



ORDINARY COUNCIL MEETING  
23 OCTOBER 2012

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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 23 October 2012.

**1. DECLARATION OF 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 D GRIFFITHS  
CR R MITCHELL  
CR W BARRETT  
CR J BROWN  
CR T BROWN  
CR G DEWHURST  
CR L GRIFFITHS  
CR R HOFFMAN  
CR S IWANYK  
CR K JONES  
CR R LAWRENCE  
CR O SEARLE

**STAFF**

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

MR I COWIE  
MS A COCHRAN  
MR R BOUWER  
MR D HARRIS  
MR C TERELINCK  
MRS B TUCKER  
MISS S MACGROTTY

**PUBLIC GALLERY**

Six

**2.2 APOLOGIES**

Nil.

**2.3 LEAVE OF ABSENCE**

Nil.

**3. DISCLOSURE OF INTEREST**

Nil.

**4. ANNOUNCEMENTS BY THE PRESIDING MEMBER  
(without discussion)**

Nil.

**5. REPORTS OF DELEGATES**  
(without discussion)

Cr R Hoffman updated the Council on 'possibilities of municipal solid waste for the future' and advised that a tender has recently been put forward.

Furthermore, Cr Hoffman informed the Council that the Chief Executive Officer has organised a briefing session next week to discuss issues relevant to waste management and the Rivers Regional Council.

**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**

9 October 2012 Ordinary Council Meeting

**Mr David Munut of 156 Lacey Street, Beckenham asked the following questions at the 9 October 2012 Ordinary Council Meeting:**

- 1 On the 21 April 2009, the EPA wrote to the City of Gosnells requesting further information with regards to 20 Austin Avenue, Kenwick, as they could not determine whether documents that the City of Gosnells sent to them constituted a referral under Section 38 of the Act. Did the City of Gosnells respond to this letter? If not, why not?
- 2 With regards to the activities at 20 Austin Avenue, Kenwick which are:

- Inconsistent with the zoning of the land
- Approximately 900m short of the recommended 1000m EPA buffer
- Apparently not as originally described in the development approval that was under delegated authority

is the City of Gosnells currently negotiating with the proponent to rezone the subject site to allow its clearly inappropriate activities to occur?

**Response:** In reply to Mr David Munut the Director Planning and Sustainability provided the following written response on 18 October 2012.

*"At the 9 October Council Meeting, you asked the following questions. The questions and responses are produced below:*

*Question 1: On the 21 April 2009, the EPA wrote to the City of Gosnells requesting further information with regards to 20 Austin Avenue, Kenwick, as they could not determine whether documents that the City of Gosnells sent to them constituted a referral under Section 38 of the Act. Did the City of Gosnells respond to this letter? If not, why not?*

*Response: Due to an oversight (by an officer who has now left the City) we did not respond to the EPA's letter of 21 April 2009.*

*Question 2: With regards to the activities at 20 Austin Avenue, Kenwick which are:*

- *Inconsistent with the zoning of the land.*
- *Approximately 900m short of the recommended 1,000m EPA buffer.*
- *Apparently not as originally described in the development approval that was under delegated authority*

*is the City of Gosnells currently negotiating with the proponent to rezone the subject site to allow its clearly inappropriate activities to occur?*

*Response: The land owner has foreshadowed a proposal for rezoning however an application has not been lodged as yet. If a proposal is lodged it will be presented to the Council for consideration.*

*The land owner has also been reminded of the limitations on the extent of permitted activity on the land."*

**6.1 QUESTION TIME**

Question Time for the Public commenced at 7.35pm.

**Mr Leon Walker of 27/99 Stafford Road, Kenwick asked the following questions:**

**1** Did the City of Gosnells give New Age Recycling/SRF Recycling planning approval for a facility with a capacity of up to 1000 tonnes per year?

**Response:** The Director Planning and Sustainability advised that the question would be taken on notice and responded to in writing.

**2** Why is the City, and elected representatives, now engaging in discussions, formal or informal, with New Age Recycling/SRF Recycling regarding a zoning change?

**Response:** The Director Planning and Sustainability advised that the City is obliged to participate in discussions where a proponent may come forward with a proposal that has to come to Council.

Question Time for the Public concluded at 7.36pm.

**6.2 PUBLIC STATEMENTS**

Nil.

**7. CONFIRMATION OF MINUTES**

STAFF RECOMMENDATION
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**Moved Cr R Hoffman Seconded Cr L Griffiths**

That the Minutes of the Ordinary Council Meeting held on 9 October 2012, as published and distributed be confirmed as an accurate record.

Amendment

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

*"That the staff recommendation to confirm the minutes be amended by inserting the following, after the words "accurate record":*

*"subject to the deletion of the words "that they are holding for young children" where they appear at Item 5 'Reports of Delegates' and substituting them with "Through Our Eyes held for girls"."*

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

*"To amend a typographical error".*

*Cr S Iwanyk Seconded Cr J Brown's proposed amendment.*

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

**Moved Cr J Brown Seconded Cr S Iwanyk**

That the staff recommendation to confirm the minutes be amended by inserting the following, after the words "accurate record":

"subject to the deletion of the words "that they are holding for young children" where they appear at Item 5 'Reports of Delegates' and substituting them with "Through Our Eyes" held for girls'."

with the amended recommendation to read;

"That the Minutes of the Ordinary Council Meeting held on 9 October 2012, as published and distributed be confirmed as an accurate record subject to the deletion of the words "that they are holding for young children" where they appear at Item 5 'Reports of Delegates' and substituting them with "Through Our Eyes held for girls"."

CARRIED 12/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, 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, which read:*

COUNCIL RESOLUTION

**491 Moved Cr R Hoffman Seconded Cr L Griffiths**

That the Minutes of the Ordinary Council Meeting held on 9 October 2012, as published and distributed be confirmed as an accurate record subject to the deletion of the words "that they are holding for young children" where they appear at Item 5 'Reports of Delegates' and substituting them with "Through Our Eyes held for girls".

CARRIED 12/0

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

**AGAINST:** Nil.



**8. RECEIVING OF PETITIONS AND PRESENTATIONS**

Petitions and Presentations are made in accordance with the requirements outlined in the City of Gosnells Standing Orders Local Law 2012.

Copies of petitions and any items tabled must be provided to the Chief Executive Officer immediately following completion of the submission.

Nil.

**9. APPLICATIONS FOR LEAVE OF ABSENCE**

Clause 4.10 of the City of Gosnells Standing Orders Local Law 2012 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 subclause (1) shall include the period of leave of absence required and the reasons for seeking the leave”.

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 4.12 of the City of Gosnells Standing Orders Local Law 2012]

**12. REPORTS OF COMMITTEE MEETINGS**

Nil.

## 13. REPORTS

### 13.1 CHIEF EXECUTIVE OFFICE

Nil.

### 13.2 COMMUNITY ENGAGEMENT

Nil.

## 13.3 CORPORATE SERVICES

### 13.3.1 FINANCIAL ACTIVITY STATEMENTS - SEPTEMBER 2012

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 2012

#### PURPOSE OF REPORT

For Council to adopt the Financial Activity Statement Report for the month of September 2012.

#### BACKGROUND

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, 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
- Net Current Assets Report
- Reserve Movements
- Capital Works Expenditure
- Outstanding Debtor Information
- Rates Report
- Investment Report.

*Item 13.3.1 Continued*

## **DISCUSSION**

The Financial Activity Statement Report for the month of September 2012 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.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
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### **492 Moved Cr J Brown Seconded Cr G Dewhurst**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, adopt the following reports, contained in the Financial Activity Statement Report for the month of September 2012, 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. Net Current Assets Report
- F. Reserve Movements
- G. Capital Works Expenditure
- H. Outstanding Debtor Information
- I. Rates report
- J. Investment Report.

**CARRIED 12/0**

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

**AGAINST:** *Nil.*

**13.3.2 PAYMENT OF ACCOUNTS - SEPTEMBER 2012**

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 2012 to 30 September 2012

**PURPOSE OF REPORT**

To advise Council of payments made for the period 1 September 2012 to 30 September 2012.

**BACKGROUND**

Nil.

**DISCUSSION**

Payments of \$10,013,565.22 as detailed in the cheque and EFT payment listing for the period 1 September 2012 to 30 September 2012, 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
---

**493 Moved Cr L Griffiths Seconded Cr R Lawrence**

That Council note the payment of accounts totalling \$10,013,565.22 as shown in the cheque and EFT payment listing, attached as Appendix 13.3.2A, for the period 1 September 2012 to 30 September 2012.

CARRIED 12/0

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

**AGAINST:** Nil.

### 13.4 INFRASTRUCTURE

#### 13.4.1 TENDER 17/2012 - CLEANING AND MAINTENANCE OF PARK BARBECUES

Author: B Wright  
 Author's Declaration of Interest: Nil.  
 Previous Ref: Nil.  
 Appendix: 13.4.1A Price Schedule

#### PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 17/2012 - Cleaning and Maintenance of Park Barbecues and recommend the most advantageous tender for the purpose of awarding a contract.

#### BACKGROUND

The request for tender was advertised in The West Australian newspaper on 19 September 2012 and closed 4 October 2012 to select a contractor to provide cleaning and maintenance of the City's 51 park barbecue hot plates for a period of three years commencing 1 November 2012.

Submissions were received from the following companies.

Company Name	Address
Brightmark Cleaning	31 Regina Road, Kelmscott WA 6111
Clean Industry	7 Bulbey Street, Bellevue WA 6056
Kleen Machine	160 Hummerstone Road, Piesse Brook WA 6076
LD Total	64 Mill Point Road, South Perth WA 6151
Oven Sparkle	14 Teague Street, Burswood WA 6100
The BBQ Man	12 Keys Court, Leeming WA 6149

The work is currently undertaken by Oven Sparkle and in 2011/12 the City expended \$35,083.50.

#### DISCUSSION

The following table details the prices in the submissions received.

Tenderer	Price per Clean \$	Total Cost per Month \$	Cost per Annum \$
<b>Weighting</b>			
Brightmark Cleaning	8.00	2 624.00	31 488.00
Clean Industry	9.45	3 099.60	37 196.20
Kleen Machine	77.00	24 096.00	289 152.00
LD Total	15.00	5 140.00	61 680.00
Oven Sparkle	8.64	2 833.92	34 007.04
The BBQ Man	12.00	3 936.00	47 232.00

Item 13.4.1 Continued

The submitted price schedules are included as Appendix 13.4.1A.

The cleaning and maintenance of park barbeques is important to maintain reserve facilities to an acceptable standard for use by the community. It is essential that a reliable and cost-effective provider of this service be appointed.

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification.

The following table details the assessment of each tender against the qualitative evaluation criteria as determined by the Panel.

<b>Tenderer</b>	<b>Relevant Experience</b>	<b>Capacity to Deliver the Services</b>	<b>Service Delivery Plans indicating Methodology</b>	<b>Total Qualitative Score</b>
Weighting	20%	20%	10%	50%
Brightmark Cleaning	16	16	8	40
Clean Industry	12	16	4	32
Kleen Machine	16	8	8	32
LD Total	6	16	8	30
Oven Sparkle	14	8	8	30
The BBQ Man	16	12	9	37

In at least one of the three qualitative criteria Clean Industry, Kleen Machine, L D Total and Oven Sparkle did not demonstrate an ability to meet minimum requirements of this contract, therefore these tender submissions were assessed no further due to the potential risk to the City.

Oven Sparkle is the existing contractor and at times has struggled to meet quality and service delivery capacity.

The following table details the assessment of each conforming tender against the price submitted.

<b>Tenderer</b>	<b>Price</b>
Weighting	50%
Brightmark Cleaning	50.00
The BBQ Man	33.33

The following table details the combined assessment of each tender against both qualitative criteria and price and ranks each tender.

<b>Tenderer</b>	<b>Qualitative Criteria</b>	<b>Price</b>	<b>Total</b>	<b>Overall Ranking</b>
	%	%	%	
Brightmark Cleaning	40.00	50.00	90.00	1
The BBQ Man	37.00	33.33	70.33	2

*Item 13.4.1 Continued*

Following the assessment of the criteria, Brightmark Cleaning was assessed as being the most advantageous to the City. Brightmark Cleaning has also offered a 5% discount for early payment of invoices.

**FINANCIAL IMPLICATIONS**

The services associated with this contract are included in the 2012/13 budget and will be included in the relevant budgets for the life of the contract. The amount budgeted for 2012/13 is \$35,500.

The total costs of providing the service for the three-year period commencing 1 November 2012 will be \$94,500.

**STATUTORY IMPLICATIONS**

Section 3.57 (1) of the *Local Government Act 1995* requires a local government to invite tenders before it enters a contract of a prescribed kind under which another person is to supply the goods or services

**VOTING REQUIREMENTS**

Simple Majority required

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
---

**494 Moved Cr R Hoffman Seconded Cr J Brown**

That Council award Tender 17/2012 - Cleaning and Maintenance of Park Barbecues to Brightmark Cleaning of 31 Regina Road, Kelmscott WA 6111 for a fixed price three-year period commencing 1 November 2012 in accordance with the tendered price schedule.

CARRIED 12/0

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

**AGAINST:** Nil.

**13.4.2 STREET PARKING MANAGEMENT PLAN - AUSTRALIAN ISLAMIC COLLEGE**

Author: D Harris  
Author's Declaration of Interest: Nil.  
Previous Ref: OCM 24 July 2012 (Resolution 352)  
Appendix: 13.4.2A Parking Management Plan

**PURPOSE OF REPORT**

To seek Council approval for parking restrictions and prohibitions in Clancy Way, Rangeview Way and Spencer Road, Thornlie.

**BACKGROUND**

In consideration of the 'Development Application - Replacement Library, New Classroom Building and Additional use (Place Of Worship) - 17 (Lot 501) Tonbridge Way and 30 (Lot 256) Clancy Way, Thornlie', Council at the Ordinary Council Meeting of 24 July 2012 resolved (Resolution 352) as follows:

*"That the City prepares a Parking Strategy for council's consideration, relating to street parking in proximity to the subject site."*

Following investigation of the issue a parking management plan was prepared and circulated to Councillors for comment.

**DISCUSSION**

The aim of introducing a parking management strategy on roads within close proximity to the Islamic College in Tonbridge Way is to ensure safe and orderly parking within the street network that surrounds the College.

The major changes are essentially 'No Standing Road or Verge' on one side of the Spencer Road service road between Berehaven Avenue and Thornlie Avenue, and 'No Parking Road or Verge' on Fridays between noon and 2.30 pm in Rangeview Way and the north-west side of Clancy Way.

This will allow parking in Berehaven Avenue, on the eastern side of Clancy Way, on the western side of Tonbridge Way as currently existing, and on the residential side of the service road in Spencer Road.

Parking is a concern around most schools within the City and the Parking Management Plan is not intended to restrict legitimate school parking that may occur at school set-down and pick-up times or for major school events.

The parking situation will be enforced and then monitored over time to see if any changes may be necessary.

It is also intended to circulate the Parking Management Plan to affected residents for information once Council has considered the item.

A copy of the parking management plan is included as Appendix 13.4.2A.



*Item 13.4.2 Continued*

**FINANCIAL IMPLICATIONS**

Nil.

**STATUTORY IMPLICATIONS**

*Parking Local Law 2012.*

**VOTING REQUIREMENTS**

Simple Majority required.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
--

**495 Moved Cr L Griffiths Seconded Cr K Jones**

That Council approve the introduction of parking restrictions and prohibitions in Clancy Way, Rangeview Way and Spencer Road as indicated on attached Appendix 13.4.2A.

**CARRIED 12/0**

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

**AGAINST:** *Nil.*

**13.4.3 AMENDMENT TO THE 2012/2013 SCHEDULE OF FEES AND CHARGES - ROAD CLOSURE APPLICATION - TEMPORARY**

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

**PURPOSE OF REPORT**

For Council to consider an inclusion to the 2012/13 Schedule of Fees and charges, to enable a fee to be applied to temporary road closure applications that extend beyond a four-week period.

**BACKGROUND**

The ability for staff to approve the temporary closure of a road is governed by the *Local Government Act 1995*, Part 3, Division 3, Subdivision 5 - Certain provisions about thoroughfares, Sections 3.50.

**3.50. Closing certain thoroughfares to vehicles**

- (1) *A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.*
- (1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.*

Council first approved a fee for recovery of administrative costs connected to the temporary closure of a thoroughfare in the 2009/10 Budget.

In the past there had been limited necessity for the City to close a thoroughfare for a period exceeding four weeks, therefore the fee has only been applicable to closures for less than four weeks. A fee for a period exceeding four weeks had not been included in previous annual budgets, however this is now considered necessary as there has been a recent occasion where a fee could not be applied to a temporary road closure application because it exceeded four weeks.

**DISCUSSION**

It is now proposed to include a fee for temporary closures of thoroughfares exceeding four weeks in the current schedule of fees and charges. This fee will be the actual cost of the proposal, which is the same as the fee which currently applies to closures for less than four weeks.

Therefore, it is necessary to seek Council's approval of an amendment to the 2012/13 Schedule of Fees and Charges adopted in June 2012.

As the above proposed fee will be adopted outside the annual budget process it will be necessary to give local public notice of the City's intention and the date from which the proposed change to the fee will be imposed.

Item 13.4.3 Continued

## FINANCIAL IMPLICATIONS

The income from this fee will be used to offset the direct expenditure related to the provision of this service.

Advertising costs and other costs related to the adoption of the fees and charges are contained within the Infrastructure budget.

## STATUTORY IMPLICATIONS

*Local Government Act 1995* Part 6, Division 5, Subdivision 2 (Fees and Charges).

## VOTING REQUIREMENTS

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

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

### 496 Moved Cr O Searle Seconded Cr T Brown

That Council adopt the following fees and charges under the provisions of the *Local Government Act 1995*, Part 6, Division 5, Subdivision 2:

Road closure applications exceeding four (4) weeks, charged at the actual cost of the provision of the service, plus actual cost recovery, advertising and incidentals.

CARRIED BY ABSOLUTE MAJORITY 12/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, 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
--

### 497 Moved Cr O Searle Seconded Cr T Brown

That Council, in accordance with *Local Government Act 1995*, Section 6.19, give local public notice of the new fees and charges for road closure applications.

CARRIED 12/0

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

**AGAINST:** Nil.

**13.4.4 GOSNELLS ROADWISE ADVISORY GROUP MEETING - 3 OCTOBER 2012**

Author: O Pereira

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 3 October 2012

**PURPOSE OF REPORT**

For Council to receive the Action Sheet of the RoadWise Advisory Group Meeting held on Wednesday 3 October 2012.

**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 3 October 2012**

There is no proposed action from the RoadWise Advisory Group meeting which requires Council consideration. There are five proposed actions that 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.

**VOTING REQUIREMENTS**

Simple Majority required.

Item 13.4.4 Continued

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

**498 Moved Cr J Brown Seconded Cr G Dewhurst**

That Council receive the Action Sheet of the City of Gosnells RoadWise Advisory Group Meeting held on Wednesday 3 October 2012 attached as Appendix 13.4.4A.

**CARRIED 12/0**

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, 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**

**499 Moved Cr J Brown Seconded Cr G Dewhurst**

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 Wednesday 3 October 2012.

<b>Action Reference</b>	<b>Action</b>	<b>Current Status</b>
RAG 3/10/2012 – Proposed Action 30	The Senior Road Safety Officer is to contact WALGA and establish when a representative will be attending the RAG meetings and to inform the members at the next meeting.	The Senior Road Safety Officer sent an email to WALGA requesting the name of an officer to attend future RAG Meetings.
RAG 3/10/2012 – Proposed Action 31	The RAG members are to select nominated times for all the events on the spreadsheet filling in as many time slots as possible before the next meeting.	In progress.
RAG 3/10/2012 – Proposed Action 32	Once the best drawings are selected by RAG judges, a short presentation of the selected drawings will be given to RAG members at the next meeting.	Waiting on confirmation of availability of RAG judges.
RAG 3/10/2012 – Proposed Action 33	The Senior Road Safety Officer is to organise the purchase of a fruit tree once the Principal of Lumen Christi College advises the preferred type.	The Senior Road Safety Officer to follow up with the Principal of Lumen Christi College after the school holidays.
RAG 3/10/2012 – Proposed Action 34	The Senior Road Safety Officer is to update the City's website with proposed RoadWise events.	In progress.

**CARRIED 12/0**

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, 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 REVIEW OF CONTRIBUTION RATES - CANNING VALE OUTLINE DEVELOPMENT PLAN - DEVELOPMENT CONTRIBUTION ARRANGEMENTS

Author:	B Saward
Author's Declaration of Interest:	Nil.
Previous Ref:	OCM 22 November 2011 (Resolution 538 and 539) OCM 10 August 2010 (Resolution 362 and 363) OCM 08 September 2009 (Resolutions 443 and 444) OCM 25 March 2008 (Resolutions 104 and 105) OCM 27 February 2007 (Resolutions 39 and 40) OCM 6 December 2005 (Resolutions 584-587) OCM 8 June 2004 (Resolutions 292 and 293) OCM 11 February 2003 (Resolution 49) OCM 18 December 2002 (Resolution 1036)
Appendix:	13.5.1A Canning Vale Outline Development Plan - Draft Revised Schedule of Common Infrastructure Works - September 2012

#### PURPOSE OF REPORT

For Council to consider recommendations in respect to the land valuation basis and common infrastructure works (CIW) contribution rate associated with the Canning Vale Outline Development Plan (ODP) development contribution arrangement (DCA).

#### BACKGROUND

The City administers a DCA for the shared provision of infrastructure and land for public purposes in the Canning Vale ODP area and is required to review the DCA on an annual basis.

The DCA has operated since 2001. A substantial proportion of land in the ODP area has been developed and much of the identified infrastructure has been completed. There still remains some land to be developed and infrastructure to be provided, meaning the DCA is likely to operate for some time.

Part of the DCA involves the collection of development contributions to be used for the acquisition of land for public open space (POS), which includes land for conservation, drainage and recreational purposes and the provision of the following CIW:

- Wetland protection works (fencing and boardwalks)
- Re-alignment of existing 132kV powerlines traversing the Canning Vale ODP area
- Traffic management devices (roundabouts and signals)
- The acquisition of land for road widening (along Nicholson and Warton Roads)
- A proportion of the cost of regional road works (Nicholson and Warton Roads and Garden Street)

*Item 13.5.1 Continued*

- Service relocation works involved in widening Nicholson and Warton Roads
- Shared use paths
- Drainage infrastructure
- Administration and technical reports associated with designing and managing future community assets.

The annual review of DCA rates involves adjustment of contribution rates to account for changes in land values and construction costs. Council last reviewed the DCA for the Canning Vale ODP at its meeting on 22 November 2011 and resolved to adopt a CIW contribution of \$52,630/ha. Council also resolved to set the land valuation at \$1,300,000/ha. This figure is used to calculate contribution rates and in circumstances where it is necessary to acquire land identified on the ODP for public purposes. To conform to the requirements of TPS 6, it is necessary for Council to again review the land valuation basis and contribution rates.

**DISCUSSION**

DCA values and rates for the Canning Vale ODP area typically require adjustment in respect of:

- The basis for land valuation
- CIW contribution rates.

The table below shows the history of adjustments made to values and rates over the life of the DCA. Each of those adjustments has occurred after obtaining qualified expert valuation advice.

<b>HISTORY OF ADJUSTMENTS TO LAND VALUATION AND CONTRIBUTION RATES</b>				
Date of Revision	POS cash-in-lieu		Common Infrastructure Works	
	Valuation rate/ha	% increase	\$ rate/ha	% increase
Gazettal - 6/4/2001	\$250,000/ha	N/A	\$27,563/ha	N/A
OCM - 18/12/2001	\$350,000/ha	40.00%	\$28,622/ha	3.80%
OCM - 11/2/2003	\$400,000/ha	14.30%	\$29,532/ha	7.30%
OCM - 8/6/2004	\$500,000/ha	25.00%	\$31,250/ha	8.20%
OCM - 6/12/2005	\$800,000/ha	60.00%	\$40,663/ha	30.10%
OCM - 27/2/2007	\$1,350,000/ha	68.80%	\$44,541/ha	9.50%
OCM - 25/3/2008	\$1,350,000/ha	0.00%	\$47,032/ha	5.60%
OCM - 08/9/2009	\$1,200,000/ha	-11.12%	\$49,280/ha	4.78%
OCM - 10/8/2010	\$1,350,000/ha	12.50%	\$50,532/ha	2.90%
OCM - 22/11/2011	\$1,300,000/ha	-3.70%	\$52,630/ha	5.00%
<p><i>POS contribution = 12.74% of net developable area multiplied by valuation rate.</i></p> <p><i>CIW contribution rates have been adjusted based on statistical trends sourced from the Australian Bureau of Statistics (ABS). An average between the Consumer Price Index and relevant indices of allied Construction activities has been set. The rate increase has been applied to the individual costing of various CIW components. Where applicable, those items linked to land rates are adjusted in line with the revised englobo valuation that applies to the POS component of this Plan.</i></p>				

*Item 13.5.1 Continued*

### **Land Valuation**

To ensure that adequate funds are collected to acquire the land identified on the ODP for POS and other public purposes, it is necessary to set contribution rates based on a current englobo land valuation. The land valuation is also used as a basis to determine the amount of compensation for the acquisition of land for public purposes, such as local open space and the widening of regional roads.

Previous adjustments have been adopted on the basis of valuation advice from Propell National Valuers. Propell was again engaged to provide a valuation report based on current market conditions in the Canning Vale area.

Propell's latest valuation was undertaken in August 2012 and its report details that over the previous 12 months land values in the Canning Vale area have increased. The report concludes that the typical englobo value within the ODP area is currently \$1,500,000/ha.

It will therefore be recommended that Council increase the land valuation used by the Canning Vale ODP DCP to \$1,500,000/ha.

### **Common Infrastructure Works (CIW) Contribution Rate**

Adjustments to the CIW contribution rate have previously been determined on the basis of increases to the general construction price index, changes to infrastructure unit cost rates and other inflationary indicators, in addition to factoring in the impact of changes to land values given that certain CIW include a land component.

A recent review of data released by the Australian Bureau of Statistics indicates that an appropriate adjustment would result in an increase of 4.25% over the 12 months to June 2012. It will therefore be recommended that a 4.25% increase be applied to the unit cost rates for CIW required in the Canning Vale ODP.

The draft revised Schedule of Works for the DCA, contained in Appendix 13.5.1A, reflects increases to CIW cost rates of 4.25%. Those CIW that involve a land component have been adjusted against the englobo valuation rather than applying a percentage increase, as has been the case when undertaking previous reviews. The resulting change to the CIW contribution rate is a recommended new rate of \$55,182/ha (an increase of \$2,552/ha from last year).

Schedule 12 of TPS 6 provides for landowners to object to the adopted contribution rate and land valuation basis.

### **CONCLUSION**

In accordance with Schedule 12 of TPS 6, Council is required to review the Canning Vale ODP DCA. The application of a revised land valuation and an adjustment to the CIW rates is considered an appropriate measure to ensure that the provision of common infrastructure and the acquisition of land for public purposes can be achieved.

It will be recommended that Council adopt a land valuation basis of \$1,500,000/ha and adopt a revised CIW contribution rate of \$55,182/ha for the purposes of the Canning Vale ODP DCA.



*Item 13.5.1 Continued*

## **FINANCIAL IMPLICATIONS**

Should Council accept that the land valuation be based at \$1,500,000/ha, there will be an increase to the amount payable by developers for POS contributions, and the amount payable to landowners for the acquisition of POS.

Revisions to the CIW contribution rate are necessary to ensure that infrastructure identified in the ODP is equitably provided, without placing a financial burden on the City and the wider community to deliver those works.

## **STATUTORY IMPLICATIONS**

Town Planning Scheme No. 6 - Schedule 12.

## **VOTING REQUIREMENTS**

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2)
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**Moved Cr R Mitchell Seconded Cr O Searle**

That Council adopt a revised contribution rate of \$55,182/ha for common infrastructure works and a revised land valuation basis of \$1,500,000/ha for public open space contributions and the acquisition of other land necessary to satisfy the objectives of the Development Contribution Arrangement for the Canning Vale Outline Development Plan.

STAFF RECOMMENDATION (2 OF 2)
-------------------------------

**Moved Cr R Mitchell Seconded Cr O Searle**

That Council inform all landowners with outstanding contribution obligations within the Canning Vale Outline Development Plan area of Council's decision.

Amendment to Staff Recommendation (1 of 2)

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

*"That Council amend staff recommendation (1 of 2) by inserting the following after the words "Canning Vale Outline Development Plan" where they appear on the last line:*

*"as described in Appendix 13.5.1A"."*

Item 13.5.1 Continued

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

*"To include a cross reference between the recommendation and the amended Outline Development Plan".*

*Cr T Brown Seconded Cr J Brown's proposed amendment.*

*At the conclusion of debate the Mayor put Cr J Brown proposed amendment, which read:*

**Moved Cr J Brown Seconded Cr T Brown**

That Council amend staff recommendation (1 of 2) by inserting the following after the words "Canning Vale Outline Development Plan" where they appear on the last line:

"as described in Appendix 13.5.1A".

with the amended recommendation to read;

"That Council adopt a revised contribution rate of \$55,182/ha for common infrastructure works and a revised land valuation basis of \$1,500,000/ha for public open space contributions and the acquisition of other land necessary to satisfy the objectives of the Development Contribution Arrangement for the Canning Vale Outline Development Plan as described in Appendix 13.5.1A."

CARRIED 12/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, 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 staff recommendation (2 of 2) which read:*

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

**500 Moved Cr R Mitchell Seconded Cr O Searle**

That Council adopt a revised contribution rate of \$55,182/ha for common infrastructure works and a revised land valuation basis of \$1,500,000/ha for public open space contributions and the acquisition of other land necessary to satisfy the objectives of the Development Contribution Arrangement for the Canning Vale Outline Development Plan as described in Appendix 13.5.1A.

CARRIED 12/0

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

**AGAINST:** Nil.

*Item 13.5.1 Continued*

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

**501 Moved Cr R Mitchell Seconded Cr O Searle**

That Council inform all landowners with outstanding contribution obligations within the Canning Vale Outline Development Plan area of Council's decision.

CARRIED 12/0

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

**AGAINST:** *Nil.*

**13.5.2 DEVELOPMENT APPLICATION - HOME OCCUPATION (BEAUTICIAN) - 17 (LOT 78) WILPON STREET, BECKENHAM**

Author: M Wallace  
 Author's Declaration Nil.  
 of Interest:  
 Reference: 226489  
 Application No: DA12/00184  
 Applicant: S Soundrapandian  
 Owner: K Brown  
 Location: 17 (Lot 78) Wilpon Street, Beckenham  
 Zoning: MRS: Urban  
 TPS No. 6: Residential Development  
 Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council  
 Area: 946m<sup>2</sup>  
 Previous Ref: Nil.  
 Appendix: 13.5.2A Site Plan

**PURPOSE OF REPORT**

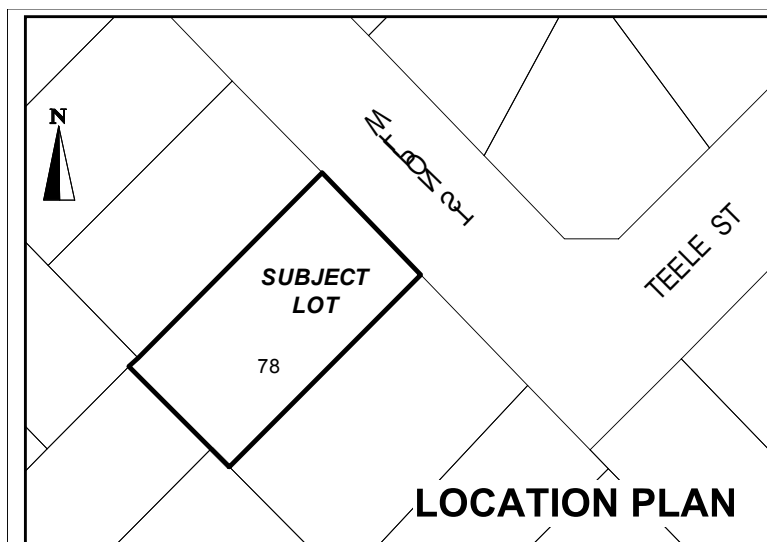
For Council to consider an application for a Home Occupation (Beautician) at 17 (Lot 78) Wilpon Street, Beckenham as the proposal is outside the authority delegated to staff due to an objection received during the consultation period.

**BACKGROUND**

**Site Description**

The subject site is zoned Residential Development under Town Planning Scheme No.6 (TPS 6) and is subject to the Central Beckenham Precinct 1 Outline Development Plan (ODP). That ODP designates the site as Residential R30. The subject site accommodates an existing house. Surrounding land uses comprise predominantly low density residential development.

A location plan follows:



Item 13.5.2 Continued

**Proposal**

The application seeks approval for a Home Occupation and involves the following:

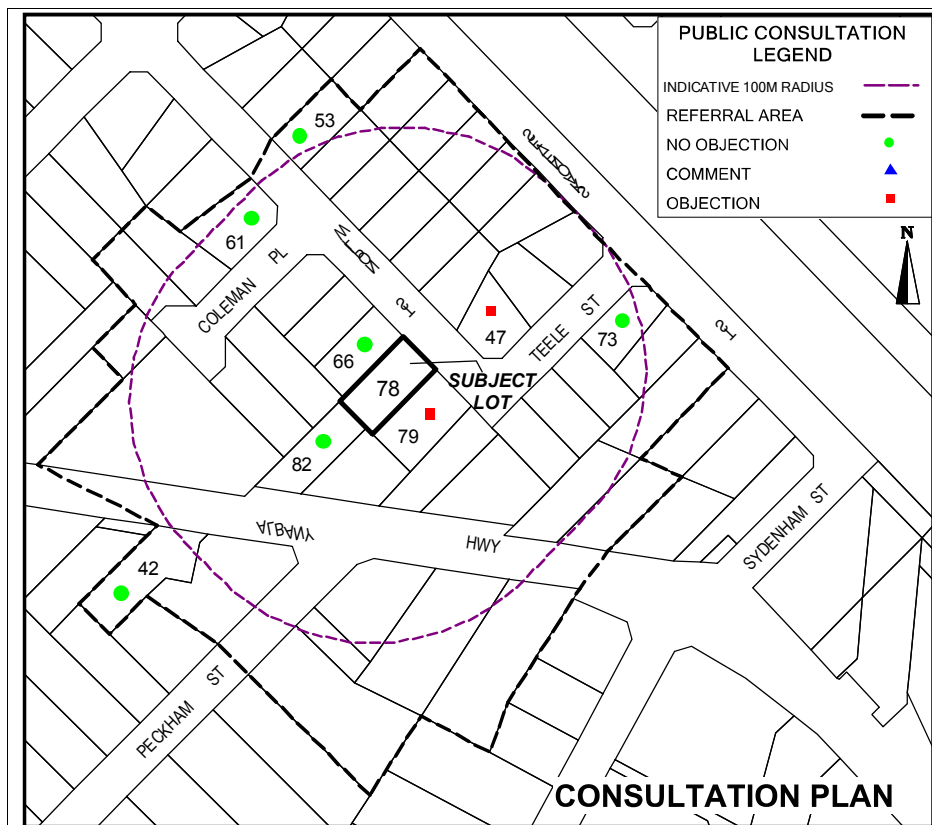
- Proposed operating hours of 8am to 6pm Monday to Saturday, up to five clients per week
- The proposed Home Occupation will be by appointment only
- All visitor parking will be contained within the front setback area next to the formed driveway
- The proposed Home Occupation will primarily involve hair removal procedures.

A site plan is contained as Appendix 13.5.2A.

**Consultation**

The proposal was advertised for public comment for 14 days in accordance with the Local Planning Policy 2.5 - Home Based Activities, during which time eight submissions were received, six raising no objection and two objecting to the proposal. The submitters are concerned that the proposed Home Occupation could have a detrimental impact on the surrounding residents due to a significant increase in traffic. Furthermore, it was contended that the Wilpon Street carriageway is not wide enough to accommodate traffic generated as a result of the proposal.

A consultation plan showing the origin of the submissions follows:



*Item 13.5.2 Continued***DISCUSSION****Town Planning Scheme No. 6**

A Home Occupation is a "D" use in the Residential Development Zone which means the use is not permitted unless the local government has exercised its discretion by granting planning approval. The proposal complies with all the requirements for a home occupation, however it is necessary to consider the suitability of the proposal in the context of the surrounding residential environment.

**Local Planning Policy 2.5 - Home Based Activities**

LPP 2.5 provides guidance on determining Home Occupations, Home Businesses and Family Day Care proposals in order to provide consistency in the decision making process. An assessment on the proposal against LPP 2.5 follows:

<b>Policy Clause/Requirement</b>	<b>Assessment/Comment</b>
4.2(a) Car parking is to be provided so as to adequately cater for the expected number of visitors attending the site at any one time, in addition to the bays required in association with the dwelling on site.	There is adequate space in the front setback to accommodate three vehicles, however, only one customer car parking bay will be required at any one time.
4.2(b) A Home Occupation shall only operate between 8am and 6pm, Monday to Saturday	The applicant has proposed operating hours of between 8am and 6pm, Monday to Saturday.
4.2(c) A Home Occupation may incorporate one advertising sign, no greater than 0.2m <sup>2</sup> in area.	The proposal does not incorporate an advertising sign.

**Traffic**

One submission raised concerns about the potential for traffic to significantly increase in the area. The existing Wilpon Street formed carriageway is 4.5m wide, which is 1.0m narrower than that required by current standards for two way traffic. This issue needs to be addressed by the City separately. The traffic likely to be generated from the proposed Home Occupation is considered to be relatively minor, and it will not have a significant impact on the traffic volumes in Wilpon Street.

**CONCLUSION**

The proposal is supported for the following reasons:

- The proposed home occupation is compliant with both the TPS 6 and LPP 2.5
- Whilst the Wilpon Street carriageway is below minimum standards, the anticipated increase in traffic is considered minor and will not have a significant impact on the residential amenity of the local area.

**FINANCIAL IMPLICATIONS**

Nil.

*Item 13.5.2 Continued*

## **STATUTORY IMPLICATIONS**

- Town Planning Scheme No. 6
- Local Planning Policy 2.5 - Home Based Activities.

## **VOTING REQUIREMENTS**

Simple Majority required.

<b>STAFF RECOMMENDATION AND COUNCIL RESOLUTION</b>
--

### **502 Moved Cr G Dewhurst Seconded Cr S Iwanyk**

That Council approve the application for Home Occupation (Beautician) at 17 (Lot 78) Wilpon Street, Beckenham, dated 4 July 2012, subject to the following conditions:

1. The home occupation shall only operate between 8am and 6pm, Monday to Saturday.
2. A minimum of one on-site car bay, contained on the existing driveway within the front setback area, is to be provided for client use, with no parking by clients permitted on the road verge.

**CARRIED 10/2**

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

**AGAINST:** *Cr J Brown and Cr T Brown.*

**13.5.3 DEVELOPMENT APPLICATION - PLACE OF WORSHIP AND CARETAKER'S DWELLING - 41 (LOT 203) ORR STREET, MADDINGTON**

Author: R Brockman  
Author's Declaration Nil.  
of Interest:  
Reference: 210511  
Application No: DA12/00150  
Applicant: Metropolitan Bible Baptist Church  
Owner: Jadestar Nominees Pty Ltd  
Location: 41 (Lot 203) Orr Street, Maddington  
Zoning: MRS: Urban  
TPS No. 6: Mixed Business  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: 1,322m<sup>2</sup>  
Previous Ref: Nil.  
Appendices: 13.5.3A Site Plan, Floor Plans and Elevations  
13.5.3B Schedule of Submissions

**PURPOSE OF REPORT**

For Council to consider an application for planning approval for a Place of Worship and associated Caretaker's Dwelling at 41 (Lot 203) Orr Street, Maddington. The proposal cannot be determined by staff under delegated authority due to objections received during the advertising period.

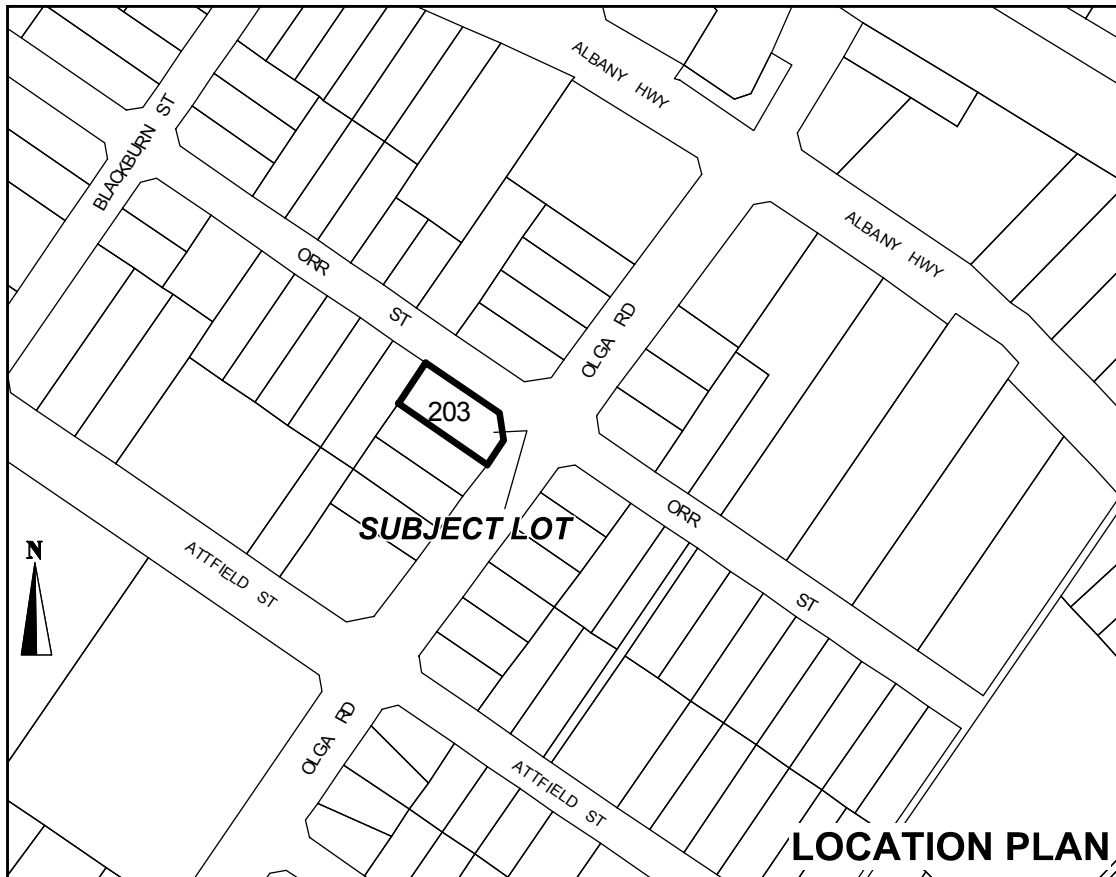
**BACKGROUND****Site Description and Planning Framework**

The subject site contains an existing commercial tenancy and single dwelling. Land immediately abutting the subject site to the north and west of Olga Road is zoned Mixed Business under Town Planning Scheme No. 6 (TPS 6). Land to the south and east of Olga Road is zoned Residential Development and is designated for medium and high density residential development. The property is located within the Maddington Town Centre Development Policy Area.

A location plan follows:



## Item 13.5.3 Continued

**Proposal**

The application involves the following:

- The use of the existing showroom as a Place of Worship
- The use of the existing dwelling as a Caretaker's Dwelling, to be occupied by the pastor and his family
- The Place of Worship will be attended by up to 20 parishioners, in addition to the pastor and his family
- Operating hours will be between 7pm and 9pm Wednesdays, and between 9:30am and 12:30pm and 5pm and 6:30pm Sundays
- The provision of 11 car parking bays, located at the side of the house and the front of the showroom
- The use will not involve amplified sound.

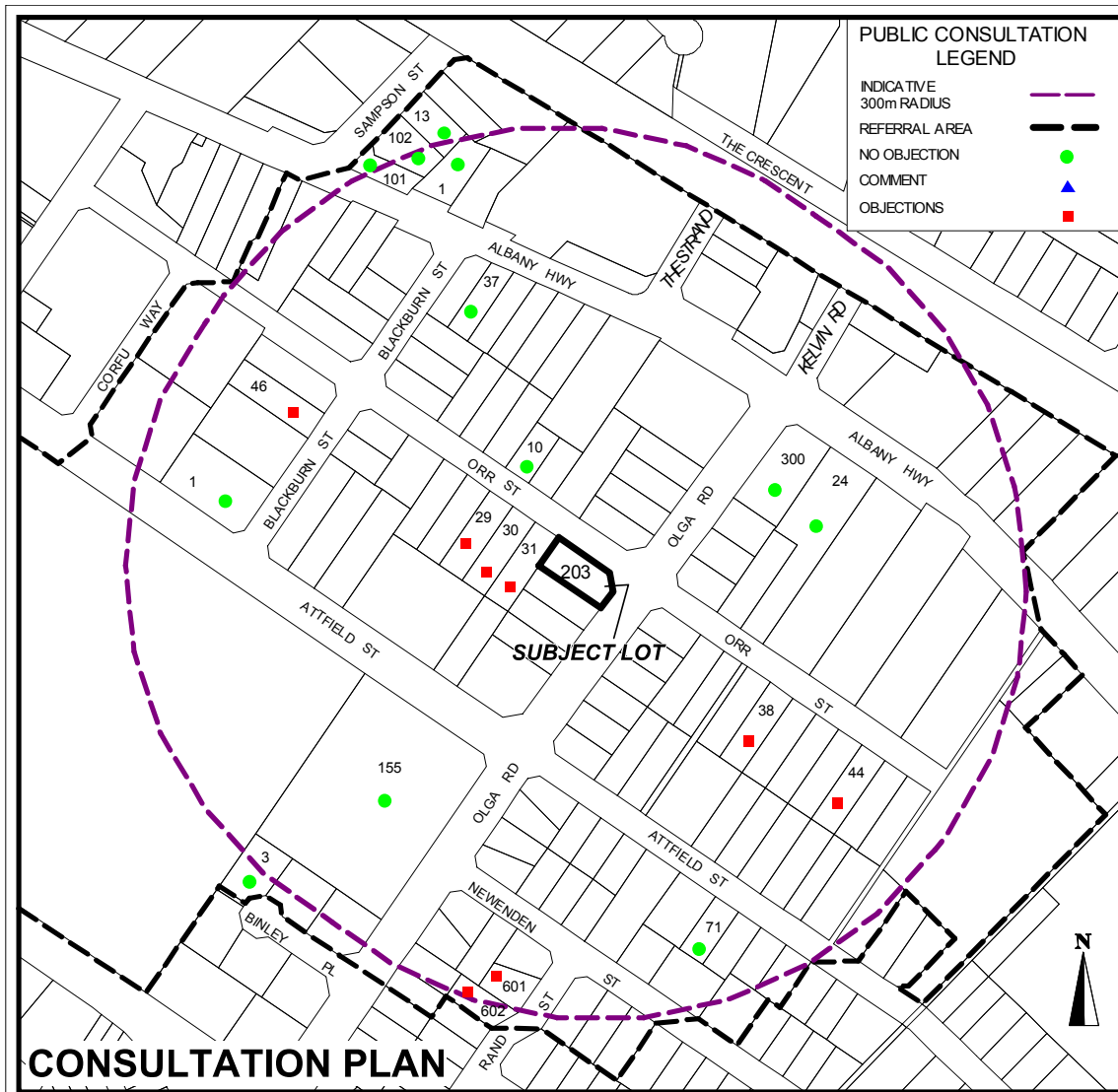
The site, floor plans and elevations are contained as Appendix 13.5.3A.

**Consultation**

The proposal was advertised for public comment for 14 days in accordance with TPS 6 requirements, during which time 15 submissions were received, seven objecting to the proposal and eight raising no objection to the proposal. It is noted that three submitters own multiple properties within the referral area. A summary of these submissions and comments thereon is contained as Appendix 13.5.3B.

Item 13.5.3 Continued

A plan showing the consultation area and the origin of the submissions received follows:



The main issues raised in the submissions are as follows:

- The appropriateness of location for proposed use
- The impact of increased traffic
- The impact of noise generated.

Each is discussed in turn, along with any other applicable technical matters.

**Referrals**

The proposal was referred to Main Roads Western Australia (MRWA) due to the site abutting Olga Road which is designated as an Other Regional Road under the Metropolitan Region Scheme (MRS). MRWA had no objection to the proposal.

Item 13.5.3 Continued

**DISCUSSION**

**Town Planning Scheme No. 6**

Land Use Designation

The subject site is zoned Mixed Business under TPS 6. The proposed development falls within the use classes of Place of Worship and Caretakers Dwelling in TPS 6.

Under Table 1 (Zoning Table) of TPS 6, a Place of Worship and Caretaker's Dwelling are both "D" uses in a Mixed Business zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Land Use Appropriateness

Some of the submitters raised concerns regarding the appropriateness of the proposal within the town centre. In this regard, the subject site is zoned Mixed Business under TPS 6, with the objective of that zone being *"to provide for a variety of commercial activities including showrooms and other forms of bulk retailing/display in strategically located areas of the City"*.

Whilst the proposed use is not commercial per se (it would more commonly be considered a form of community use), it is inherently non-residential. For this reason, the location of worship facilities within commercial areas is considered appropriate. Furthermore, as a Place of Worship is a "D" use in the Mixed Business zone, Council is obliged to consider the application on its individual merits.

**Local Planning Policy 5.1 - Maddington Town Centre Development Policy Area**

LPP 5.1 provides guidance on determining development within the Maddington Town Centre Development Area. It primarily relates to new built form developments and seeks to develop high quality activated streetscapes and a vibrant and active mixed use Town Centre. The proposal seeks to use an existing building and therefore many of the provisions of LPP 5.1 are not applicable. The subject proposal is compliant with the relevant provisions of LPP 5.1.

Car Parking

The table below details LPP 5.1 parking requirements for the proposal.

Use Class	LPP 5.1 Car Parking Standards	LPP 5.1 Car Parking Requirements	Car parking Bays Provided
Commercial/ Non-Residential	1 space for every 50m <sup>2</sup> NLA	The commercial tenancy is 230m <sup>2</sup> in area, therefore five bays are required.	The application proposed 11 car parking bays
Residential	1 space for every Unit	One dwelling is on the subject site, therefore one bay is required	
		A total of six bays are required.	

*Item 13.5.3 Continued*

### **Traffic**

Whilst there may be a minor increase in local traffic on days where there is a service, it should be noted that the area to the south and east of Olga Road has been designated for higher density development under the Central Maddington Outline Development Plan. As such it is likely that the volume of traffic will increase in future. Given that the proposed Place of Worship will accommodate up to 20 parishioners, it is not considered that traffic impacts in the local area will increase beyond what would reasonably be expected in a town centre context.

If the application is approved, it will be recommended that Council impose a condition limiting the number of attendees to no more than 20 at any one time.

### **Noise**

The applicant has advised that all music associated with the proposed use will be acoustic and not amplified.

### **CONCLUSION**

The proposal is supported for the following reasons:

- The proposal is generally consistent with the objective of the Mixed Business zone
- The proposal is compliant with LPP 5.1
- The proposal is of limited scale in terms of the proposed number of attendees and hours of operation and will therefore have little impact on the surrounding area.

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

### **FINANCIAL IMPLICATIONS**

Although not a planning issue, the property pays \$1,909 in rates per annum and are likely to be given a rates exemption under section 6.26(2)(d) of the *Local Government Act 1995*.

### **STATUTORY IMPLICATIONS**

- Town Planning Scheme No. 6
- Local Planning Policy 4.1 - Advertising/Referral of Development Application
- Local Planning Policy 5.1 - Maddington Town Centre Development Policy.

### **VOTING REQUIREMENTS**

Simple Majority required.

*Item 13.5.3 Continued*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**503 Moved Cr G Dewhurst Seconded Cr R Lawrence**

That Council approve the application for a Place of Worship and a Caretaker's Dwelling at 41 (Lot 203) Orr Street, Maddington, dated 13 June 2012, subject to the following conditions:

1. A maximum of 20 people (in addition to the inhabitants of the Caretaker's Dwelling) are permitted on the site at any one time.
2. A landscape plan for the development site and the adjoining road verge(s) 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 lodgement of a building permit application.
3. Landscaping and irrigation 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 Manager Parks and Environmental Operations.
4. No amplified sound is to be utilised at any time.
5. The caretakers dwelling is to be occupied by the supervisor (and immediate family) of the place of worship.
6. Notification in the form of a section 70A to be placed on the Certificate of Title advising that residential use is restricted to a bona fide caretaker of the non-residential building.

**CARRIED 8/4**

**FOR:** *Cr W Barrett, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.*

**AGAINST:** *Cr J Brown, Cr T Brown, Cr K Jones and Cr O Searle.*

**13.5.4 AMENDMENT NO. 135 TO TOWN PLANNING SCHEME NO. 6 -  
RECODING OF LOT 2 AND PT LOT 22 ALCOCK STREET, MADDINGTON  
FROM RESIDENTIAL R17.5 TO RESIDENTIAL R25**

Author: L Langford  
Author's Declaration Nil.  
of Interest:  
Reference: 213520, 233393  
Application No: PF12/00001  
Applicant: Planwest Consultants in Planning Design and Management  
Owner: K and G Jacob and E and J Kyle  
Location: Lot 2 and Pt Lot 22 Alcock Street, Maddington  
Zoning: MRS: Urban  
TPS No. 6: Residential R17.5  
Review Rights: Nil, however, final determination is with the Minister for Planning.  
Area: 1.1229ha (combined)  
Previous Ref: OCM 12 June 2012 (Resolutions 249 and 250)  
Appendices: 13.5.4A Scheme Amendment Map  
13.5.4B Schedule of Submissions  
13.5.4C Indicative Subdivision Concept Plan  
13.5.4D Draft Modified Scheme Amendment Map

**PURPOSE OF REPORT**

For Council to consider final adoption of Amendment 135 to Town Planning Scheme No. 6 (TPS 6) which proposes to recode Lot 2 and Pt Lot 22 Alcock Street, Maddington from Residential R17.5 to Residential R25.

**BACKGROUND**

On 12 June 2012 Council resolved (Resolution 249) to initiate an amendment to TPS 6 to recode Lot 2 and Pt Lot 22 Alcock Street, Maddington from Residential R17.5 to Residential R25. A copy of the amendment map is contained as Appendix 13.5.4A.

**Site Description and Planning Framework**

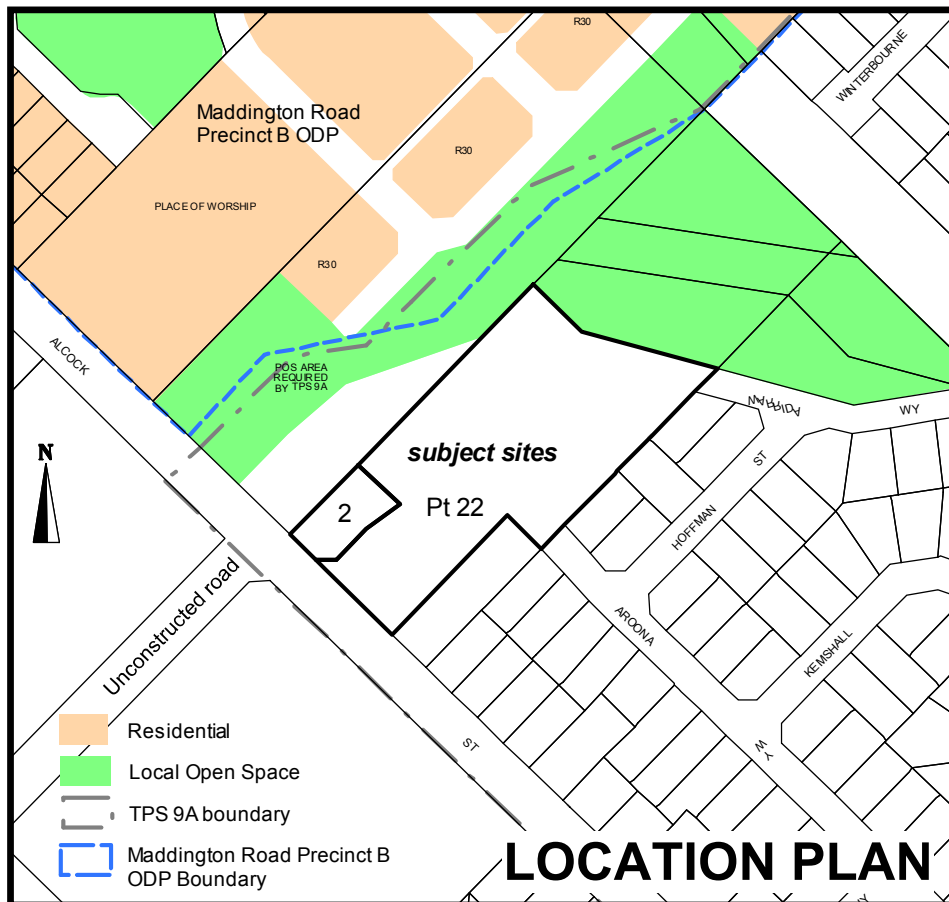
The subject site is vacant and comprises two land parcels, with Lot 2 being 892m<sup>2</sup> in area and Pt Lot 22 being 1.0337ha in area. The lots front onto Alcock Street, with Pt Lot 22 also having access from Warrida Way and Aroona Way which terminate on the south-eastern boundary of the lot.

The site falls under Town Planning Scheme No. 9A (TPS 9A), which is a Guided Scheme which coordinates residential development in that part of Maddington bound by Alcock Street, Harmony Fields, Tonkin Highway and the Maddington Road Precinct A and B Outline Development Plan (ODP) areas.

The subject site is surrounded by low density residential housing that reflects the Residential R17.5 coding that applies to much of the TPS 9A area.

A plan identifying the location of the subject site follows:

## Item 13.5.4 Continued

**Proposal**

The proposed Scheme Amendment involves recoding Lot 2 and Pt Lot 22 Alcock Street, Maddington from Residential R17.5 to Residential R25. The Residential Design Codes (R-Codes) require that R17.5 coded land is to have a minimum lot size of 500m<sup>2</sup>, and an average of 571m<sup>2</sup>, while R25 coded land is to have a minimum lot size of 320m<sup>2</sup>, and an average of 350m<sup>2</sup>.

**Consultation**

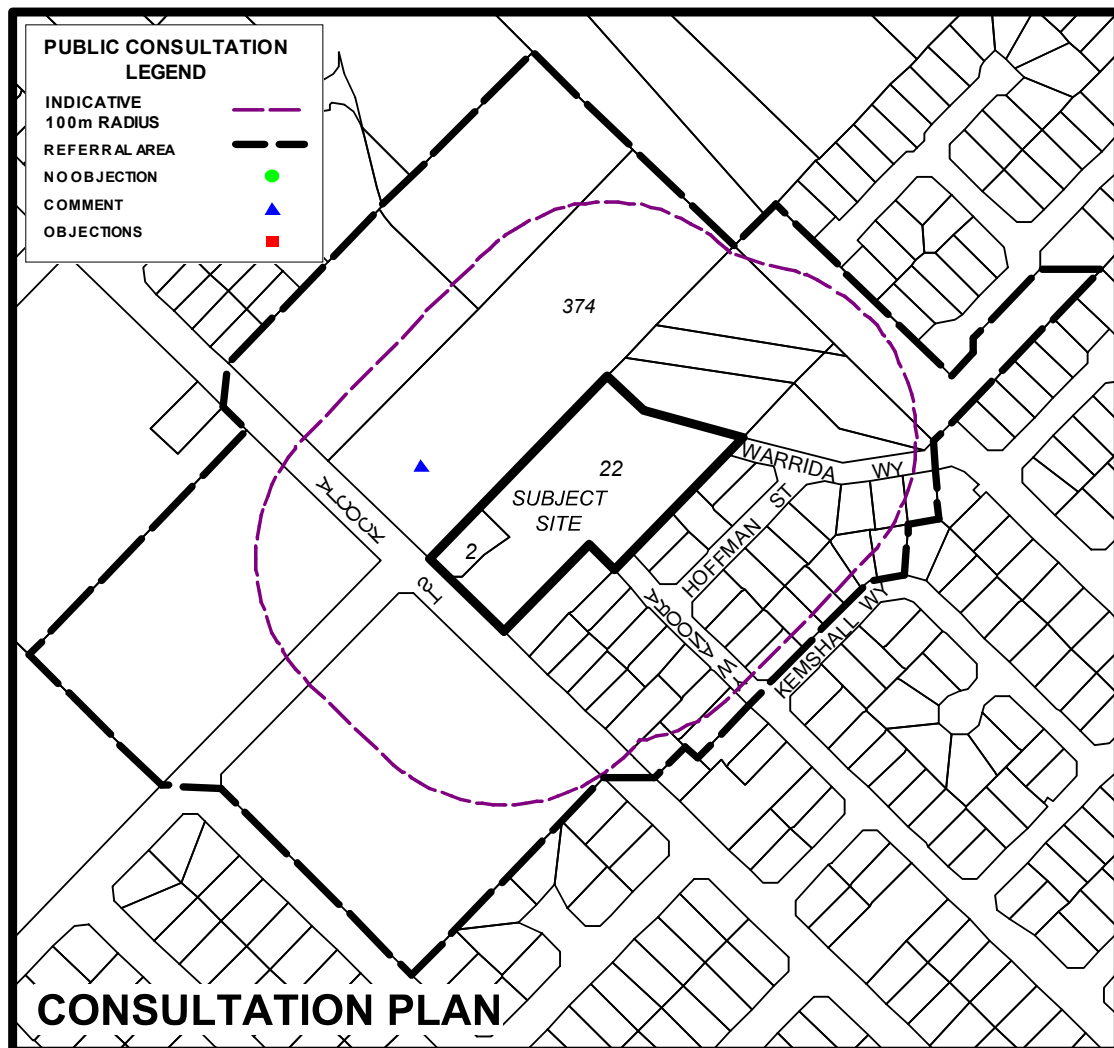
In accordance with Council's resolutions of 12 June 2012, Amendment No. 135 was referred to the Environmental Protection Authority (EPA) for comment. The EPA determined that no environmental assessment was required. The amendment was then advertised for public comment for a period of 42 days by way of:

- Letters being sent to all landowners within 100m of the area subject to the amendment
- An advertisement placed in the Comment newspaper
- Advertising on the City's website
- Public displays at the City's Civic Centre and libraries.

Item 13.5.4 Continued

The City received six submissions during the advertising period, with five being received from government agencies and one from an adjoining landowner. The one submission received from the adjoining landowner provided comment on the proposal.

A map identifying the extent of the consultation area and the origin of the submission follows:



A summary of the submissions received and comments thereon are included in a Schedule of Submissions contained as Appendix 13.5.4B.

The submission received from an adjoining property owner provided comment requesting inclusion in the scheme amendment. This matter is discussed further below, along with a technical assessment of planning matters.



*Item 13.5.4 Continued*

## **DISCUSSION**

### **Proposed Residential Density**

Any proposed change in residential density requires consideration in the context of the City's Local Housing Strategy (LHS).

The LHS is a strategic document that identifies certain areas within the City that are appropriate for increased residential densities, so as to cater for population growth and change, whilst contributing to a more sustainable form of residential settlement. The recommendations of the LHS are consistent with the objectives of relevant State planning documents such as Liveable Neighbourhoods and Directions 2031 and Beyond. Broadly, the objectives of the LHS are to:

- Provide diverse housing options through the provision of different built forms and densities
- Provide a more contained urban development with an emphasis on efficient use of facilities, services and infrastructure
- Encourage and facilitate sustainable design initiatives in keeping with Liveable Neighbourhoods and other Council Policies
- Encourage development that will enhance the amenity of residential areas, and ensure that new housing relates to the character and scale of existing residential development.

The LHS did not make any specific recommendations regarding density changes within the various Guided Development Scheme areas within the district. The proposal is, however, consistent with the objectives of the LHS for the following reasons:

- It will facilitate the provision of a different dwelling type, which will help diversify the housing stock within the area
- The subject site is currently vacant and is of a sufficiently large size (1.1229ha) that can allow a comprehensive development to occur
- The subject site is in close proximity to existing public open space
- The site is accessible to public transport as it is approximately 170m from the nearest bus stop (on Alcock Street) which provides connections to Maddington, Kenwick and Cannington Railway Stations and Centro Maddington Shopping Centre
- The subject site is within 200m of the Maddington Community Centre and Bramfield Park Primary School and within 500m of Yule Brook College.

It should be noted that the higher densities of Residential R30 and R40 have been approved in the nearby Maddington Road Precinct B ODP area, to the north west of the site.

### **Urban Form**

The applicant has provided a subdivision concept plan for the subject site. While it is only indicative and would not be binding, it shows the development of 21 lots. The concept plan is contained in Appendix 13.5.4C.

*Item 13.5.4 Continued*

The concept plan proposes a road layout which is generally consistent with TPS 9A. The proposed extension of Warrida Way may need to be modified to reflect the topography of the subject site. This is a matter that would be addressed at the time of subdivision.

In terms of the proposed density, the resulting urban form would not be dissimilar to the current density, as many of the provisions under the R-Codes, including setbacks and open space requirements, are the same. One noticeable difference would be the minimum frontage requirements for single and grouped dwellings which is 12m for lots coded R17.5 and 8m for lots coded R25. This difference however is not considered likely to compromise the low-density residential amenity of the area.

**Traffic**

It is not anticipated that the proposed scheme amendment will generate traffic that is outside the capacity of the existing road network, nor will it result in an increase in the number of vehicles movements beyond what could be reasonably expected in a residential area.

**Inclusion of Additional Site within the Amendment Area**

The one public submission that was received during the advertising period related to the adjoining property at Lot 374 Alcock Street, Maddington. It advocated including a portion of this lot within the amendment area.

Lot 374 is bisected by a watercourse, with the western portion of the site being located within the Maddington Road Precinct B ODP and the eastern portion being located within TPS 9A. Both the ODP and TPS 9A require the watercourse to be accommodated within an area of Public Open Space (POS). With the requisite POS being excluded, Lot 374 has 12,980m<sup>2</sup> of developable land within the ODP which can be developed at R30 and 2,511m<sup>2</sup> of developable land within TPS 9A.

For the 2,511m<sup>2</sup> portion of the site contained within TPS 9A, the submitter has raised concerns with regards to the viability of developing this site at the current R17.5 density, with the site only being able to accommodate four lots/dwellings.

In considering the inclusion of a portion of Lot 374 as part of this Scheme Amendment, it should be noted that the subject area will be located directly adjacent to Peace Park, which is a linear area of POS between Kamber Court and Alcock Street. The provision of higher residential densities in close proximity to areas of POS is generally in accordance with the City's Local Housing Strategy, and is therefore supported. Consequently, it will be recommended that a portion of Lot 374 be recoded.

Further to the above, it should also be noted that there is a minor mapping anomaly, whereby the Maddington Road Precinct B ODP does not exactly conform with the Residential Development zoning under TPS 6. That being the case, it will also be recommended that the Residential Development portion of Lot 374 be amended to accord with the adopted ODP.

A copy of the draft modified amendment map is contained as Appendix 13.5.4D

*Item 13.5.4 Continued*

## CONCLUSION

It will be recommended that the Council adopt Amendment No. 135 to TPS 6 and recommend to the WAPC that the amendment be modified prior to final approval by the Minister for Planning, so as to include a portion of Lot 374 Alcock Street, Maddington. This modification is considered minor and will not require readvertising.

## FINANCIAL IMPLICATIONS

All costs associated with the Scheme Amendment will be borne by the applicant.

## STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Town Planning Regulations 1967.

## VOTING REQUIREMENTS

Simple Majority required.

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

### 504 Moved Cr R Hoffman Seconded Cr R Mitchell

That Council pursuant to Section 17(1) of the *Town Planning Regulations 1967* note the submissions received in respect of Amendment No. 135 to Town Planning Scheme No. 6 and endorse the responses to those submissions, as contained in Appendix 13.5.4B.

CARRIED 12/0

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

**AGAINST:** *Nil.*

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

### 505 Moved Cr R Hoffman Seconded Cr R Mitchell

That Council pursuant to Section 17(2)(a) of the *Town Planning Regulations 1967* adopt Amendment No. 135 to Town Planning Scheme No. 6.

CARRIED 12/0

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

**AGAINST:** *Nil.*

Item 13.5.4 Continued

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

**506 Moved Cr R Hoffman Seconded Cr R Mitchell**

That Council forward Amendment No. 135 to Town Planning Scheme No. 6 to the Western Australian Planning Commission with a recommendation that the amendment be modified prior to being approved by the Minister for Planning, to include a portion of Lot 374 Alcock Street, Maddington, as per the modified amendment map contained as Appendix 13.5.4D.

CARRIED 12/0

**FOR:** *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, 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
--

**507 Moved Cr R Hoffman Seconded Cr R Mitchell**

That Council inform those persons who made a submission on Amendment No. 135 to Town Planning Scheme No. 6 of its decision.

CARRIED 12/0

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

**AGAINST:** *Nil.*

**13.5.5 DEVELOPMENT APPLICATION - NINE MULTIPLE DWELLINGS - 230  
(LOT 33) SPENCER ROAD, THORNLIE**

Author: K Ivory  
Author's Declaration Nil.  
of Interest:  
Reference: 201325  
Application No: DA12/00219  
Applicant: Developtions Pty Ltd  
Owner: CMD Equities Pty Ltd  
Location: 230 (Lot 33) Spencer Road, Thornlie  
Zoning: MRS: Urban  
TPS No. 6: Residential R20/R60  
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.  
Area: 787m<sup>2</sup>  
Previous Ref: Nil.  
Appendices: 13.5.5A Site Plan, Floor Plans and Elevations  
13.5.5B Schedule of Submissions

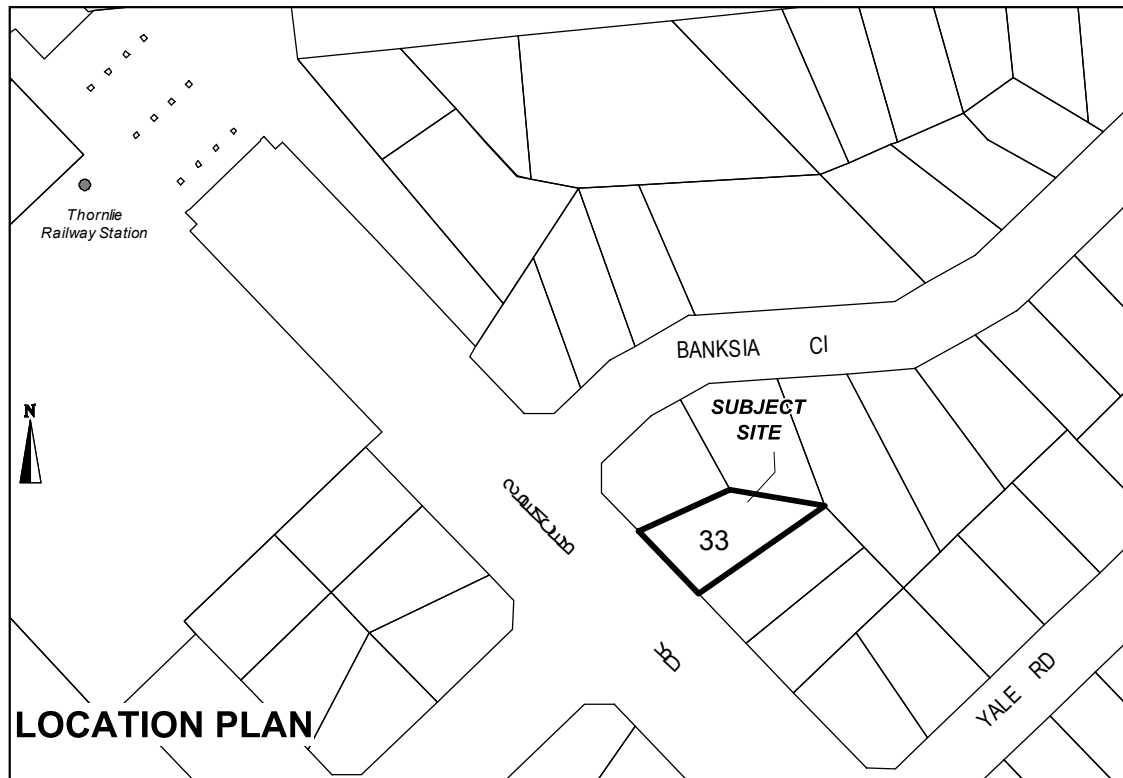
**PURPOSE OF REPORT**

For Council to consider an application for planning approval for nine multiple dwellings at 230 (Lot 33) Spencer Road, Thornlie as the proposal is outside the authority delegated to staff due to objections received during the advertising period.

**BACKGROUND****Site Description and Planning Framework**

The subject site is located approximately 200m from the Thornlie Train Station and contains an existing single storey dwelling, which fronts Spencer Road. The surrounding area is comprised predominantly of low and medium density residential lots.

A map identifying the location of the property follows:

*Item 13.5.5 Continued***Proposal**

The application involves the following:

- Demolition of the existing dwelling on the property
- The construction of nine multiple dwellings in the form of a two storey building
- A driveway will be provided along the south-eastern boundary of the property providing access to the parking area
- Three visitor car bays will be provided abutting the driveway, and three double garages and one single garage provide car parking for residents.

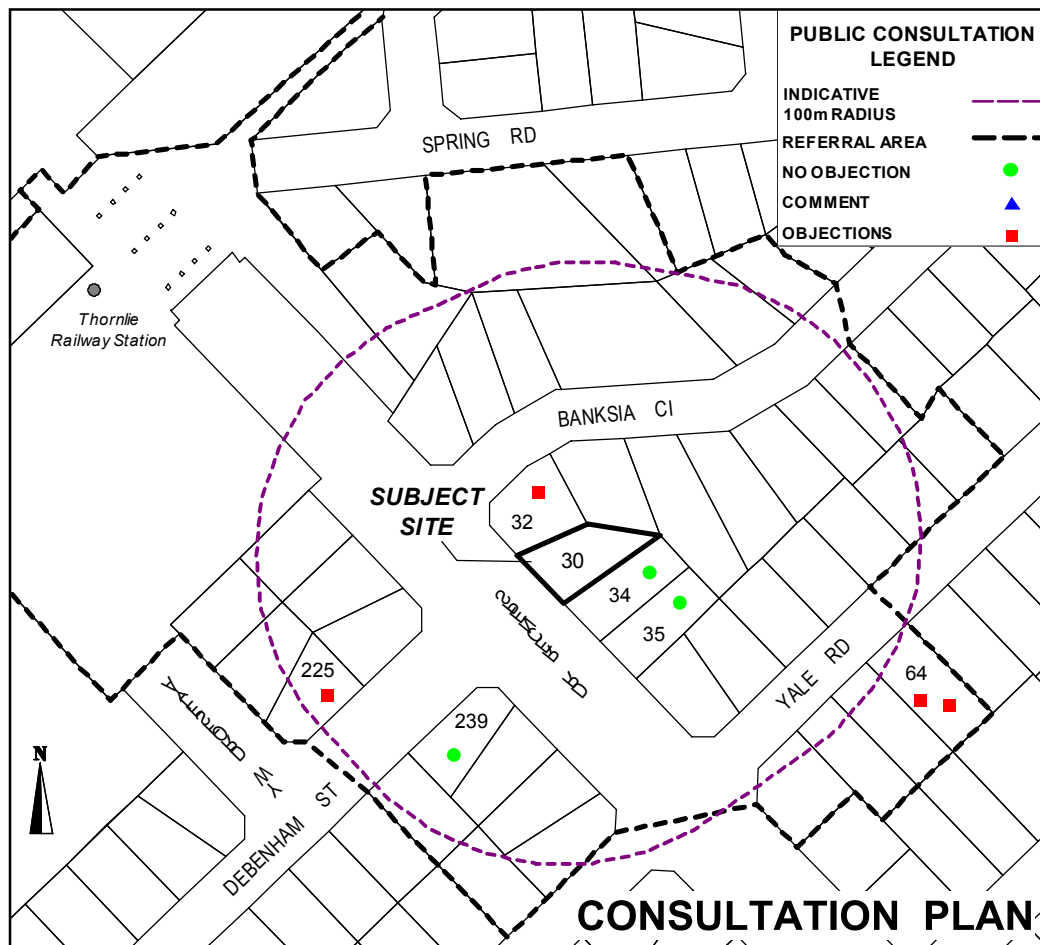
A site plan, floor plans and elevation plans are contained in Appendix 13.5.5A.

**Consultation**

The proposal was advertised for public comment for 14 days in accordance with TPS 6 requirements, during which time seven submissions were received, four objecting to the proposal and three raising no objection. A summary of these submissions and comments are provided in Appendix 13.5.5B.

A map identifying the consultation area and the origin of each submission follows:

Item 13.5.5 Continued



The main issues raised in the submissions are as follows:

- Car Parking
- Traffic
- Buildings on the boundary
- Increased density

These are discussed later in the report, along with any other applicable technical matters.

**DISCUSSION**

**Town Planning Scheme No. 6**

In accordance with TPS 6, a multiple dwelling is an "A" use in the Residential zone meaning that it is not permitted unless the local government has exercised its discretion by granting planning approval, after giving special notice through advertising.

Item 13.5.5 Continued

### Residential Design Codes (R-Codes)

The application was assessed against and complies with almost all aspects of the Multiple Dwelling requirements of the R-Codes in respect to the R60 density coding which applies to the land. In the instance of non-compliance with the Acceptable Development provisions (prefixed with 'A'), assessment of the proposal against the related Performance Criteria (prefixed with 'P') of the R-Codes has been undertaken.

It is noted that the City's Local Planning Policy 1.1.1 - Residential Development (LPP 1.1.1) has not yet been updated to reflect recent updates to the R-Codes. It is expected however, that LPP 1.1.1 will be updated to coincide with a further update to the R-Codes, expected to be undertaken by the WAPC in the first half of 2013.

R-Code Clause/Requirement		Assessment/Comment
1.	<p><b>7.1.4 Side and Rear Boundary Setbacks</b></p> <p>A4.4 A wall built to one side boundary has a maximum height and average height as set out in table 4 and a maximum length of two-thirds the length of the boundary.</p> <p>Table 4 - Maximum height - 3.5m Average - 3m</p> <p>P4.1 Buildings set back from boundaries or adjacent to buildings so as to:</p> <ul style="list-style-type: none"> <li>• Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them;</li> <li>• Moderate the visual impact of building bulk on a neighbouring property;</li> <li>• Ensure access to daylight and direct sun for adjoining properties; and</li> <li>• Assist with the protection of privacy between adjoining properties.</li> </ul>	<p>Five nil-setback walls are proposed on three boundaries with an average height of 2.7m.</p> <p>As the proposal does not comply with the Acceptable Development Criteria, an assessment against the Performance Criteria is therefore required.</p> <p>The R-Codes allow a boundary wall at an average height of 3m. The proposed walls are within this range, and added together do not occupy more than two-thirds the length of the boundary.</p> <p>It is considered that a taller wall of between 3 - 3.5m in height, which does not occupy more than two-thirds the length of the boundary, as permitted under the Acceptable Development provisions, will be more impactful than a number of shorter walls on more than one boundary. This is due to the bulk and scale associated with a taller wall, especially in the context of an area which comprises mostly single storey dwellings, and the greater distance of which overshadowing will protrude into an adjoining property.</p> <p>It should be noted that the subject development complies with the overshadowing provisions under the R-Codes.</p>

### Residential Density

A number of submissions raised concerns about the impact increased density will have on the amount of people, cars and noise in the area. Multiple dwellings provide an alternative housing type in the strategic area that is currently dominated by single and grouped dwellings, thereby achieving one of the key objectives of the City's Local Housing Strategy.

It should be noted that the proposal is entirely compliant with the requirements of the R-Codes in terms of building height and size, including plot ratio. The zoning applicable to the subject site allows for development at the R60 coding, and at that density it is not uncommon for built form to comprise of two or three storey development.



*Item 13.5.5 Continued*

The proposed building closest to the street presents similar to a two-storey single dwelling and as such it is considered that the development will not have a detrimental impact on the existing streetscape or overall residential amenity of the area.

**Car Parking**

Submitters also raised concerns with regards to car parking associated with the development. The R-Codes stipulate that for multiple dwellings with a floor area less than 75m<sup>2</sup> that are within 800m of a train station, 0.75 car bays are required per dwelling, in addition to 0.25 visitor bays per dwelling. In this case, seven bays are required to serve the dwellings and three bays are required for visitors. The application proposes the seven bays for residents and three bays for visitors, and as such complies with the requirements under the R-Codes.

**Traffic**

During the consultation period, one of the submissions raised concern in regards to the resultant increase in traffic and the impact this would have on the surrounding residential streets. Under the Council's adopted Road Network Hierarchy, Spencer Road is designated a District Distributor A Road, which has an indicative traffic volume of approximately 30,000 vehicles per day. The additional traffic the proposal will generate is not anticipated to impact negatively upon the surrounding roads functionality. Therefore, the proposal is considered acceptable from a traffic and access perspective.

**CONCLUSION**

The proposal is supported for the following reasons:

- The proposal is almost completely compliant with the requirements of TPS 6 and the R-Codes. Where a variation has been proposed, it is minor in nature.
- The proposal is consistent with the R60 designation and the type of development is considered appropriate given the subject site's proximity to Thornlie train station.

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
- Residential Design Codes
- Local Planning Policy 1.1.2 - Subdivision and Development of land with a Split Residential Density Code.

Item 13.5.5 Continued

## VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION
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LOST
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### **Moved Cr L Griffiths Seconded Cr G Dewhurst**

That Council approve the application for Nine Multiple Dwellings at 230 (Lot 33) Spencer Road, Thornlie dated 27 July 2012 subject to the following conditions:

1. A geotechnical report is to be submitted in accordance with Australian Standards, detailing site conditions with respect to soil, groundwater and stormwater disposal. The report is to stipulate whether the site is suitable for on-site infiltration or what works are required to be implemented to provide for this capability or a suggested alternate means of disposal.
2. The applicant shall submit details prescribing a functional drainage system, including detailed engineering drawings, and where required geotechnical site assessment (soil profile, groundwater conditions and permeability), as well as hydrologic and hydraulic calculations to demonstrate functionality of the design to the satisfaction of the City of Gosnells.
3. The site is to be connected to the reticulated sewerage system.
4. The common property accessway being constructed and drained at the subdivider's cost to the specifications and satisfaction of the City.
5. Existing vehicle crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.
6. A landscape plan for the development site and the adjoining road verge(s) 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 lodgement of a building permit application.
7. Landscaping and irrigation 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 Manager Parks and Environmental Operations.
8. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.

*Item 13.5.5 Continued*

9. Visitor parking bays are to be permanently marked and maintained at all times for use exclusively by visitors to the property, be clearly visible from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development.
10. A rubbish bin storage area shall be provided, located and screened from view from all units and the street to the satisfaction of the City.
11. The proponent is to submit a written maintenance manual for the area(s) of communal open space in accordance with the Residential Design Codes, prior to the lodgement of a building permit application.

LOST 5/7

**FOR:** Cr G Dewhurst, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.

**AGAINST:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr L Griffiths, Cr S Iwanyk, Cr K Jones and Cr O Searle.

Notation

*In order to allow Councillors the opportunity to speak more than once to the Chief Executive Officer's request for reasons rejecting the staff recommendation, as required by Regulation 11 of the Local Government (Administration) Regulations 1996, Cr R Hoffman moved the following motion:*

COUNCIL RESOLUTION
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**508 Moved Cr R Hoffman Seconded Cr S Iwanyk**

That clause 7.12 of the City of Gosnells Standing Orders be suspended at 8.05pm to allow Councillors the opportunity to speak more than once.

CARRIED 11/1

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

**AGAINST:** Cr O Searle.

Notations

*8.12pm - Cr R Mitchell left the meeting.*

*In order to resume Standing Orders, Cr R Hoffman moved the following motion.*

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

**509 Moved Cr R Hoffman Seconded Cr O Searle**

That the Standing Orders be resumed at 8.12pm.

CARRIED 11/0

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

**AGAINST:** Nil.

## 13.6 GOVERNANCE

### Notation

8.20pm - Cr R Mitchell returned to the meeting.

### 13.6.1 RESIGNATION - COUNCILLOR LIZ GRIFFITHS

Author: T Perkins  
Author's Declaration Nil.  
of Interest:  
Previous Ref: Nil.  
Appendix: Nil.

#### PURPOSE OF REPORT

To advise Council of the resignation of Councillor Liz Griffiths and seek resolution of Council to make application to the Electoral Commissioner for the vacancy to remain unfilled until the 2013 ordinary local government elections.

#### BACKGROUND

Councillor Liz Griffiths recently sold her residence in Langford which is due for settlement at the end of October. As of that date Councillor Griffiths will no longer be an owner or occupier of property within the district and as such will no longer be eligible for election to Council. Consequently she has tendered her resignation in accordance with the provisions of section 2.31 of the *Local Government Act 1995* (Act) effective from 29 October 2012.

#### DISCUSSION

The Act prescribes the process to be followed in the event an office of the Council becomes vacant prior to the scheduled date of an ordinary local government election. It provides several scenarios in relation to the conduct of an extraordinary election as well as the ability to apply to the Electoral Commissioner to allow the vacancy to remain unfilled until the next ordinary election day.

In order to obtain a cost estimate to conduct an extraordinary election to fill the vacancy, a quotation was sought from the Western Australian Electoral Commission (Commission) to coordinate and conduct such an election.

The cost estimate provided was \$110,000 including GST based on a 25% elector participation rate.

The Commission suggested that if an election were to be held, the most appropriate time would be towards the end of February 2013 in order to avoid election packages being distributed during the summer school holidays. This would however mean an election only a matter of weeks before the State General Election which is scheduled for Saturday 9 March 2013.

*Item 13.6.1 Continued*

Section 4.17 of the Act provides that if a Councillor's office becomes vacant the Council may, with the approval of the Electoral Commissioner allow the vacancy to remain unfilled, if at least 80% of the number of offices of members of the Council in the district are still filled. As the City has 12 offices of Council, the requirement for 80% can be achieved with as many as two vacancies.

There is an estimated \$218,000 in the Local Government Elections Reserve account which could be used to fund an extraordinary election. As reported to Council on 9 October, the Commission have provided a cost estimate for the 2013 ordinary local government election of \$170,000. In the event it is resolved to conduct the extraordinary election, top up funds would need to be allocated in the 2013/14 budget to meet the cost of that ordinary election.

The other factor to be considered at this time is the uncertainty created by the delayed release of the Report on the Metropolitan Local Government Review. It could be considered inappropriate spending significant funds to fill the vacancy when the outcome of the Review could result in the adjustment of the City boundaries.

In light of the inordinate cost of an extraordinary election it will be recommended Council make application to the Electoral Commissioner to allow the vacancy to remain unfilled until the 2013 ordinary local government elections.

With this resignation a vacancy has been created on the Boogurlarri Community House Association (Incorporated) Board of Management of which Councillor Griffiths is the Council Delegate. Councillor Susan Iwanyk is the Deputy Delegate. It is therefore open to Council to consider appointing a replacement delegate to fulfil the requirement of one delegate and one deputy from the City of Gosnells.

**FINANCIAL IMPLICATIONS**

Should Council elect to conduct an extraordinary election to fill the vacancy, the cost will be in the vicinity of \$110,000; funds for which have not been specifically budgeted for.

**STATUTORY IMPLICATIONS**

*Local Government Act 1995 sections 2.31 and 4.17.*

**VOTING REQUIREMENTS**

- Simple Majority required for Staff Recommendation 1 of 3 and 3 of 3
- Absolute Majority required for Staff Recommendation 2 of 3.

Item 13.6.1 Continued

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

**510 Moved Cr W Barrett Seconded Cr G Dewhurst**

That Council note the resignation of Councillor Liz Griffiths as Councillor of the City of Gosnells effective from 29 October 2012.

CARRIED 12/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, 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

**511 Moved Cr W Barrett Seconded Cr G Dewhurst**

That Council, in accordance with section 4.17(3) of the *Local Government Act 1995* seek approval of the Electoral Commissioner to allow the vacancy created by the resignation of Cr Griffiths to remain unfilled until the 2013 ordinary local government elections.

CARRIED BY ABSOLUTE MAJORITY 12/0

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

**AGAINST:** Nil.

Notation

*Cr O Searle nominated Cr S Iwanyk. As Cr S Iwanyk is the Deputy Delegate to the Boogurlarri Community House Association (Incorporated) Board of Management, Cr D Griffiths nominated Cr O Searle to the position of Deputy Delegate.*

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

**512 Moved Cr W Barrett Seconded Cr G Dewhurst**

That Council appoint Cr S Iwanyk as Delegate and Cr O Searle as Deputy Delegate to the Boogurlarri Community House Association (Incorporated) Board of Management for a term expiring at the 2013 local government elections.

CARRIED 12/0

**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, 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. URGENT BUSINESS**  
(by permission of Council)

## RECOMMENDATION AND COUNCIL RESOLUTION

**513 Moved Cr G Dewhurst Seconded Cr R Mitchell**

That Council, in light of the consent of the Presiding Member, grant permission to present an item of Urgent Business to the agenda relating to - Amendment No. 126 to Town Planning Scheme No. 6 - Maddington Kenwick Strategic Employment Area Precinct, to this Ordinary Council Meeting in accordance with Clause 4.14 of the City of Gosnells Standing Orders Local Law 2012.

CARRIED 12/0

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

**AGAINST:** *Nil.*

**15.1 AMENDMENT NO. 126 TO TOWN PLANNING SCHEME NO. 6 - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT**

Author: C Windass  
 Author's Declaration Nil.  
 of Interest:  
 Application No: PF12/00032  
 Applicant: City of Gosnells  
 Owner: Various  
 Location: Maddington Kenwick Strategic Employment Area - Precinct 1  
 Zoning: MRS: Industrial  
           TPS No. 6: Rural  
 Review Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.  
 Area: 125ha  
 Previous Ref: OCM 22 July 2008 (Resolutions 331-334)  
               OCM 27 November 2007 (Resolutions 549-550)  
 Appendix: 15.1A Draft Town Planning Scheme No. 6 Amendment Map

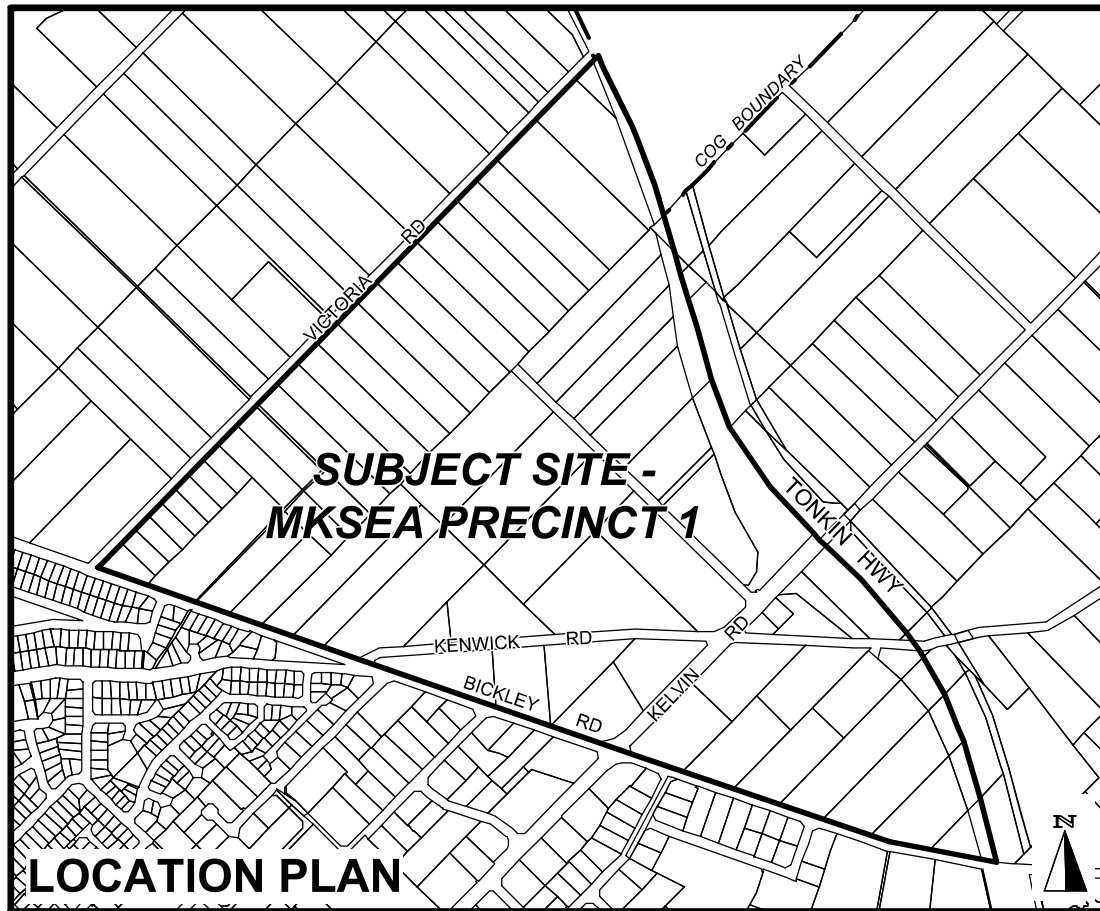
**PURPOSE OF REPORT**

For Council to consider the initiation of an amendment to Town Planning Scheme No. 6 (TPS 6) to rezone the majority of Precinct 1 of the Maddington Kenwick Strategic Employment Area (MKSEA) from General Rural to Business Development and include it within a new Special Control Area (SCA), as shown on the Scheme Amendment Map contained in Appendix 15.1A.

**BACKGROUND****Subject Land**

MKSEA Precinct 1 is bound by Bickley Road, Victoria Road and Tonkin Highway, Kenwick, as shown on the location plan that follows:

## Item 15.1 Continued



The land is part of the broader MKSEA that is identified in State Government metropolitan planning strategies for future industrial development.

The City is in the process of facilitating an expanded business base and adding employment opportunities for the local community in the MKSEA, including:

- Undertaking various technical studies (environmental, infrastructure, water monitoring, transport, and heritage)
- The preparation of concept plans
- Extensive community consultation and liaison
- The submission of a formal request to the Western Australian Planning Commission (WAPC) to progress an amendment to the Metropolitan Region Scheme (MRS) to rezone Precinct 1 from Rural to Industrial.

Due to the differing characteristics and constraints that apply to the MKSEA, the area has been divided into a number of precincts to assist in dealing with planning issues that are discreet to various parts of the area.



*Item 15.1 Continued*

Precinct 1 was included in the MRS amendment request as the area represented a logical extension of the existing industrial estate immediately adjacent, could be readily serviced by nearby infrastructure and contained relatively few environmental constraints (particularly compared to the rest of the MKSEA precincts, where work is continuing on addressing various environmental issues).

The WAPC recently advised the City of the approval of the MRS amendment for Precinct 1, which has seen most of that area rezoned from Rural to Industrial, with the exception of the Bush Forever Site on Clifford Street, which was excluded from the MRS amendment. The land in question is owned by Main Roads WA and will retain its existing Rural zoning.

In accordance with section 124 of the *Planning and Development Act 2005*, Council is now required to amend TPS 6 to ensure the zoning of Precinct 1 is made consistent with the MRS.

**DISCUSSION****Proposal**

Amendment No.126 involves three components:

- Rezoning most of Precinct 1 from General Rural to Business Development (only the Clifford Street Bush Forever Site is excluded, consistent with the MRS)
- Including most of Precinct 1 within a SCA
- Establishing provisions relating to the SCA.

The first two components involve amending the Scheme Map. The third component involves inserting new provisions into Schedule 12 of the Scheme Text.

**Business Development zone**

TPS 6 defines the objective of the Business Development zone, which 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."*

An Outline Development Plan (ODP) typically provides a framework to coordinate the subdivision, development and use of land, which usually requires various technical matters to be addressed and a basis for effective implementation to be formed.

An ODP is particularly required in Precinct 1 as the land is very fragmented and held in multiple ownership (61 individual properties comprising approximately 125 hectares held in 55 separate ownerships) and has a number of technical considerations, including road access, drainage, service provision, conservation issues and potential impacts on a nearby residential area as among the key issues to be addressed.

*Item 15.1 Continued*

Rezoning land in Precinct 1 to Business Development will have the effect of requiring an ODP to be in place, generally as a pre-requisite to applications for subdivision and development being permitted, and thereby being subject to the regulatory processes associated with the various preparatory, assessment, consultation, determination and implementation phases of an ODP, as set out in Part 7 of TPS 6.

Special Control Area

The fragmented nature of land and its ownership in Precinct 1 represents a significant planning challenge, particularly in terms of the timely, effective and equitable provision of the infrastructure needed to service future development of the area.

A key question surrounds how 55 individual owners could cooperatively and effectively coordinate the provision of new roads, services and open space that may be required as part of the area's development.

It is a positive step that some owners have resolved to form an incorporated association to progress planning in the area and that the association has engaged consultants to prepare and submit an ODP proposal for Precinct 1. While it is possible that the association's forthcoming ODP proposal will outline an appropriate framework for shared infrastructure provision, this can only be determined after the proposed ODP is lodged with the City and assessed.

A Development Contribution Arrangement (DCA) of the form that may be required in Precinct 1, given its size and infrastructure requirements, would undoubtedly have a potentially significant resourcing implication and degree of financial risk for the City.

Equally, the prospect exists that without some form of facilitation and coordination by an independent authority like the City, infrastructure provision (and therefore development) may occur haphazardly or even not at all.

While it is presently unclear how appropriate arrangements for infrastructure provision will be made in Precinct 1 (and indeed in the broader MKSEA), it is open to Council to establish at this stage, as part of the proposed TPS 6 amendment, a head of power to operate a DCA, should one be required.

This would avoid the necessity for a separate TPS 6 amendment to be made at a later stage (potentially saving time in the planning process) and would involve:

- Including most of Precinct 1 within a SCA (that is, corresponding to the land to be rezoned to Business Development) to define the extent of the DCA area on the Scheme Map
- Inserting provisions into the Scheme Text that broadly establish the ability for Council to operate a cost sharing arrangement for the provision of common infrastructure works.

The proposed text provisions reflect the format in line with guidance set out in WAPC policy.

*Item 15.1 Continued*

Details outlining the extent of common infrastructure items and their cost, the intended operation of the DCA, and the method by which costs will be apportioned to developing landowners in the form of contributions, will need to be set out in a Development Contribution Plan (DCP) report to be prepared at a later time, informed by more detailed planning, including the Precinct 1 ODP, servicing investigations and cost estimates.

It is possible that the SCA (and associated DCA and DCP report) will need to be expanded in extent and scope in future to incorporate other parts of the MKSEA should it eventuate that they are also rezoned and structure planned for development, as it is envisaged that certain infrastructure in various parts of the project area may be of common benefit and requiring a broader shared contribution approach.

It would not be appropriate to define a broader SCA at this stage, as further work is needed to define the development potential of the MKSEA beyond Precinct 1 and the WAPC typically does not allow TPS amendments to define contribution cells ahead of development rezoning processes being sufficiently advanced.

It is also open to Council to not include any reference within the proposed amendment to the SCA and DCA, if it considers that it should not take on the responsibility of the administrator of a shared infrastructure provision arrangement, or would prefer to consider the implications of doing so at a later time. This would however, potentially delay the overall planning process.

**CONCLUSION**

To ensure compliance with planning legislation and establish an important component of the planning framework for Precinct 1 of the MKSEA, it will be recommended that Council initiate Amendment No.126 which proposes:

- Rezoning most of Precinct 1 from General Rural to Business Development
- Including most of Precinct 1 within a SCA
- Establishing provisions relating to the SCA.

**FINANCIAL IMPLICATIONS**

All costs associated with processing the Scheme Amendment (including the preparation of documentation and advertising the proposal for public comment) will be met by the City Growth operational budget.

**STATUTORY IMPLICATIONS**

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

**VOTING REQUIREMENTS**

Simple Majority required.

Item 15.1 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

**514 Moved Cr R Mitchell Seconded Cr G Dewhurst**

That Council, pursuant to Section 75 of the *Planning and Development Act 2005*, adopt Amendment No. 126 to Town Planning Scheme No. 6 for the purpose of advertising for public comment by:

1. Rezoning land generally bound by Bickley Road, Victoria Road and Tonkin Highway, Kenwick, with the exception of the Clifford Street Bush Forever site, from General Rural to Business Development.
2. Including land generally bound by Bickley Road, Victoria Road and Tonkin Highway, Kenwick with the exception of the Clifford Street Bush Forever site, within a Special Control Area to be known as DCA 10.
3. Amending the Scheme Text by inserting "Attachment J" into Schedule 12 of the Scheme as follows:

"ATTACHMENT J - SPECIFIC PROVISIONS RELATING TO THE MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 1

ATTACHMENT J

Reference No.	DCP 10
Area Name	DCA 10 (Maddington Kenwick Strategic Employment Area - Precinct 1)
Relationship to other planning instruments	This Development Contribution Plan will operate in association with an adopted Outline Development Plan for the Maddington Kenwick Strategic Employment Area - Precinct 1, adopted pursuant to Clause 7.4.15 of the Scheme.
Infrastructure and administration items to be funded	<ol style="list-style-type: none"> <li>1. General Administration and Studies</li> <li>2. Common infrastructure works to be determined at the time of preparation of the Development Contribution Plan Report.</li> </ol>
Method for calculating contributions	As detailed in the Development Contribution Plan Report.
Period of operation	Five years from the date of Council's adoption of the Development Contribution Plan Report.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required."

**CARRIED 12/0**

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

**AGAINST:** Nil.

Item 15.1 Continued

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION
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**515 Moved Cr R Mitchell Seconded Cr G Dewhurst**

That Council forward Amendment No. 126 to Town Planning Scheme No. 6 to:

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

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

CARRIED 12/0

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

**AGAINST:** Nil.

COUNCIL RESOLUTION
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**516 Moved Cr R Hoffman Seconded Cr G Dewhurst**

That Council, grant permission to bring forward an item of Urgent business relating to Item 13.5.5, 'Development Application - Nine Multiple Dwellings - 230 (Lot 33) Spencer Road, Thornlie' of the 23 October 2012 Ordinary Council Meeting - in accordance with Clause 4.14 of the City of Gosnells Standing Orders Local Law 2012.

CARRIED 8/4

**FOR:** Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, Cr K Jones, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.

**AGAINST:** Cr W Barrett, Cr J Brown, Cr T Brown and Cr O Searle.

**15.2 REVOCATION OF DECISION AT ITEM 13.5.5 - DEVELOPMENT APPLICATION - NINE MULTIPLE DWELLINGS - 230 (LOT 33) SPENCER ROAD, THORNLIE**

In accordance with Clause 13.1 of the City of Gosnells Standing Orders Local Law 2012, Cr R Hoffman moved the following motion:

*"That Council revoke the decision pertaining to Item 13.5.5 'Development Application - Nine Multiple Dwellings - 230 (Lot 33) Spencer Road, Thornlie' of this meeting, the 23 October 2012 Ordinary Council Meeting where Council rejected the staff recommendation and that Council resolve to adopt the original staff recommendation as contained within the 23 October 2012 Ordinary Council Meeting Agenda, which reads:*

*"That Council approve the application for Nine Multiple Dwellings at 230 (Lot 33) Spencer Road, Thornlie dated 27 July 2012 subject to the following conditions:*

- 1. A geotechnical report is to be submitted in accordance with Australian Standards, detailing site conditions with respect to soil, groundwater and stormwater disposal. The report is to stipulate whether the site is suitable for on-site infiltration or what works are required to be implemented to provide for this capability or a suggested alternate means of disposal.*
- 2. The applicant shall submit details prescribing a functional drainage system, including detailed engineering drawings, and where required geotechnical site assessment (soil profile, groundwater conditions and permeability), as well as hydrologic and hydraulic calculations to demonstrate functionality of the design to the satisfaction of the City of Gosnells.*
- 3. The site is to be connected to the reticulated sewerage system.*
- 4. The common property accessway being constructed and drained at the subdivider's cost to the specifications and satisfaction of the City.*
- 5. Existing vehicle crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.*

*Item 15.2 Continued*

6. *A landscape plan for the development site and the adjoining road verge(s) 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 lodgement of a building permit application.*
7. *Landscaping and irrigation 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 Manager Parks and Environmental Operations.*
8. *All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.*
9. *Visitor parking bays are to be permanently marked and maintained at all times for use exclusively by visitors to the property, be clearly visible from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development.*
10. *A rubbish bin storage area shall be provided, located and screened from view from all units and the street to the satisfaction of the City.*
11. *The proponent is to submit a written maintenance manual for the area(s) of communal open space in accordance with the Residential Design Codes, prior to the lodgement of a building permit application."*

*Cr R Hoffman provided the following written reason for his proposed amendment:*

*"The variations to the R Codes were considered minimal and the majority of the application complies with the R Codes."*

*At the conclusion of debate the Mayor put Cr R Hoffman's proposed motion, which read:*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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**517 Moved Cr R Hoffman Seconded Cr R Mitchell**

That Council revoke the decision pertaining to Item 13.5.5 "Development Application - Nine Multiple Dwellings - 230 (Lot 33) Spencer Road, Thornlie" of this meeting, the 23 October 2012 Ordinary Council Meeting where Council rejected the staff recommendation and that Council resolve to adopt the original staff recommendation as contained within the 23 October 2012 Ordinary Council Meeting Agenda, which reads;

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*Item 15.2 Continued*

1. *A geotechnical report is to be submitted in accordance with Australian Standards, detailing site conditions with respect to soil, groundwater and stormwater disposal. The report is to stipulate whether the site is suitable for on-site infiltration or what works are required to be implemented to provide for this capability or a suggested alternate means of disposal.*
2. *The applicant shall submit details prescribing a functional drainage system, including detailed engineering drawings, and where required geotechnical site assessment (soil profile, groundwater conditions and permeability), as well as hydrologic and hydraulic calculations to demonstrate functionality of the design to the satisfaction of the City of Gosnells.*
3. *The site is to be connected to the reticulated sewerage system.*
4. *The common property accessway being constructed and drained at the subdivider's cost to the specifications and satisfaction of the City.*
5. *Existing vehicle crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.*
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**CARRIED 8/4****FOR:** Cr W Barrett, Cr G Dewhurst, Cr L Griffiths, Cr R Hoffman, Cr S Iwanyk, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.**AGAINST:** Cr J Brown, Cr T Brown, Cr K Jones and Cr O Searle.



**16. CONFIDENTIAL MATTERS**

Nil.

**17. CLOSURE**

The Mayor expressed his thanks and best wishes to Cr Liz Griffiths for her hard work and dedication during her time as a Councillor for the City of Gosnells and declared the meeting closed at 9.03pm.