made by Members as detailed on the document with the changes to the Sunnyvale Nursery entry.	Completed. Changes made to the Sunnyvale entry on the Heritage Inventory as per discussion in HHAG 02/12/10 item 4.4.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

Item 13.2.2 Continued

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

67 Moved Cr C Fernandez Seconded Cr L Griffiths

That Council note and endorse officer response undertaken within operational parameters to address the proposed Actions from the Group's meeting held on 3 February 2011:

Proposed Action Reference Number	Advisory Group's Proposed Action	Action Taken
HHAG 03/02/2011-Proposed Action 1	That the developer of Maddington Park Homestead inform the City as to the future plans and what the intention is for the valuable historical artefacts, dating back to 1865.	Manager Library & Heritage Services to write to developer.
HHAG 03/02/2011- Proposed Action 2	That the History and Heritage Advisory Group support the staff recommendation that the development application of 22 River Avenue, Maddington does not affect the heritage value.	Planning Officer notified, waiting on formal Council decision.
HHAG 03/02/2011- Proposed Action 3	That information on the development of the Wanneroo Regional Museum is provided at the next Group meeting and to ascertain if the Group can visit the museum during 2011.	Heritage Services staff will contact City of Wanneroo staff.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

13.3 CORPORATE SERVICES

13.3.1 BUDGET VARIATIONS

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

PURPOSE OF REPORT

To seek approval from Council to adjust the 2010/2011 Municipal Budget.

BACKGROUND

Nil.

DISCUSSION

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

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

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

FINANCIAL IMPLICATIONS

Account Number	Type	Account Description	Debit \$	Credit \$
JL15-60267-3800-755	Increase Expenditure	Jean Garvey Park CCTV - Capital Purchases	16,360	
JL15-60267-1355-756	Increase Income	Jean Garvey Park CCTV - Non Operating Grant		16,360
	REASON:	Grant is part of "Graffiti Hot Spot" from Office of Crime Prevention. The external funding allows for the CCTV cameras onsite to be upgraded with an additional camera installed. The funding was unforeseen as it was not available during the 2010/2011 budget preparation period.		
JL13-30493-3384-000	Increase Expenditure	Ride on Mower with 72" Rear Discharge Deck	42,000	
JL13-30493-3384-000	Decrease Expenditure	Tow Behind Sweeper		42,000
	REASON:	Due to operational changes		

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
		and requirements the need for a ride on mower is greater than the need for a dedicated tow behind sweeper. The sweeper needs will be met through the purchase of a machine that incorporates a sweeper function with a forager when the current forager is replaced.		

STATUTORY IMPLICATIONS

Section 6.8 of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Absolute Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

68 Moved Cr D Griffiths Seconded Cr T Brown

That Council approve the following adjustments to the Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL15-60267-3800-755	Jean Garvey Park CCTV - Capital Purchases	16,360	
JL15-60267-1355-756	Jean Garvey Park CCTV - Non Operating Grant		16,360
JL13-30493-3384-000	Ride on Mower with 72" Rear Discharge Deck	42,000	
JL13-30493-3384-000	Tow Behind Sweeper		42,000

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 HUME ROAD PAVILION MANAGEMENT COMMITTEE INC - PROPOSED LICENCE OF PORTION OF HUME ROAD PAVILION ON RESERVE 24981 KNOWN AS WALTER PADBURY RESERVE

Author: J Flatow
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 14 July 2009 Resolution 324
Appendix: 13.4.1A Hume Road Licence Plan

PURPOSE OF REPORT

To seek Council approval to a tenancy Licence in favour of the Hume Road Pavilion Management Committee Inc for use of a portion of the Hume Road Pavilion at Walter Padbury Reserve.

BACKGROUND

At its meeting held on 14 July 2009 Council agreed to hold over the tenancy Licence to the Hume Road Pavilion Management Committee Inc (Committee) that terminated on 30 June 2009 for a period long enough to undertake a review of the management of the Pavilion.

DISCUSSION

With the adoption and funding of the Walter Padbury Master Plan, the Hume Road Pavilion will be extended and the internal areas refurbished to accommodate the Committee's user groups and community users. The outcome is an expanded area under licence which is reflected in the attached Appendix 13.4.1A.

The Committee has agreed, subject to Council approval, to enter into a five-year licence arrangement for use of a portion of the Pavilion as shown on the Appendix 13.4.1A.

It will be proposed that the Licence commence on 1 July 2011 to allow sufficient time for the works on the building to be completed.

Terms of the Licence will be in accordance with the City's adopted standard licence documentation including the requirement to pay local government rates and the Emergency Services Levy.

FINANCIAL IMPLICATIONS

The valuation and rates for this property are yet to be established as building works are still in progress. These details will be known once building works are completed, a valuation received and Council has struck its rates for the 2011/2012 financial year.

STATUTORY IMPLICATIONS

Section 3.58 of the *Local Government Act 1995* provides for the disposition of local government property that includes leasing and licensing.

Item 13.4.1 Continued

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides for certain organisations being exempt from the provisions of Section 3.58 of the *Local Government Act 1995*.

The Hume Road Pavilion Management Committee Inc is an exempt organisation and therefore the tender and advertising provisions of the Act need not be applied.

VOTING REQUIREMENTS

Simple Majority required.

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

69 Moved Cr B Wiffen Seconded Cr T Brown

That Council approve a Single User Licence to the Hume Road Pavilion Management Committee Inc for use of a portion of the Hume Road Pavilion as identified in Appendix 13.4.1A, located on Reserve 24981 known as Walter Padbury Reserve.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

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

70 Moved Cr B Wiffen Seconded Cr T Brown

That Council agree to the following terms of Licence to the Hume Road Pavilion Management Committee Inc:

Commencement Date :	1 July 2011
Term of Licence:	5 years
Licence Fee:	Peppercorn
Local Government Rates and Emergency Services Levy:	To be paid by Tenant
Public Liability Insurance:	Minimum of \$10m by Tenant

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

13.4.2 RENAMING OF THE VISITORS CENTRE AT THE AGONIS FACILITY

Author: R Watkins
Author's Declaration of Interest: Nil.
Previous Ref: OCM 23 November 2004 Resolution 689
Appendix: 13.4.2A Plan showing Whiteley Room and Visitors Centre

PURPOSE OF REPORT

To seek Council's approval to relocate the Whiteley Room dedication to the room known as the Visitors Centre at The Agonis.

BACKGROUND

The Whiteley Room is a small meeting room at The Agonis accommodating a maximum of six persons. Council resolved to name the room after Mr Gary Whiteley (former long serving Town Clerk/Chief Executive Officer of City of Gosnells) on 23 November 2004 (Resolution 689).

DISCUSSION

The City of Gosnells has three dedicated meeting rooms at The Agonis, the Whiteley, Walker and Carson Rooms. The Whiteley Room is to the rear of the other two and a similar size to the Walker Room, as shown in Appendix 13.4.2A.

City of Gosnells staff clean the Knowledge Centre, Lyal Richardson Hall, three meeting rooms, public toilets, lobby and undercover area near the gardens. The cleaner who works alone commences work at 4:30am and was previously required to access the cleaner's store in the undercroft car park. The equipment required for cleaning and polishing the floors is used daily, weighs approximately 30kg and is cumbersome. There is also no safe way to transfer the equipment from the undercroft store to the community facilities one floor above. While there is elevator access to the leased areas of Lotteries House and the Business Incubator there is no such access to the community facility area. Additionally, the City does not have the capacity to access the elevators after hours. An alternative storage space for the cleaning equipment is required to address Occupational Health and Safety concerns.

With available options to store the cleaning equipment being very limited, the Whiteley Room is considered an appropriate option given its size and limited use. This may also be a safer store for the heavy machinery than the undercroft car park.

As the room has been dedicated to Mr Whiteley as a meeting room, it is proposed to name the glass fronted area located between the café and the Lyal Richardson Hall the Whiteley Room. This room was developed as a Visitors Centre on the original plan for The Agonis. Current plans for the room are that it be locked to prevent public access and that the City's art collection is displayed through its glass windows on a rotating basis. The room may be used for other purposes at a later date such as a meeting room, display room or information centre.

Item 13.4.2 Continued

FINANCIAL IMPLICATIONS

The financial costs are minimal as the plaque on the Whiteley Room will be relocated to the Visitors Centre room and a store room plaque placed on the door of the current Whiteley Room. The furniture which is in the current Whiteley Room will be redistributed to the other meeting rooms.

STATUTORY IMPLICATIONS

Section 26A of the *Land Administration Act 1997* and the 'Geographic Names Committee Western Australia Principles, Guidelines and Procedures' as endorsed by the Minister for Lands are relevant.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

71 Moved Cr K Jones Seconded Cr L Griffiths

That Council approve the naming of the room currently referred to as the Visitors Centre at The Agonis as the Whiteley Room and the meeting room currently known as Whiteley Room be de-titled and used for storage.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

The Mayor advised the meeting that Cr L Griffiths, Cr C Fernandez, Cr T Brown and Cr B Wiffren had disclosed Impartiality Interests in the following item in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996.

13.4.3 CITY OF GOSNELLS ROADWISE ADVISORY GROUP MEETING - 2 FEBRUARY 2011

Author: O Pereira
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.4.3A Action Sheet of the City of Gosnells RoadWise Advisory Group Meeting held on Wednesday 2 February 2011

PURPOSE OF REPORT

For Council to receive the Action Sheet of the RoadWise Advisory Group Meeting held on Wednesday 2 February 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 13.4.3A.

DISCUSSION

Proposed Actions from the Group Meeting held on Wednesday 2 February 2011

There were two proposed actions from the RoadWise Advisory Group meeting which require Council consideration and they are detailed below:

School children drawings on road safety campaign

The Senior Road Safety Officer has liaised with the City of Joondalup Road Safety Officer in relation to setting up a proposal for a future road safety campaign within the City of Gosnells Primary Schools.

Item 13.4.3 Continued

Proposed Action Reference Number	Advisory Group's Proposed Action	Action To Be Taken
RAG 02/02/2011 Proposed Action 2	A survey of interest is to be sent to all Gosnells primary schools to ascertain their interest in hosting this campaign in 2011, which is to take place in the third term of the school year.	That the survey be documented and distributed to all primary schools.

Proposed Action Reference Number	Advisory Group's Proposed Action	Action To Be Taken
RAG 02/02/2011 Proposed Action 3	An application for funding is to be submitted to the West Australian Local Government Association (WALGA) for prizes to the school children and the school who participate in the campaign.	Application for a grant of \$1,000 is to be submitted to WALGA for road safety campaign competition following Council approval.

The Senior Road Safety Officer previously corresponded with Mr Ken Panici-Allen on 16 September 2010 in relation to his non-attendance at several RAG meetings in 2010; however, Mr Ken Panici-Allen has still not attended any meetings.

Proposed Action Reference Number	Advisory Group's Proposed Action	Action To Be Taken
RAG 02/02/2011 Proposed Action 4	The RAG members requested the removal of Mr Ken Panici-Allen from the RAG in accordance with the Terms of Reference - Gosnells RoadWise Advisory Group, Policy No. 2.4.19, because of his non-attendance at any RAG meetings or events during the past eight months	A letter will be forwarded to Mr Panici-Allen informing him of his removal from the Gosnells RoadWise Advisory Group.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

Item 13.4.3 Continued

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 4)

Moved Cr L Griffiths Seconded Cr C Fernandez

That Council receive the Action Sheet including proposed Actions of the City of Gosnells RoadWise Advisory Group Meeting held on Wednesday 2 February 2011.

STAFF RECOMMENDATION (2 OF 4)

Moved Cr L Griffiths Seconded Cr C Fernandez

That Council support the action of the City of Gosnells RoadWise Advisory Group to undertake a survey of interest of all Gosnells primary schools to ascertain their interest in hosting this campaign in 2011, which is to take place in third term of the school year.

STAFF RECOMMENDATION (3 OF 4)

Moved Cr L Griffiths Seconded Cr C Fernandez

That Council support the action of the City of Gosnells RoadWise Advisory Group to seek a grant from the Western Australian Local Government Association of \$1,000 to accommodate prizes for the school children and the school who participate in the campaign.

STAFF RECOMMENDATION (4 OF 4)

Moved Cr L Griffiths Seconded Cr C Fernandez

That Council approve the removal of Mr Ken Panici-Allen from the RoadWise Advisory Group in accordance with the Terms of Reference - City of Gosnells RoadWise Advisory Group, Policy No 2.4.19, because of his non-attendance at any Road Wise Advisory Group meetings or events during the past eight months.

Item 13.4.3 Continued

Amendment

During debate Cr T Brown moved the following amendment to staff recommendation (2 of 4):

"That staff recommendation (2 of 4) be amended by deleting the word "this" where it appears on the third line and substituting it with the words "the School Children's Drawing Road Safety".

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

"To ensure the recommendation stands alone".

Cr C Fernandez Seconded Cr T Brown's proposed amendment.

At the conclusion of debate the Mayor put Cr T Brown's proposed amendment, which reads:

Moved Cr T Brown Seconded Cr C Fernandez

That the staff recommendation be amended by deleting the word "this" where it appears on the third line and substituting it with the words "the School Children's Drawing Road Safety";

with the amended recommendation to read;

"That Council support the action of the City of Gosnells RoadWise Advisory Group to undertake a survey of interest of all Gosnells primary schools to ascertain their interest in hosting the School Children's Drawing Road Safety campaign in 2011, which is to take place in third term of the school year."

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

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

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION

72 Moved Cr L Griffiths Seconded Cr C Fernandez

That Council receive the Action Sheet including proposed Actions of the City of Gosnells RoadWise Advisory Group Meeting held on Wednesday 2 February 2011.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

Item 13.4.3 Continued

Amended Staff Recommendation (2 of 4)

AND COUNCIL RESOLUTION

73 Moved Cr L Griffiths Seconded Cr C Fernandez

That Council support the action of the City of Gosnells RoadWise Advisory Group to undertake a survey of interest of all Gosnells primary schools to ascertain their interest in hosting the School Children's Drawing Road Safety campaign in 2011, which is to take place in third term of the school year.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION

74 Moved Cr L Griffiths Seconded Cr C Fernandez

That Council support the action of the City of Gosnells RoadWise Advisory Group to seek a grant from the Western Australian Local Government Association of \$1,000 to accommodate prizes for the school children and the school who participate in the campaign.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

STAFF RECOMMENDATION (4 OF 4) AND COUNCIL RESOLUTION

75 Moved Cr L Griffiths Seconded Cr C Fernandez

That Council approve the removal of Mr Ken Panici-Allen from the RoadWise Advisory Group in accordance with the Terms of Reference - City of Gosnells RoadWise Advisory Group, Policy No 2.4.19, because of his non-attendance at any Road Wise Advisory Group meetings or events during the past eight months.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.

AGAINST: Nil.

13.5 PLANNING AND SUSTAINABILITY

13.5.1 DRAFT LOCAL PLANNING POLICY - PLANNING GUIDELINES FOR PLACES OF WORSHIP

Author:	L Gibson
Author's Declaration	Nil.
of Interest:	
Application No:	PF10/00031
Previous Ref:	OCM 12 October 2010 (Resolution 467-468)
Appendix:	13.5.1A Draft Local Planning Policy – Planning Guidelines for Places of Worship (as advertised)
	13.5.1B Draft Local Planning Policy – Planning Guidelines for Places of Worship (as modified)

PURPOSE OF REPORT

For Council to consider the final adoption of the draft Local Planning Policy – Planning Guidelines for Places of Worship.

BACKGROUND

On 12 October 2010, Council resolved (Resolution 467) to advertise the draft Local Planning Policy – Planning Guidelines for Places of Worship for public comment. A copy of the draft Policy, as advertised, is contained as Appendix 13.5.1A.

Consultation

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

- An advertisement in a local newspaper
- Display on the City's website

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

Item 13.5.1 Continued

Summary of Submission	Comment
<p>1. I believe that it is essential that the City of Gosnells consult with organisations such as the Council of Churches of Western Australia and the WA Local Government Association before adopting a place of worship planning policy. Advice should be received from these bodies and others before finalisation of the policy. This advice should be made available for community comment.</p>	<p>The Council of Churches does not represent all religious persuasions and therefore it was considered inappropriate to provide for special treatment in the consultation process. Although WALGA is a representative body for local government, it typically exists in an advocacy role for the industry as a whole. From a planning viewpoint it does not fall within the realm of stakeholder organisations that would be likely to be affected by the introduction of the policy.</p>
<p>2. The Policy must ensure that faith based schools are able to have a chapel, place of worship or prayer area that is accessible to the whole school community.</p>	<p>The draft Policy will not limit Council's ability to approve such uses.</p>
<p>3. I am concerned that the policy doesn't seem likely in its present form to apply equally to all places of worship. I understand and acknowledge that the guideline has been presented as a 'place of worship' issue. However, it is unclear to me if it has been openly and honestly designed to deal with all applications for churches, chapels, Kingdom Halls, mosques, temples or any other place of worship.</p>	<p>The Policy applies to all applications involving a Place of Worship, as defined by Town Planning Scheme No. 6.</p>
<p>4. I further consider the guideline flawed in detail. For example, 6.1(c) "<i>proposals must be considered to complement the activities and use of adjoining developments</i>" is a requirement that is capable of enormously wide interpretation. This effectively inhibits confidence for applicants, residents, planners and Council as a deliberative body.</p>	<p>The draft Policy in its current form, includes statements and objectives regarding public worship facilities, but does not provide detailed assessment guidance for proposals involving a Place of Worship. It is intended that the Policy provides the Community with a guide to the planning considerations that are of importance to the Council. This, in itself, will assist all stakeholders in cases where Place of Worship applications are contemplated.</p>
<p>5. Due to the lack of broad consultation, I urge Council not to adopt the draft planning guideline until further essential work has been done.</p>	<p>The consultation undertaken for the draft Policy is considered sufficient and is in line with planning scheme requirements.</p>

DISCUSSION

Proposed Modification to Policy

The draft Policy was reviewed after the close of advertising period and the following change is suggested to correct an error:

- Modifying Clause 3 to replace the words "Public Worship" with "Place of Worship"

The revised Policy, incorporating this change, is attached as Appendix 13.5.1B.

CONCLUSION

The draft policy includes statements and objectives regarding place of worship facilities, and the various aspects of interest to the Council in its role as the town planning decision maker.

Item 13.5.1 Continued

The policy will assist in clarifying the Council's viewpoint with various cultural groups that seek to establish or expand places of worship and related community purpose activities within the City of Gosnells.

It will therefore be recommended that Council adopt the draft modified Policy – Planning Guidelines for Places of Worship, as contained in Appendix 13.5.1B.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

In accordance with Clause 2.4 of TPS 6, if Council resolves to finally adopt the draft 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) AND COUNCIL RESOLUTION**76 Moved Cr C Fernandez Seconded Cr B Wiffen**

That Council, pursuant to Clause 2.4.2(a) of Town Planning Scheme No. 6, note the submission received in respect on the draft Local Planning Policy – Planning Guidelines for Places of Worship.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION**77 Moved Cr C Fernandez Seconded Cr B Wiffen**

That Council, pursuant to Clause 2.4.2(b) of Town Planning Scheme No. 6, adopt the draft modified Local Planning Policy – Planning Guidelines for Places of Worship, as contained in Appendix 13.5.1B 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.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

13.5.2 INITIATION OF LEGAL PROCEEDINGS - NON COMPLIANCE WITH TOWN PLANNING SCHEME NO. 6 - 28 (LOT 36) LACEY STREET BECKENHAM
(ITEM BROUGHT FORWARD - REFER TO ITEM 11)

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

13.5.3 INITIATION OF LEGAL PROCEEDINGS - NON COMPLIANCE WITH TOWN PLANNING SCHEME NO. 6 - LOT 800 FAIRLIE ROAD, CANNING VALE

Author: L Gibson
Author's Declaration Nil.
of Interest:
Reference: 306237
Owner: Crown
Location: Lot 800 Fairlie Road, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Nil.
Area: 3,510m²
Previous Ref: Nil.
Appendix: 13.5.3A Photographs showing fill on property

PURPOSE OF REPORT

For Council to authorise legal proceedings against a developer for the unapproved placement of fill on Lot 800 Fairlie Road, Canning Vale.

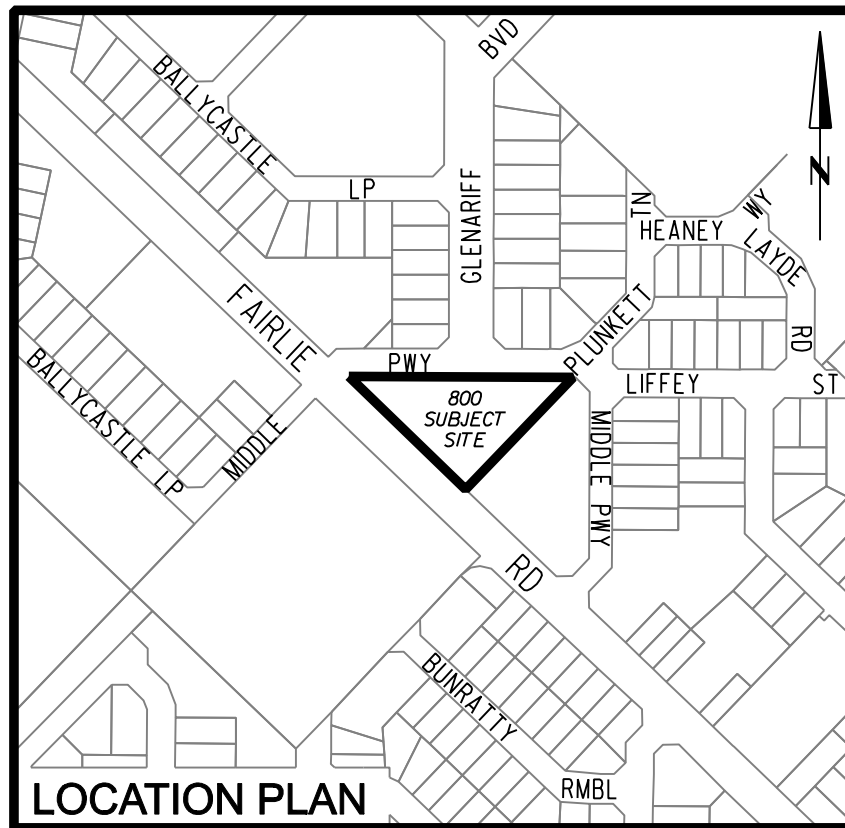
BACKGROUND**Site Description and Planning Framework**

The subject site is a Crown reserve for purposes of Public Recreation. It was given up by the developer Glenariff Holdings Pty Ltd through subdivision but has not yet been developed as a local park.

It is located within the West Canning Vale Outline Development Plan (ODP) area, which designates it as a local reserve (Local Open Space).

A location plan follows.

Item 13.5.3 Continued

**Site History**

Clause 3.4.1(b) of Town Planning Scheme No. 6 states that *"a person must not commence or carry out development on a Local Reserve, without having first obtained planning approval under Part 9 of the Scheme."*

In November 2010, the City received complaints from surrounding landowners that a large quantity of fill had been placed on Lot 800 Fairlie Road, including the filling of a drainage basin on that site.

The matter was investigated. It was found that a significant quantity of material (which included soil, building rubble, vegetation and general refuse) had in fact been deposited on the property without development approval.

Investigations indicate that the placement of this fill was directed by Glenariff Holdings Pty Ltd, representatives of which have confirmed that this is the case.

On 9 December 2010, Glenariff Holdings Pty Ltd was issued with a formal direction to remove the fill, pursuant to the provisions of the *Planning and Development Act 2005*. This formal direction was supported by two emails to the Director of Glenariff Holdings Pty Ltd.

The fill has not been removed; however a development application has recently been submitted, seeking retrospective approval for the fill.

Item 13.5.3 Continued

DISCUSSION

The fill is higher than the road level and has a direct impact on the visual amenity of the surrounding properties. As the illegal fill was placed without regard for effective drainage it is likely to result in localised water management issues, including the increased risk of flooding of nearby properties.

Notwithstanding the issue of a development application and the illegal nature of the works, the current proposal (which seeks to legitimise the fill via a retrospective approval) is not supported as the composition of the fill is inappropriate and does not constitute an acceptable drainage or recreational outcome.

Section 218 (a) and of the *Planning and Development Act 2005* provides that it is an offence to contravene a local planning scheme. Section 218 (b) of the Act provides that it is an offence to continue to contravene a local planning scheme. Section 223 of the Act provides for a maximum penalty of \$50,000 for an offence and \$5,000 for each day that the offence continues. Section 40 of the *Sentencing Act 1995* provides that these penalties are multiplied by five times the amounts where a company is the offending party, that is, the maximum penalties increase to \$250,000 and \$25,000 respectively.

CONCLUSION

Glenariff Holdings Pty Ltd, and the company's representative, have been afforded opportunities to comply with the requirements of the City of Gosnells TPS 6. To date the illegal fill material remains on the property.

The continued use of the property in this way is having an ongoing detrimental impact on the surrounding area and increases the risk of localised flooding.

FINANCIAL IMPLICATIONS

Legal fees, funds for which have been budgeted, should be recouped at least in part, subject to a favourable ruling by the Court.

STATUTORY IMPLICATIONS

- City of Gosnells Town Planning Scheme No. 6
- *Planning and Development Act 2005*
- *Sentencing Act 1995*

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.3 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

78 Moved Cr D Griffiths Seconded Cr R Mitchell

That Council authorise the Director of Planning and Sustainability to initiate legal proceedings against Glenariff Holdings Pty Ltd for the unapproved placement of fill on Lot 800 Fairlie Road, Canning Vale.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

13.5.4 DEVELOPMENT APPLICATION - 45 GROUPED DWELLINGS - 39 (LOT 843) AND 31 (LOT 844) DIGBY STREET, GOSNELLS

Author: C Windass
Author's Declaration Nil.
of Interest:
Reference: Nil.
Application No: DA10/00495
Applicant: PHI Property
Owner: Goldpoint Enterprises Pty Ltd
Location: 39 (Lot 843) and 31 (Lot 844) Digby Street, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential R20/30
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1.4166ha
Previous Ref: OCM 22 September 2009 (Resolution 471)
OCM 14 December 2010 (Resolution 601)
Appendix: 13.5.4A Council-adopted North Gosnells Sub-Precinct K Outline Development Plan
13.5.4B Site Plan
13.5.4C Floor Plans
13.5.4D Elevations

PURPOSE OF REPORT

For Council to consider an application for planning approval for 45 grouped dwellings at 39 (Lot 843) and 31 (Lot 844) Digby Street, Gosnells as the proposal is outside the authority delegated to staff, due to the number of dwellings being proposed.

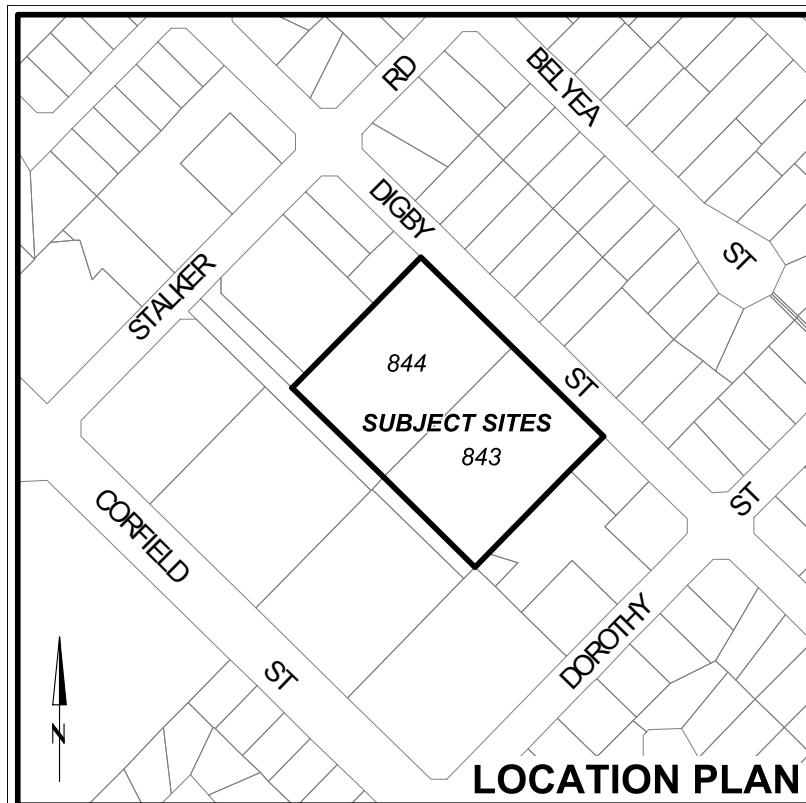
BACKGROUND**Site Description and Planning Framework**

The subject lots have a total area of 1.4166ha and are located within the street block bound by Stalker Road, Digby Street, Dorothy Street and Corfield Street. Each lot is occupied by a dwelling with access from Digby Street. The lots are zoned Residential R20/30 under Town Planning Scheme No. 6 (TPS 6) and fall within the North Gosnells Sub-Precinct K Outline Development Plan (ODP) area. A Medical Centre is located west of the subject lots on land zoned Local Centre. The balance of the land surrounding the subject lots is zoned Residential R20/30 and developed with single residences.

On 14 December 2010, Council adopted the draft ODP for the area and forwarded it to the Western Australian Planning Commission (WAPC) for final approval. A copy of the Council adopted ODP is contained as Appendix 13.5.4A. It should be noted that the WAPC has not yet determined the ODP.

Item 13.5.4 Continued

A location plan follows:



Proposal

The proposal includes the following aspects:

- 45 single storey grouped dwellings at a density of Residential R30. The dwelling sites are between 270m² and 325m² in area.
- A new public road (including traffic management devices) to be constructed between Stalker Road and the subject lots.
- Five visitor car parking spaces provided on-site.

A site plan, floor plans and elevations are contained in Appendices 13.5.4B, 13.5.4C and 13.5.4D respectively.

Consultation

The proposal was not required to be advertised for public comment as it complies with the development standards of the Residential Design Codes and the City's Local Planning Policy 1.1.1 – Residential Development.

Item 13.5.4 Continued

DISCUSSION

Development Standards

The proposal has been assessed against and complies with all relevant provisions of TPS 6, the Residential Design Codes (R-Codes) and City Policies, with the exception of an ODP, as discussed below.

Need for Outline Development Plan

Pursuant to the City's Local Planning Policy 3.2 – Outline Development Plan Requirements, an ODP is required for the North Gosnells Sub-Precinct K area. Although Council has resolved to adopt a draft ODP for the North Gosnells Sub-Precinct K area, the WAPC has not yet determined the proposal.

Local Planning Policy 3.2 – Outline Development Plan Requirements

The City's Outline Development Plan Requirements Policy establishes Council's position on the appropriateness of development proposals for land identified as requiring an ODP. In the absence of such an ODP, Clause 4.3.2 of the Policy states:

“Until such time that an ODP is adopted for an area that is zoned Residential Development under TPS 6 or forms part of one of the areas identified in Clause 4.1 above, Council will not approve any application for development of land unless, in Council's opinion, approval and implementation of the proposal will not prejudice the future planning and development of the surrounding area.”

In considering such a proposal, Council is to have regard to a number of factors, an assessment of which is provided in the table below.

Policy Requirements		Assessment/Comment
4.3.2 (a)	The scale and extent of the development proposed must not impede the eventual achievement of a comprehensive and permeable road network between lots, incorporating consolidated access points to the existing road system and, if applicable, suitable public access to any conservation and/or recreation reservation.	The proposed development would not impede upon the future road layout as the application has incorporated a new subdivisional road which is consistent with the proposed ODP.
4.3.2 (b)	The scale and extent of development proposed must not impede the provision of essential services to the site or surrounding area.	The proposal is in accordance with the Council-adopted ODP and therefore will not impede the provision of essential services.
4.3.2 (c)	The scale and extent of development proposed must not impede the eventual achievement of consolidated areas of Local Open Space, as recommended by any applicable Council-endorsed strategy.	The Council-adopted ODP does not require any Local Open Space to be provided within the subject sites.
4.3.2 (d)	The nature, extent, duration and permanency of the proposed development must not compromise the value or wellbeing of any environmental feature, including (but not limited to) Bush Forever sites, wetlands, the Canning and Southern Rivers and areas of remnant vegetation.	No environmental features were identified within the ODP area.
4.3.2 (e)	The nature, extent, duration and permanency of the proposed development must not present a long-term constraint to the ultimate urbanisation of the area.	The proposed development would not compromise the future development of the area as it is consistent with the Council-adopted ODP.

Item 13.5.4 Continued

As demonstrated above, the proposed development complies with the requirements of the Policy and will not compromise the future planning of the area.

Urban FormBuilt Form

The development proposes 45 grouped dwellings oriented, where possible, to front onto Digby Street and the proposed new road, with the balance of the dwellings being serviced by a private road. The built form is somewhat homogenous in its design; therefore it will be recommended that a condition be imposed requiring variety in the colours and materials of the dwellings. This will provide a streetscape compatible with the surrounding area.

Movement Network

As part of this development, the applicant is required to construct a new 15.4m wide road (including traffic management devices) and pedestrian paths, both of which are identified by the Council-adopted ODP. Detailed plans will be required to be submitted to the satisfaction of the City, prior to the construction of the road and path.

A footpath along Digby Street between Stalker Street and Dorothy Street will also be required so as to facilitate safe pedestrian movement through the area. However, given the subject sites are located 64m from Stalker Street and 64m from Dorothy Street, it is considered appropriate that a financial contribution be provided to the City in lieu of actually constructing the footpath. The footpath can then be constructed in the future as part of any development on the adjoining sites.

It will be recommended that should Council approve the proposal, the above requirements will be imposed as conditions.

Public Open Space

The Council-adopted ODP requires the applicant to provide Public Open Space (POS) in the form of cash in lieu, with those cash contributions to be utilised to improve and upgrade the nearby Trent Street and Birrell Place Reserves. It will be recommended that should Council approve the proposal, the above requirement will be imposed as a condition.

Waste Collection

The applicant has proposed bin pad areas on Digby Street and on the new subdivisional road to be constructed between Stalker Road and the subject lots. In the event Council approves the application, it will be recommended that a condition be applied requiring the bin pad areas to be constructed to the satisfaction of the City.

Item 13.5.4 Continued

CONCLUSION

The application is supported for the following reasons:

- The proposal is compliant with the requirements of the Residential Design Codes and the City's Local Planning Policy 1.1.1 – Residential Development.
- Whilst the subject area is not yet subject to a WAPC-approved ODP, it is considered that the proposal is consistent with the Council-adopted ODP and therefore will not prejudice the future planning and development of the area.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Local Planning Policy 3.2 – Outline Development Plan Requirements.
- Local Planning Policy 1.1.1 – Residential Development.
- Residential Design Codes.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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79 Moved Cr W Barrett Seconded Cr B Wiffen

That Council approve the application dated 30 November 2010 for 45 grouped dwellings at 39 (Lot 843) and 31 (Lot 844) Digby Street, Gosnells subject to the following conditions:

1. A geotechnical report is to be submitted to the satisfaction of the City certifying that the land is physically capable of development, prior to applying for a building licence.
2. A geotechnical report is to be submitted to the satisfaction of the City in accordance with Australian Standard 2870.1 certifying that the soil conditions of the land are suitable for on-site disposal of stormwater and all necessary associated works provide the site with the capability to dispose of stormwater on site through infiltration.

Item 13.5.4 Continued

3. Details prescribing a functional drainage system to be submitted and approved by the City of Gosnells and such system implemented prior to any building licence being issued, or clearance of subdivision/development, whichever applies first. The applicant is to submit detailed engineering drawings, where required geotechnical site assessment (soil profile, groundwater conditions and permeability), as well as hydrologic and hydraulic calculations to demonstrate functionality of the design.
4. The common property accessways being constructed and drained at the subdivider's cost to the specifications and satisfaction of the City.
5. All crossovers are to be located and constructed to the City's specifications.
6. Existing crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.
7. All cut and fill to be retained within the property boundaries by approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
8. The proposed public road (including a footpath) being constructed from Stalker Road to the Southern boundary of Lot 843, drained to the City's satisfaction, and at the developer's cost, prior to the occupancy of any buildings that require access from that road. The land required for the road is to be given up to the Crown free of cost.
9. Traffic Management devices for the intersection of Stalker Road and the proposed road, are to be designed and constructed to the City's satisfaction and at the developer's cost, prior to the occupancy of any buildings that require access from the proposed public road.
10. The proponent is to make a financial contribution to the satisfaction of the City, for the provision of a pedestrian path along Digby Street, as it abuts both Lots 843 and 844 Digby Street.
11. Bin pads for the placement of mobile garbage bins are to be constructed in a location as agreed by the City.
12. A Lighting strategy to be provided to address lighting to private internal common driveway and pedestrian areas to the satisfaction of the City.
13. A landscaping plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's development landscaping policy and approved by the City prior to the issue of a building licence.
14. Landscaping and reticulation of the development site and adjoining road verges is to be installed prior to occupying the proposed development, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the City.

Item 13.5.4 Continued

15. Provision of cash-in-lieu equivalent to the value of 10% public open space in accordance with the *Planning and Development Act 2005*. A valuation undertaken by a licensed valuer should be undertaken to determine the market value of the property in accordance with the *Planning and Development Act 2005*. This valuation report is to be provided to the City at the time of submitting the building licence.
16. All existing septic tanks are to be decommissioned and all components removed to the satisfaction of the City.
17. The site is to be connected to a reticulated sewerage system.
18. A schedule of external finishes and colour schemes showing a variety of colours, finishes and materials of the dwellings is to be submitted to the City's satisfaction prior to the issue of a Building Licence.

CARRIED 10/0**FOR:** *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.***AGAINST:** *Nil.*

13.5.5 OUTLINE DEVELOPMENT PLAN -MADDINGTON ROAD PRECINCT A

Author: C Windass
Author's Declaration of Interest: Nil.
Application No: PF09/00016
Applicant: Burgess Design Group
Owner: Various
Location: Lots 412-414, 5-6, 125-126, 2 and 103 Maddington Road, Maddington
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: 16.93 hectares
Previous Ref: Nil.
Appendix: 13.5.5A Draft Maddington Road Precinct A Outline Development Plan

PURPOSE OF REPORT

For Council to consider whether an Outline Development Plan (ODP) for Maddington Road Precinct A is satisfactory for advertising pursuant to Town Planning Scheme No. 6 (TPS 6).

BACKGROUND

On 27 May 2008 Council provided a recommendation to the Western Australian Planning Commission (WAPC) on the lifting of the Urban Deferment under the Metropolitan Region Scheme (MRS) for the Maddington Road Precinct A ODP area. Council resolved (Resolution 214-215) to support the lifting of the Urban Deferment and requested that the WAPC automatically rezone the subject area from Rural to Residential Development. This was subsequently approved by the WAPC.

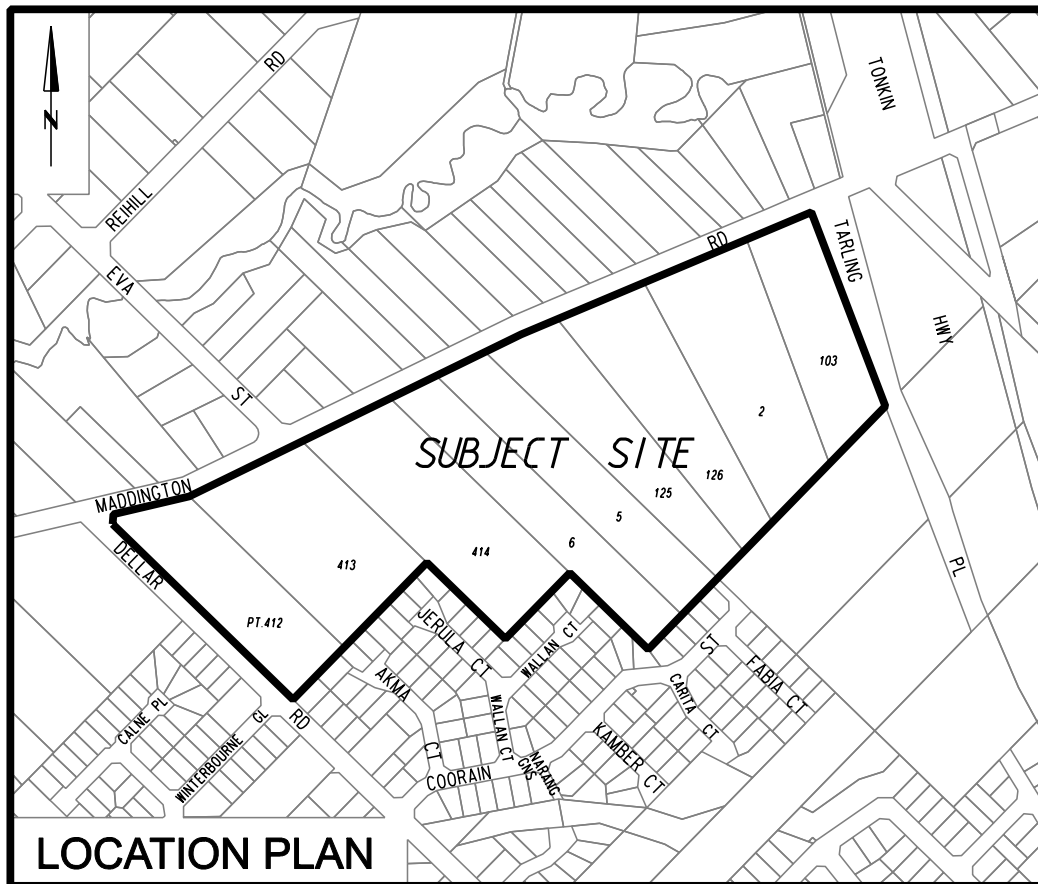
In accordance with the Residential Development zoning, an ODP is now required to provide a framework to coordinate subdivision and development of land within the area. The proponent is now seeking Council's consideration of an ODP and for its consent to advertise the proposal for public comment.

DISCUSSION**Site Description**

The subject area consists of various rural/residential lifestyle properties comprising partially cleared vacant land and pasture. The Orange Grove Aged Care Facility is located within the area on Lot 413. The subject area is generally bounded by Maddington Road to the north, Dellar Road to the east, Alcock Street to the west and the existing Maddington residential suburb to the south. The area has nine landholdings amongst eight landowners.

A location plan identifying the subject area follows.

Item 13.5.5 Continued



Proposal

The ODP proposes:

- Low density (R20 and R25) and medium density (R30 and R40) residential lots
- A lot pattern based on a road network grid system which facilitates a permeable street layout
- Three pockets of public open space (POS) surrounded by medium density residential lots to facilitate good surveillance over these spaces.

DISCUSSION

Town Planning Scheme No. 6

Part 7 of TPS 6 requires an ODP for land zoned Residential Development to be submitted and approved by Council. This is to provide a framework to coordinate subdivision and development due to fragmented landownership and other matters that may impact on the orderly and proper planning of the area.

*Item 13.5.5 Continued*Residential Density

The ODP proposes low and medium density residential lots, which is consistent with the City's Local Housing Strategy. The medium density (R30 and R40) areas are located adjacent to local parks to provide surveillance and ensure good security of these areas. The low density (R20 and R25) areas are appropriately located throughout the balance of the ODP area. The combination of low and medium density areas provides diverse housing options.

Movement Networks

The ODP proposes a road network focussed on achieving a series of local access streets in a legible and permeable grid-like pattern. The majority of the roads are proposed at a width of 15.4m. Roads which abut POS are proposed at a width of 14m, and laneways are proposed at a width of 6m. The design and width of roads proposed by the ODP are consistent with Liveable Neighbourhoods and will allow the planting of street trees. In relation to traffic management, four roundabouts have been proposed; two on roads which intersect with Maddington Road, and two on four-way intersections within the ODP area.

Public Open Space Provision

Three areas of POS have been identified within the ODP area comprising a total of 2.265ha. The proponent has indicated that a total of 10.63% of the total land area has been ear marked as future POS within the ODP area, which is in excess of the standard 10% required by the WAPC.

Public Open Space Equalisation

As detailed above, the ODP contains 10.63% POS. In addition to that land, the ODP contains land (4.03% of the total land area) for the purposes of drainage. Therefore, a total of 14.66% of the overall area is identified for public purposes.

Whilst drainage land is not necessarily included as part of the overall POS provision (as it does not serve a POS function), in cases where an ODP area consists of landholdings in fragmented ownership, it is considered equitable for the drainage to be included in the overall POS provision, so the cost is shared equally among all landowners with the ODP area.

A POS Contribution Schedule is an appropriate mechanism to set out how those landowners who provide in excess of the required POS contribution will be compensated, the process by which land acquisition will occur and the method by which POS contributions will be determined and collected. This is necessary to ensure sufficient funds are collected to meet the cost of land acquisition for POS, without burden to the broader community.

A notation has been included on the ODP to require the intended POS contribution and equalisation arrangement to be formalised, prior to subdivision or development occurring. The notation reads as follows:

Item 13.5.5 Continued

“Prior to proposals for subdivision and development being supported, a POS Contribution Schedule is to be approved to set out how those landowners who provide in excess of the required POS contribution will be compensated, the process by which land acquisition will occur and the method by which POS contributions will be determined and collected.”

This Schedule will be required to be approved by Council and the WAPC following consultation with affected landowners.

Detailed Area Plans

Detailed Area Plans (DAPs) are proposed for laneway lots and lots adjacent to POS to provide for appropriate built form outcomes and good surveillance over recreational areas. The DAPs will be required as a condition of subdivision approval.

InfrastructureDrainage

A Local Water Management Strategy (LWMS) has been submitted to ensure that drainage can be appropriately managed. This strategy has almost been finalised and therefore the ODP is considered acceptable for the purpose of advertising. The LWMS is required to be approved by the City in consultation with the Department of Water prior to the ODP being presented to Council for finalisation.

Servicing Considerations

The proponent has submitted a servicing report which confirms that there are no servicing constraints. Therefore the subject area is able to be serviced with all essential services.

Infrastructure Cost Sharing

The proponent has advised that it represents numerous landowners who intend to undertake subdivision in a coordinated manner. It is therefore considered that a City administered cost sharing arrangement is unnecessary, but rather, appropriate items of infrastructure are to be provided by individual landowners at the time of developing their land.

Local Planning Policy 4.7 – Planning and Development of Public Open Space and Streetscapes

The Local Planning Policy 4.7 – Planning and Development of Public Open Space and Streetscapes, was prepared to establish standards for the provision and development of POS and streetscapes. In order to comply with the Policy the proponent is required to submit a detailed tree survey plan and flora survey indicating the location, height, canopy, species and condition of all mature trees and other significant vegetation. This information will be used to consider the retention of significant trees and other vegetation within the road reserve and POS areas. It is considered appropriate for this information to be submitted during the advertising period and endorsed prior to finalisation of the ODP.

Item 13.5.5 Continued

CONCLUSION

The proposed ODP provides a framework for the orderly and proper planning of the area known as Maddington Road Precinct A. The proponent has sufficiently addressed the technical planning requirements for the purpose of advertising the plan for public comment.

FINANCIAL IMPLICATIONS

All cost associated with processing the amendment are itemised within a fee schedule and payable by the proponent.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 6

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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80 Moved Cr R Mitchell Seconded Cr W Barrett

That Council, pursuant to Clause 7.4.2(b) of Town Planning Scheme No. 6 determine that the Outline Development Plan for Maddington Road Precinct A attached as Appendix 13.5.5A is satisfactory for the purposes of advertising for public comment for a period of 21 days by way of letters to all landowners within 100m of the Precinct A area and relevant government agencies, display on the City's website and an advertisement in the local newspaper.

CARRIED 10/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr C Fernandez, Cr D Griffiths, Cr L Griffiths, Cr K Jones, Cr R Mitchell, Cr B Wiffen and Cr O Searle.*

AGAINST: *Nil.*

13.6 GOVERNANCE

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

Nil.

18. CLOSURE

The Mayor declared the meeting closed at 8.20pm.