



ORDINARY COUNCIL MEETING
12 NOVEMBER 2013

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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 12 November 2013.

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

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

ELECTED MEMBERS

MAYOR
DEPUTY MAYOR

CR D GRIFFITHS
CR R MITCHELL
CR W BARRETT
CR J BROWN
CR D GOODE
CR R HOFFMAN
CR G SCOTT
CR O SEARLE

STAFF

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

MR I COWIE
MS A COCHRAN
MR R BOUWER
MR D HARRIS
MR C TERELINCK
MR G BRADBROOK
MRS S OMOND

PUBLIC GALLERY

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2.1 APOLOGIES

Cr G Dewhurst
Cr P Griffiths

2.2 LEAVE OF ABSENCE

Cr R Lawrence was granted Leave of Absence from 6 November to 18 November 2013 vide Resolution 400 of the Ordinary Council Meeting held on 22 October 2013.

Cr P Yang was granted Leave of Absence from 12 November to 12 November 2013 vide Resolution 400 of the Ordinary Council Meeting held on 22 October 2013.

3. DISCLOSURE OF INTEREST

Cr J Brown declared a Direct Financial Interest in Item 13.5.1, "Amendment No. 110 to Town Planning Scheme No. 6 - Southern River Precinct 3 Development Contribution Arrangement".

Reason: Land owner in Precinct 3.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

Nil.

5. REPORTS OF DELEGATES
(without discussion)

Nil.

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

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

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

Questions and statements are to be –

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

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

Nil.

6.1 QUESTION TIME

Question Time for the Public commenced at 7.32pm.

Mr Terry Schryver of 1 Lynford Gate, Huntingdale asked the following questions:

Q1 **There are numerous existing corner lots throughout Canning Vale and Southern River where Council has approved development at a density of R30/R40 which have been subdivided in advance of housing construction.**

What planning mechanisms have been used by Council in these instances to ensure houses on the corner lots address both streets and why can't these approaches be used in Policy 4.8 rather than the current policy requirement that subdivision cannot be approved until the house is built to plate height?

Response The Director Planning and Sustainability advised that areas of the City zoned for medium density developments, typically residential R30 and R40, are required to comply with the residential design codes. These design codes include some of these provisions.

The aim of the policy is to introduce these standards within the lower density codings, by giving a boost to the corner lots in those areas. The suggestion of construction being required to plate height is intended to provide additional confidence through the building and subdivision process by linking them together, so that the built outcome is going to be acceptable. The reasons for this stem from Council's experiences and the standard of some developments around the City.

Q2 Lot 1500 Bullfinch Street, Huntingdale is zone R30 and has been subdivided ahead of development. It is a larger development and outside the general scope of the corner lot density bonus policy.

However given it is an R30 development with smaller lots, it is assumed that houses on corner lots within this development are required to address both streets consistent with the principles of Council's Policy 4.8 even though it is not strictly applicable.

What planning mechanisms have been used by Council to ensure houses on the corner lots being created within the development of Lot 1500 address both streets and why can't that approach be used in policy 4.8 rather than the current policy requirement that subdivision cannot be approved until the house is built to plate height?

Response The Director Planning and Sustainability advised that the answer to the question was really the same as the answer to the previous question, with a different example of medium density development having occurred.

The issue with Lot 1500 Bullfinch Street, Huntingdale was that there was a lot of dialogue with the owners of that property to do with the orientation of those homes. This was a particular case in point in where we wanted a development outcome where things were orientated towards the roads. That was a typical example of a normal medium density development in a R30 coding, which will fit the coding standards, and is what the City is trying to introduce in the corner lots of the lower density areas.

Mr Alamin Paputungan of 26 Norbury Way, Langford asking the following questions:

Q1 Is the current height of the building on Lot 3403 in compliance with maximum building height in residential area?

Response The Director Planning and Sustainability advised that the City does not have a maximum building height standard in residential areas. Furthermore, the land in question is not zoned residential.

Q2 How can the people assure full compliance with the noise and traffic regulations if the building is used as it has been illegally in the past as a place of worship?

Response The Director Planning and Sustainability advised that if there were particular concerns about noise generation, residents are welcome to contact the City and the City will investigate the noise issues.

In terms of traffic regulations, if it is people driving vehicles around on the road, this is a matter for the police. If it is in relation to parking and the like, it may be a matter for the City's ranger services; if this is the case you are welcome to contact the City about this also.

Mrs Sandra Baraiolo on behalf of the Gosnells District Ratepayers Association asked the following questions:

Q1 What are the City of Gosnells' future plans for the land on Wanaping Road known as the Kenwick Tennis Court, it was believed vested in the people?

Response The Director Infrastructure advised that the City is yet to consider any development options for the Wanaping Road land.

Question Time for the Public concluded at 7.40pm.

6.2 PUBLIC STATEMENTS

Public Statement Time commenced at 7.40pm.

6.2.1 Mrs Sandra Baraiolo of Victoria Road, Kenwick made a statement in relation to Item 13.5.7 – Development Application – Place of Worship – Lot 3403 Southgate Road, Langford:

Mrs Baraiolo expressed various concerns in relation the Langford Islamic College such as traffic issues and surrounding residents' concerns that the comments on tonight's proposal may bring disharmony to the local community.

Mrs Baraiolo asked that Council make specific conditions on the proposal if the proposal is granted.

6.2.2 Mr Chris Pepper of 13A Glenelg Street, Applecross submitted the following statement in relation to Item 13.5.4 "Development Application - Increase Recreation - Private (Gymnasium) Patronage - Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale":

Mr Pepper addressed various matters regarding the development application for Jetts Fitness in Canning Vale. Mr Pepper stated that Jetts Fitness is not seeking an increase in the number of persons in the club at any one time, and that there is sufficient car parking available, but encouraged the Council to revert back to the original recommendation of a maximum of 50 patrons commencing from 5.00pm, not the currently recommended 6.00pm.

6.2.3 Mr Alamin Paputungan of 26 Norbury Way, Langford made a statement in relation to Item 13.5.7 "Development Application - Place of Worship - Lot 3403 Southgate Road, Langford":

Mr Paputungan expressed his disapproval of the development application for reasons, such as, noise, traffic and building issues.

Notation

The Mayor announced that the period for receiving of public statements had expired, with Cr R Hoffman moving the following motion to enable an extension of time.

COUNCIL RESOLUTION

425 Moved Cr R Hoffman Seconded Cr J Brown

That an extension of time be granted for the receiving of public statements.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

6.2.4 Mr Stephen Tai of 18 Constantine Court, Thornlie made a statement in relation to Item 13.5.2 "Amendment No. 142 to Town Planning Scheme No. 6 - Residential Density Bonus - Corner Lots – Finalisation":

Mr Tai advised Council that he would like to be considered for the density bonus for his lot that is outside of the 800m radius of Spencer Village Shopping Centre by 4.5m, but stating he believes he meets the requirements of being within 800m of an activity centre, that being the Thornlie Railway Station.

6.2.5 Mr Allen Blood of 27 St Albans Promenade, Canning Vale made a statement in relation to Item 13.5.2 "Amendment No. 142 to Town Planning Scheme No. 6 - Residential Density Bonus - Corner Lots – Finalisation":

Mr Blood informed the Council that he was in full support of the proposal to allow the redevelopment of corner lots but has grave concerns regarding Policy 4.8 which sets out how such developments are to occur.

Mr Blood addressed various issues regarding the proposed policy and respectfully asked that Council defers consideration of the item before Council tonight and that officers prepare an item for future consideration of Council which details alternative implementation strategies.

6.2.6 Ms Leonie Dressler of 12 Norbury Way, Langford made a statement in relation to Item 13.5.7 "Development Application - Place of Worship - Lot 3403 Southgate Road, Langford":

Ms Dressler expressed her concerns regarding the development application stating that the demographic will find the noise of traffic and worship most inconvenient and approval of this development application will result in the loss of amenity for the residents, a complete change of character and serious disharmony in the area as has happened elsewhere in this City.

Public Statement Time concluded at 8.00pm.

7. CONFIRMATION OF MINUTES

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

426 Moved Cr J Brown Seconded Cr D Griffiths

That the Minutes of the Special Council Meeting held on 21 October 2013 as published and distributed be confirmed as an accurate record.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

427 Moved Cr J Brown Seconded Cr D Griffiths

That the Minutes of the Ordinary Council Meeting held on 22 October 2013, as published and distributed be confirmed as an accurate record.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, 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”.

On 7 November 2013, Cr P Griffiths submitted a written request for leave of absence from 12 November to 13 December 2013, which includes the 12 November and 26 November 2013 Ordinary Council Meeting, due to work responsibilities.

COUNCIL RESOLUTION

428 Moved Cr J Brown Seconded Cr R Mitchell

That Council grant leave of absence to Cr P Griffiths from 12 November to 13 December 2013, inclusive.

CARRIED 8/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

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

Nil.

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

For the convenience of the public gallery, Council may resolve to bring forward any matter that has been raised during Item 6 'Question Time for the Public and the Receiving of Public Statements', Item 8 'The Receiving of Petitions, Deputations and Presentations' or any other minutes item known to be of interest to the public in attendance [Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012].

COUNCIL RESOLUTION

429 Moved Cr J Brown Seconded Cr R Hoffman

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

- Item 13.4.2 RoadWise Advisory Group - Endorsement of Membership and Appointment of Presiding Member;
- Item 13.5.2 Amendment No. 142 to Town Planning Scheme No. 6 - Residential Density Bonus - Corner Lots - Finalisation;
- Item 13.5.4 Development Application - Increase Recreation - Private (Gymnasium) Patronage - Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale;
- Item 13.5.7 Development Application - Place of Worship - Lot 3403 Southgate Road, Langford;
- Item 13.5.9 Amendment No. 126 to Town Planning Scheme No. 6 - Maddington Kenwick Strategic Employment Area Precinct 1.

CARRIED 8/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.4.2 ROADWISE ADVISORY GROUP - ENDORSEMENT OF MEMBERSHIP AND APPOINTMENT OF PRESIDING MEMBER

Author: P Balley

Author's Declaration Nil.

of Interest:

Previous Ref: Nil.

Appendix: 13.4.2A Summary of RoadWise Advisory Group Nominations 2013

PURPOSE OF REPORT

To seek Council endorsement of membership to, and appointment of a Presiding member for, the Gosnells RoadWise Advisory Group for a term expiring at the 2015 Local Government elections.

BACKGROUND

The RoadWise Advisory Group is made up of the fifteen following members:

- Up to four Councillors as delegates (plus a deputy delegate)
- One RoadWise Representative from the Western Australian Local Government Association (WALGA)
- Up to six representatives of groups such as:
 - WA Police
 - Main Roads WA
 - Service Clubs
 - Youth Advisory Committee
 - Emergency Service
 - Education Department
 - Associations (Road User or Road Safety Group Representative)
- Up to four representatives of the City of Gosnells community.

At the Special Council Meeting of 21 October 2013, Council adopted Resolution 393, which provided for the appointment of Councillor Delegates and a Deputy Delegate to the RoadWise Advisory Group.

Councillors Russell Lawrence and George Scott were appointed as Delegates and no Councillor was appointed as the Deputy Delegate.

DISCUSSION

Council Policy 5.4.43 'Advisory Groups – Establishment and Operations' establishes the City's approach for attracting nominations for membership to the City's Advisory Groups. Accordingly the City has:

- Advertised in the Comment News on 1 October 2013 seeking nominations from interested persons

Item 13.4.2 Continued

- Advertised on posters in the City's public libraries
- Written to each group (as listed in the Terms of Reference) seeking their nomination of a representative.

The City also wrote to each existing member of the RoadWise Advisory Group to explain the procedures to be applied for the appointment of membership and to encourage them to re-nominate for a position on the RoadWise Advisory Group for the period ending at the 2015 Local Government elections. This was followed by phone calls to organisations such as Main Roads WA, WA Police, the Office of Road Safety and the Department of Fire and Emergency Services to encourage nominations of representatives.

The nomination period ended on 24 October 2013, and the following nominations were received.

Nominations for Community Representative Positions:

1. Mrs Sandra Baraiolo.
2. Mr Terry Brown.
3. Mr Alan Gill.

Nominations from Representative Organisations:

1. WALGA – Karen White.
2. WA Police (To be advised).
3. Youth Representative (To be advised).
4. Royal Automobile Club (RAC) - Daniel Newman.
5. Associations (Road User or Road Safety Group representative) – Motorcycle Riders Association of Western Australia Inc. – David Wright.

Details about the three community nominees are attached as Appendix 13.4.2B. All three candidates nominated as community representatives have long associations with the RoadWise Advisory Group. All three candidates served the last two years term on the RoadWise Advisory Group and are active and dedicated members who are committed to the objectives of the group. Mr Terry Brown was the presiding member over the last two years and a member for several years prior. All three will bring valuable experience and skills to the group.

The Terms of Reference provide for "*up to four representatives of the City of Gosnells community*". In light of the three strong applications received, it will be recommended that all three candidates be appointed.

Four groups, other than WALGA, have made nominations and it is recommended that all four be appointed to the RoadWise Advisory Group as the terms of reference allow for up to six groups to be represented.

In accordance with Council Policy 5.4.43 - Advisory Groups - Establishment and Operations, Council is required to appoint a Member to be the Presiding Member of the RoadWise Advisory Group.

Item 13.4.2 Continued

FINANCIAL IMPLICATIONS

A \$6,000 allocation is provided in the Operating Budget to accommodate the functions of the RoadWise Advisory Group.

STATUTORY IMPLICATIONS

Policy 2.4.19 - Terms of Reference - Gosnells RoadWise Advisory Group.

There are no relevant statutory obligations for appointments to Advisory Groups, however Council Policy 5.4.43 'Advisory Groups – Establishment and Operations' is relevant.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

430 Moved Cr W Barrett Seconded Cr R Hoffman

That Council appoints the following community representatives to the City of Gosnells RoadWise Advisory Group, for a term expiring at the 2015 Local Government elections:

1. Mrs Sandra Baraiolo.
2. Mr Terry Brown.
3. Mr Alan Gill.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

431 Moved Cr W Barrett Seconded Cr R Hoffman

That Council appoint the following organisations, noting their nominated representatives, as members of the City of Gosnells RoadWise Advisory Group, for a term expiring at the 2015 Local Government elections:

1. West Australian Local Government Association - Karen White.
2. WA Police (To be advised).
3. Youth Representative (To be advised).
4. Royal Automobile Club (RAC) - Daniel Newman.
5. Associations (Road User or Road Safety Group representative) – Motorcycle Riders Association of Western Australia Inc. – David Wright.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 13.4.2 Continued

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

432 Moved Cr W Barrett Seconded Cr R Hoffman

That Council appoint Cr G Scott as the Presiding Member of the City of Gosnells RoadWise Advisory Group for a term expiring at the 2015 Local Government elections.

CARRIED 8/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

**13.5.2 AMENDMENT NO. 142 TO TOWN PLANNING SCHEME NO. 6 -
RESIDENTIAL DENSITY BONUS - CORNER LOTS - FINALISATION**

Author:	C Windass
Author's Declaration of Interest:	Nil.
Application No:	PF13/00004 (Scheme Amendment) PF13/00005 (Local Planning Policy)
Applicant:	City of Gosnells
Zoning: MRS:	Urban
TPS No. 6:	Residential
Review Rights:	Nil, however determination of the amendment is with the Western Australian Planning Commission and Minister for Planning
Previous Ref:	OCM 12 February 2013 (Resolutions 23 - 25) OCM 18 December 2012 (Resolutions 644)
Appendices:	13.5.2A Amendment No. 142 Report 13.5.2B Draft Modified Local Planning Policy 4.8 - Residential Density Bonuses - Corner Lots 13.5.2C Schedule of Submissions - Landowners 13.5.2D Landowner Consultation Plans 13.5.2E Schedule of Submissions - Government Agencies and Servicing Authorities 13.5.2F Draft Modified Local Planning Policy 4.8 - Residential Density Bonuses - Corner Lots (as modified following consultation)

PURPOSE OF REPORT

For Council to consider final adoption of Amendment No. 142 to Town Planning Scheme No. 6 (TPS 6) and associated draft modified Local Planning Policy 4.8 - Residential Density Bonuses - Corner Lots (LPP 4.8).

BACKGROUND

During 2011, Council endorsed the adoption of a series of changes to planning requirements that were intended to facilitate residential corner lot development in appropriate locations and at desired densities.

The mechanisms introduced to achieve this goal are summarised as follows:

1. The adoption of an amendment to TPS 6 that identified the preferred localities for corner lot density bonus development and showing them in a map as Special Control Areas (SCA's).
2. The adoption of clause 6.9.1 to Town Planning Scheme No. 6, which states:

"On a lot zoned Residential within the Special Control Area, the Council may approve development up to a density of R30 where that lot is located on a corner and complies with the provisions of the R30 coding and any related Local Planning Policy."

Item 13.5.2 Continued

3. The adoption of LPP 4.8. This Policy has the effect of establishing some detailed development standards for future corner lot development.

Council also resolved to apply these provisions to North Gosnells and Maddington. These areas had been identified as being in relatively close proximity to centres that required further injections to local development, and the encouragement of population growth to contribute to the local economy. It was intended that the application of LPP 4.8 be considered as a trial initiative, with the results to be considered in the context of broadening the application of the Policy.

The trial initiative stemmed from emerging concerns about the standard of development that sometimes arises from in-fill initiatives and the desire to promote an improved and attractive building stock within the City.

Amendment No. 112 was gazetted on 4 November 2011 and the trial initiative began within the North Gosnells and Maddington SCAs from this date.

Sections of Gosnells and Maddington were identified as appropriate areas to trial the corner lot density bonus initiative due to their gridded street network, generous lot dimensions, large amounts of housing stock from a similar era (1980's) and proximity to public transport infrastructure and Activity Centres.

The results of the trial were considered by Council on 18 December 2012.

Of the 340 lots eligible to take advantage of the corner lot density bonus, only three applications were lodged with the City. This figure represented a take-up rate which was too low to generate sufficient data to facilitate an objective analysis of the initiative.

Reasons for low levels of activity in the development sector have been well publicised elsewhere. Regardless of these short term economic impediments, there is a need to plan for and attempt to facilitate good quality future development within the City.

Council considered various options in relation to the future of the LPP 4.8 at its December 2012 meeting, and resolved to abandon the three-year trial period and to extend the Policy to apply to areas which demonstrated locational and proximity advantages to density attractors in the area.

It was intended that an investigation be undertaken to consider the LPP 4.8 policy provisions and the areas to which a revised Policy may apply, with a view to presenting a report to Council.

On 12 February 2013 Council considered the issue and initiated the following proposed modifications to the current Policy and TPS 6 controls:

1. Remove the Special Control Areas in TPS 6 so that the Policy can apply to a wider area in the City, subject to design criteria being met in LPP 4.8.
2. Add a locational criteria so as to not support a corner lot density bonus where the subject property is more than 800m from a community hub/activity centre.
3. Amend TPS 6 and the Policy as necessary to reflect that multiple dwellings will not be supported as a form of development for the corner lot policy.

Item 13.5.2 Continued

The advertised Amendment No. 142 documentation and draft modified LPP 4.8 are contained in Appendices 13.5.2A and 13.5.2B respectively.

Consultation

Resolution 24 of Council's meeting of 12 February 2013 required Amendment No. 142 to be referred to the Environmental Protection Authority (EPA) for assessment prior to advertising being commenced. The EPA determined that no environmental assessment was required.

Amendment No. 142 and the draft modified LPP 4.8 were advertised simultaneously for public comment during June and July 2013 for a period of 42 days, by way of:

- Advertisement in a local newspaper for two consecutive weeks
- Display on the City's website.

The City received 15 submissions from landowners during the advertising period, four objecting to the proposal, one providing comment and 10 raising no objection. All of the submissions were supportive of Amendment No. 142 and the ability for corner lots to achieve a density bonus. The submissions focussed on LPP 4.8 and the criteria required to be met to be eligible for the density bonus.

A summary of submissions received and comments thereon are included in a Schedule of Submissions contained in Appendix 13.5.2C.

The properties of landowners that made submissions are shown on consultation plans contained in Appendix 13.5.2D.

The proposal was also referred to a number of government agencies and servicing authorities for review and comment. The City received two submissions from government agencies and three from servicing authorities, with a summary of these submissions and comments thereon included in a Schedule of Submissions contained in Appendix 13.5.2E.

DISCUSSION**Landowner Comments**

All of the submissions were supportive of Amendment No. 142 in relation to the ability to potentially develop corner lots to a higher density.

It will be recommended that Council adopt the amendment for final approval.

However, four submissions raised concerns in relation to the criteria in the draft modified LPP 4.8 that need to be met in order to achieve the density bonus. These criteria specifically relate to:

- New dwellings being constructed to a minimum height of two storeys where a proposed lot or site area has a frontage of 10 metres or less
- Existing dwellings being upgraded so that the external appearance is of an improved maintenance standard

Item 13.5.2 Continued

- The requirement for the construction of dwellings to plate height (that is, walls constructed) prior to final subdivision approval being issued
- Development of corner lots being limited to grouped dwellings which therefore excludes corner lots being developed for multiple dwellings
- The definition of an 800m radius within which the density bonus applies.

The criteria outlined in the first two bullet points are included in the current LPP 4.8. The last three bullet points involve criteria which have been included or amended in the draft modified Policy.

The concerns raised in relation to the above criteria have been addressed in the Schedule of Submissions contained in Appendix 13.5.2C. It is considered that no changes to the text of the draft modified LPP 4.8 are required as a result of the concerns raised.

It will be recommended however that the text and maps of the draft policy be amended to further refine the modified Policy provisions. These are discussed below.

Proposed Modifications to LPP 4.8 Policy Criteria

A modification is proposed to the text of the draft modified LPP 4.8 to clarify landowner/developer obligations regarding payment of development cost contributions, where applicable. Where a corner lot is located within a development contribution arrangement area and is subject to a cost contribution, it should be clearly stated in the draft Policy that the contribution will be levied on the R30 density bonus. This is considered reasonable given the additional burden extra dwellings will have on the provision of infrastructure under the relevant arrangement. It is proposed to include an additional provision to the text of the draft modified LPP 4.8 as follows:

"6.2.7 Where development contributions are payable under a development contribution arrangement, the contributions will be levied on the R30 density bonus, or the density prescribed by the relevant Outline Development Plan, whichever is greater."

A modification is also proposed to Clause 6.2.2 of the draft modified LPP 4.8 to further clarify the ability of corner lots to achieve a density bonus, where the lot is located within an endorsed Outline Development Plan (ODP) area.

The current clause refers to corner lots being eligible provided that they comply with the requirements of the relevant ODP. This clause needs to be amended to make it clear that compliance does not apply to the ODP density as the development potential of corner lots is guided by the draft Policy (being R30).

This means that corner lots with a density of less than R30 (as designated by an ODP) will be eligible to achieve a density bonus, provided that all other requirements under the relevant ODP are met.

It is therefore proposed to include additional text to Clause 6.2.2 (as underlined and highlighted in bold) as follows:

*"6.2.2 An Outline Development Plan is not required or the proposal complies with an endorsed Outline Development, **but for the density**; and...."*

Item 13.5.2 Continued

Both modifications are considered minor and are simply intended to further refine the draft modified LPP 4.8 provisions and not change its intended effect.

Proposed Modifications to LPP 4.8 Policy Mapping

Two submitter's raised concerns about their properties not being included within the corner lot density bonus areas, which are based on an 800m radius from centres. The submissions have highlighted a minor checking issue with the policy plan, and accordingly it has been amended to accurately show the 800m radius, as shown in Appendix 13.5.2F.

It is a requirement of the draft modified LPP 4.8 for corner lots to be located within this radius to be able to achieve the density bonus.

The properties at 46 (Lot 200) Storey Road, Thornlie and 114 (Lot 1) Matilda Street, Huntingdale are located within an 800m radius from nearby centres and therefore warrant inclusion within the corner lot density bonus areas.

CONCLUSION

Amendment No. 142 and the draft modified LPP 4.8 will aid to facilitate development of corner lots, and achieve an urban design outcome which improves and enhances the streetscape and encourages passive surveillance of the street.

It will therefore be recommended that Council adopt both Amendment No. 142 and the draft modified LPP 4.8, including additional modifications made following public consultation.

FINANCIAL IMPLICATIONS

Costs associated with progressing the Scheme Amendment and the draft modified LPP 4.8 through statutory processes are met from the City Growth operational budget.

STATUTORY IMPLICATIONS

In accordance with Clause 2.4.3 of TPS 6, if Council resolves to adopt the draft modified Policy, notice must be published once in a newspaper circulating in the Scheme area. A copy of the adopted Policy is also required to be forwarded to the WAPC for its information.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.2 Continued

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

433 Moved Cr R Mitchell Seconded Cr W Barrett

That Council, pursuant to Regulation 17(1) of the Town Planning Regulations 1967, notes the submissions received in response to Amendment No. 142 to Town Planning Scheme No. 6 and endorse the prepared responses to those submissions, as contained in Appendices 13.5.2C and 13.5.2E.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

434 Moved Cr R Mitchell Seconded Cr W Barrett

That Council, pursuant to Regulation 17(2) of *Town Planning Regulations 1967*, adopts Amendment No. 142 to Town Planning Scheme No. 6 and forward the proposal to the Western Australian Planning Commission.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

435 Moved Cr R Mitchell Seconded Cr W Barrett

That Council, pursuant to Clauses 2.4.2(a) and 2.4.2(b) of Town Planning Scheme No. 6, notes the submissions received in respect of the modified Local Planning Policy 4.8 - Residential Density Bonuses - Corner Lots, as contained in Appendices 13.5.2C and 13.5.2E and adopts the draft modified Local Planning Policy 4.8 - Residential Density Bonuses - Corner Lots, including modifications made following public consultation, as contained in Appendix 13.5.2F and forward a copy of the adopted Policy to the Western Australian Planning Commission.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.5.4 DEVELOPMENT APPLICATION - INCREASE RECREATION - PRIVATE (GYMNASIUM) PATRONAGE - TENANCY 1, 404 (LOT 1008) RANFORD ROAD, CANNING VALE

Author: R Munyard
Author's Declaration of Nil.
Interest:
Reference: 307871
Application No: DA12/00283
Applicant: Private Horizons Planning Solutions
Owner: Arvind Pty Ltd Aft Arvind Property Trust
Location: 404 (Lot 1008) Ranford Road, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: The application is currently being reviewed by the State Administrative Tribunal.
Area: 2,714m²
Previous Ref: 10 September 2013(Resolution 383)
14 May 2013 (Resolution 169)
14 June 2011 (Resolution 235)
Appendix: 13.5.4A Site, Floor and Elevation Plans

PURPOSE OF REPORT

For Council to consider a modified application for planning approval for an increase to the customer and staff occupancy for Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale, as requested by the State Administrative Tribunal (SAT).

BACKGROUND**Site History**

In February 2008, the City approved an application for a single showroom/warehouse tenancy on (the then) Lot 278 Ranford Road in accordance with the associated Detailed Area Plan (DAP) over the subject site. In November 2008, this approval was amended to divide the singular tenancy into six separate showroom-only tenancies.

In May 2009, Lot 1001 (former Lot 278) was subdivided into two separate lots (1008 and 1009) with three of the showroom-only tenancies on each of these lots.

On 14 June 2011, Council resolved (Resolution 235) to approve a change of use for Tenancy 1 from Showroom to Recreation-Private (gymnasium). This application involved the following:

- Open 24 hours a day, 7 days a week
- Staffed only between 8:30am and 11:30am and 3:30pm and 7:30pm
- Only one staff member is present during these times, with individual patron access outside these times using a swipe card system
- Based on an existing business model for a 500m² gymnasium, the membership is capped at 900 members with 40 members anticipated to use the premises during peak times
- The gymnasium consists of fitness/exercise machines only. There are no group exercise classes, child minding facilities, swimming pools, steam rooms, saunas or large change rooms.

Item 13.5.4 Continued

The main issue with the original application was that the gymnasium was expected to accommodate up to 40 clients during its peak period with there only being 30 car bays provided on the subject site. To minimise any potential detrimental impacts on the amenity of the surrounding area, Council imposed a condition limiting the total number of patrons (including staff) to a maximum of 30 at any one time. That approval involved a 36 bay variation to the TPS 6 requirements, in recognition of the atypical nature of the gymnasium due to its relatively small scale of operation, its peak periods of usage outside normal shopping hours and its lack of group exercise activities.

In March 2012, the City received a complaint in regards to the approved gymnasium accepting more than 30 patrons at any one time, which was linked to an observation that attendees of the gymnasium were parking on the adjoining site. In response, the City instigated compliance action which confirmed that the gymnasium was exceeding the allowable patron numbers, with up to 55 patrons being observed at any one time.

On 14 May 2013, Council resolved (Resolution 169) to refuse an application for planning approval for an increase to the customer and staff occupancy on the basis that the proposed increase of patronage during the gymnasium's peak operating hours conflicted, to a degree, with the adjoining commercial tenancies and would result in the number of carparking bays on the subject site being inadequate.

An application to review Council's decision was subsequently lodged with the SAT. Initially, the applicant sought to review Council's refusal to increase the maximum occupancy from 30 to 50.

As part of the review process, the applicant has modified the proposal, with the SAT directing the Council to reconsider its previous decision. On 10 September 2013, Council resolved (Resolution 383) to not support this revised proposal on the basis that it depended upon reciprocal parking being allowed on the adjoining Lot 1009 Ranford Road, Canning Vale, which was not consented to by the land owner.

Since that time, the applicant has clarified that the proposal to increase the maximum occupancy from 30 to 50 does not seek reciprocal use of parking bays on either Lot 1009 or the other abutting Lot 99 Nicholson Road.

As part of the review process, the SAT has directed Council to again reconsider its previous decision on the basis of the above clarification.

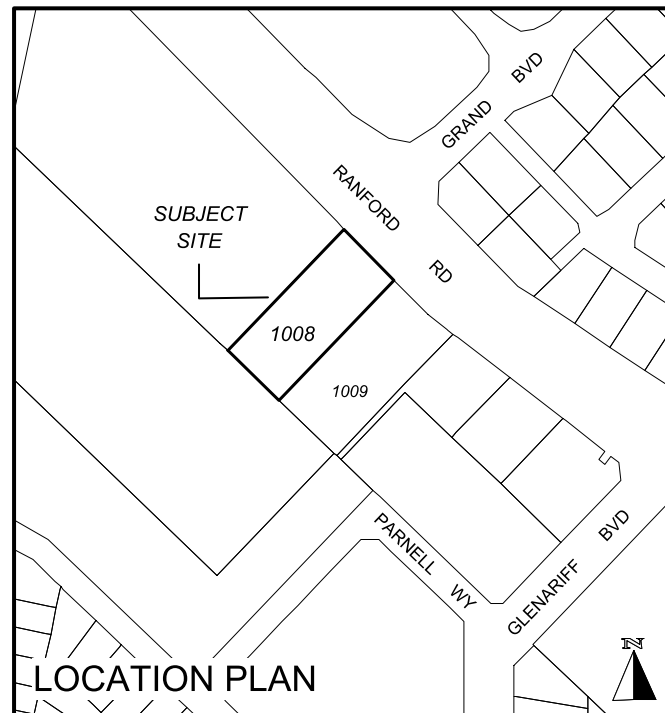
Site Description and Planning Framework

The subject site is located approximately 200m from the intersection of Ranford and Nicholson Roads. It is zoned Residential Development under TPS 6 and is designated Mixed Business under the West Canning Vale Outline Development Plan (ODP).

The existing development consists of three showroom tenancies within a single building. Tenancy 1 is 517m² in area.

Item 13.5.4 Continued

A map identifying the location of the subject site follows:



Original Proposal

The original proposal sought an increase in the maximum capacity (including staff) from 30 to 50 during the proposed operating hours (that is, 24 hours a day, 7 days a week).

Invitation to Council to Reconsider its Decision

The SAT has invited Council to reconsider the proposal in the context of the amended application and justification put forward by the applicant. The options are as follows:

- Affirm the previous decision
- Vary the previous decision
- Set aside the previous decision and substitute a new decision.

Amended Proposal

The modified application involves the following:

- A maximum of 30 persons (including staff) at any one time, between the hours of 8am and 5pm (as per Council's 14 June 2011 approval)
- A maximum of 50 persons (including staff) between the hours of 5pm and 8am the following day.

The subject application is consistent with the original application in all other respects. As previously mentioned in the report, the application seeks to increase the maximum occupancy from 30 to 50 on the basis of using only the carparking bays on the subject site.

Item 13.5.4 Continued

Consultation

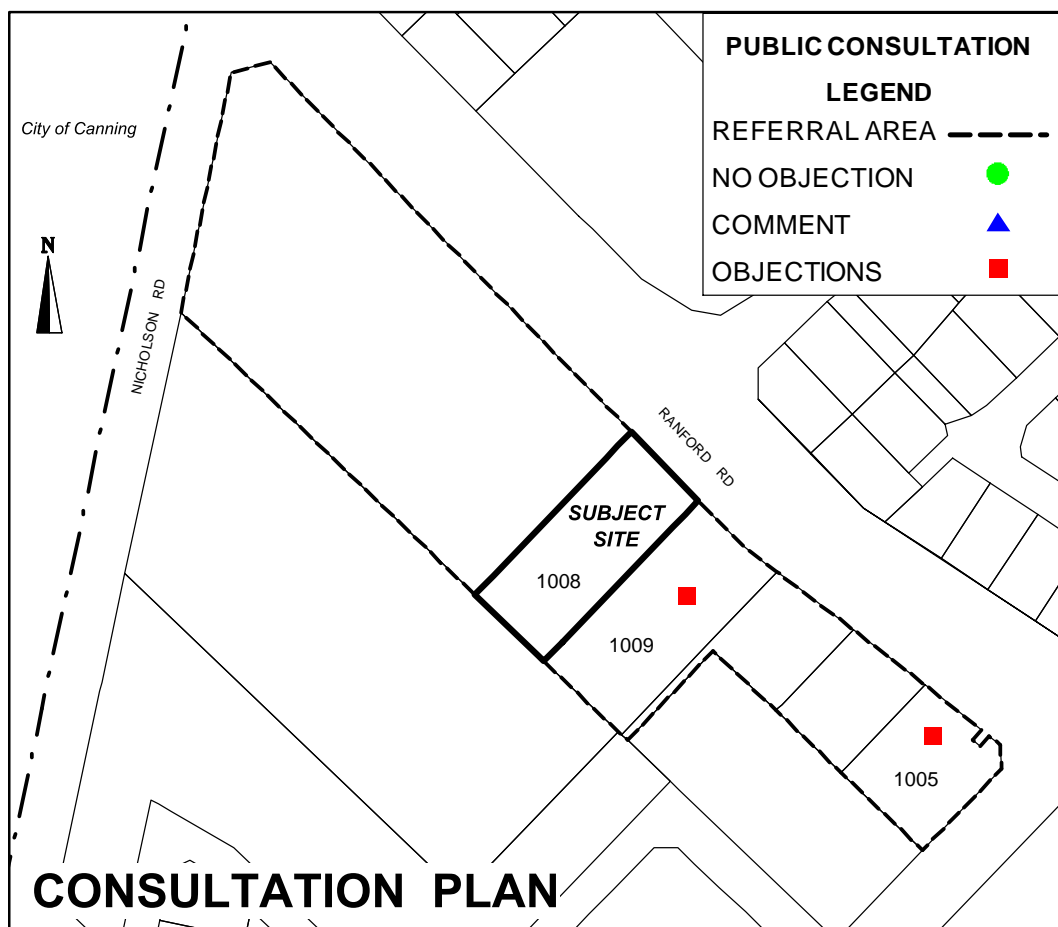
Although not required, the City advertised the amended proposal to the immediate surrounding neighbours. Two submissions were received during the advertising period, each objecting to the proposal. A summary of these submissions and comments thereon are tabled below.

1.	Affected Property: 410 (Lot 1009) Ranford Road Canning Vale	Postal Address: 43 The Corniche HILLARYS WA 6025
Summary of Submission		Comment
<p>Objection to proposal.</p> <p>1.1 We are experiencing huge parking problems with the gymnasium occupying most of our parking bays. This is affecting our tenants. We definitely do not want additional patronage at the gymnasium tenancy.</p> <p>1.2 The majority of our tenant's clients are parking on the vacant lot adjoining our premises. When this lot is developed there will be further parking problems.</p> <p>1.3 Patronage at the gymnasium is already exceeding the approved 30 patrons (including staff) and we will not support this proposal to increase patronage to 50. The gymnasium operates 24 hours, seven days per week and the additional members will not be restricted to the hours of 5pm to 8am as there are no restrictions on members as to when they use the gym (the swipe card system currently used by patrons allows access at any time).</p>		<p>See Car Parking section of Report.</p> <p>This is not relevant to the subject proposal. This is a matter of potential trespassing between private land owners.</p> <p>In the event of Council approval, a condition could be imposed restricting the number of patrons (including staff) between the hours of 5pm and 8am (the following day) to a maximum of 50 at any one time.</p> <p>Any potential breach of planning conditions can be investigated by the City's Compliance Unit.</p>

2.	Affected Property: 3 (Lot 1005)Glenariff Boulevard Canning Vale	Postal Address: 2 Cessna Drive JANDAKOT WA 6164
Summary of Submission		Comment
<p>Objection to proposal.</p> <p>2.1 We are concerned with the parking available for the increased number of patrons, unless the gymnasium tenancy is able to provide the necessary parking lots or come to terms with other common parking areas.</p> <p>2.2 This will also lead to an increased traffic flow which may lead to an unnecessary traffic and noise build up around the area.</p>		<p>See Car Parking section of Report.</p> <p>See Traffic and Noise sections of Report.</p>

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

Item 13.5.4 Continued



The main issue raised in the submissions relates to the general lack of available carparking bays when each tenancy is open for business and the resulting increase in traffic and noise which would result from any increase in permissible patron numbers.

Each is discussed in the following sections, along with any other applicable technical matters.

DISCUSSION

Town Planning Scheme No. 6

Land Use Permissibility

The subject site is zoned Residential Development under TPS 6 and designated Mixed Business under the West Canning Vale Outline Development Plan. In accordance with TPS 6, Recreation-Private is a "D" use in the Mixed Business zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

Car Parking

The proposal complies with all aspects of TPS 6 with the exception of carparking requirements. The following table details the TPS 6 parking requirements and the parking available to Tenancy 1.

Item 13.5.4 Continued

Use Class	TPS 6 Car Parking Standards	TPS 6 Car Parking Requirements	Car Parking Bays Provided
Recreation - Private			
Gym/Health Studio	1 space for every 10m ² net floor area.	The net floor area of Tenancy 1 (excluding toilets, showers, access corridor and health assessment room) is 445m ² . Therefore 45 bays are required.	
Staff	1 space for every staff member present during peak operation.	Only one staff member is present during peak operation therefore one bay is required.	
Total		A total of 46 bays are required by TPS 6.	A total of 10 bays have been provided on site for the exclusive use of Tenancy 1, however there is a total of 30 bays available on Lot 1008.

The parking allocated to Tenancy 1 is 36 bays short of the number of bays required under TPS 6.

The modified application seeks approval to increase the patron numbers (including staff) from 30 to 50, between the hours of 5pm and 8am the following day. In support of the subject application, the applicant has provided a breakdown of the transport mode of the gymnasium patrons, as follows.

Mode of Transport	Percentage of Patrons
Private Vehicle	59%
Bicycle	17%
Walk	15%
Public Transport/Other	9%

A Traffic Report was submitted in support of the subject application which suggests that the average vehicle occupancy for patrons using the gymnasium is approximately 1.1 persons. According to the percentages provided in the above table, the attendance of 50 patrons (including staff) would result in the use of 30 car parking bays. Assuming that the gymnasium operation had exclusive use of all 30 bays on site, the proposal would not rely on another site to satisfy the resultant parking demand.

In determining the current application, Council is obliged (under clause 5.13.3 of TPS 6) to consider how any car parking variation would impact on safety, convenience and amenity in the local area. In this regard, the subject site contains three tenancies, consisting of a gymnasium (the subject of this application), a real estate agency and a furniture showroom. The adjoining Lot 1009 contains a children's play gymnasium (occupying two of the on-site tenancies) and a bathroom showroom.

With the exception of the children's play gymnasium (which operates Tuesday to Sunday, between the hours of 9:30am and 5:30pm, except for Tuesday and Wednesday when it closes at 3:30pm) all the other tenancies located on Lots 1008 and 1009 operate within standard business hours (with reduced hours on Sunday for the bathroom showroom).

Item 13.5.4 Continued

By comparison, the gymnasium operates 24 hours a day, seven days a week, with its peak periods being between the hours of 4pm and 9pm. As a result of the SAT review process, the applicant has requested that from 5pm until 8am the following day, the maximum permissible patrons (including staff) be increased from 30 to 50. Outside of these hours, the maximum patron numbers would remain at 30, as per Council's 14 June 2011 approval.

In accordance with clause 5.13.4 of TPS 6, where there are two separate and different developments with different hours of peak operation, but being located on the same lot or adjoining lots, Council may permit a reduction of the required number of car parking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety, convenience and amenity standards and there is agreement to the reciprocal use of some or all car parking bays.

In this regard it is noted that the peak operating hours of the subject gymnasium are largely outside of normal business hours. An analysis of operating hours for each of the tenancies at Lot 1008 reveals that they currently cease operating by 5pm. Whilst it may be reasonable to contemplate a degree of compatibility in terms of different tenancies' operating hours, doing so may lead to a conflict arising between the crossover of operations, that being where the adjoining tenancies operate marginally past 5pm. As such, it will be recommended that Council support the current proposal subject to a condition being imposed which effectively postpones the commencement of the peak period from 5pm to 6pm.

Traffic

During the advertising period, one of the submissions raised concerns about resultant increases in traffic and the impact this would have on the surrounding area. In this regard, it is considered that any difference in traffic volumes between the current approval for a maximum of 30 patrons, in comparison to the proposed increase to 50 patrons between 5pm and 8am will be minimal and within the road network's design capacity. In addition, it is noted that this increase is largely during times when the surrounding businesses are closed which is considered to somewhat offset any traffic volume increases.

Under the Council's adopted Road Network Hierarchy, Ranford Road is designated as a District Distributor A road, which is able to accommodate over 8,000 vehicles per day. Any 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.

Noise

Concern was raised during the consultation period that the proposal would create additional noise within the locality from additional traffic.

As mentioned in the above Traffic section of this report, by virtue of the development proposal not significantly increasing traffic within the locality, it is expected that there will be a minimal increase in traffic noise.

In any event, the subject site fronts Ranford Road (a Regional Road under the Metropolitan Region Scheme) and therefore, noise from the resultant traffic must be reasonably expected.

Item 13.5.4 Continued

CONCLUSION

The proposal is supported on the basis that the subject site is able to accommodate the increase in patron numbers (including staff) during the evening and night without significantly increasing the amount of traffic or noise within the immediate locality.

It is therefore recommended that Council revokes its 14 May 2013 refusal and approve the amended proposal subject to appropriate conditions as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- West Canning Vale Outline Development Plan
- *State Administrative Tribunal Act 2004*
- *Local Government (Administration) Regulations 1996*
- Detailed Area Plan.

VOTING REQUIREMENTS

- Staff Recommendation 1 for Revocation of Resolution: Absolute Majority required (requires the support of one third (4) of the Offices of Members of Council for the matter to be considered).
- Simple Majority required for Staff Recommendation 2.

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

436 Moved Cr R Mitchell Seconded Cr R Hoffman, Cr D Goode and Cr J Brown

That Council, pursuant to Regulation 10 of the *Local Government (Administration) Regulations 1996*, revokes its decision made at its meeting held on 14 May 2013 to refuse the development application relating to Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale.

CARRIED BY ABSOLUTE MAJORITY 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 13.5.4 Continued

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

437 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council approves the amended application dated 24 July 2013, for Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale, subject to the following conditions:

1. Group exercise activities are not permitted as part of this approval.
2. The use of the gymnasium is limited to a maximum of 30 people (including staff) between the hours of 8am and 6pm.
3. The use of the gymnasium is limited to a maximum of 50 people (including staff) between the hours of 6pm and 8am the following day.
4. A Patronage Management Plan is to be prepared within 28 days of the date of this approval, and thereafter implemented, to the City's satisfaction. That Management Plan is to detail the specific manner by which patronage numbers will be restricted as required by Conditions 2 and 3.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

**13.5.7 DEVELOPMENT APPLICATION - PLACE OF WORSHIP - LOT 3403
SOUTHGATE ROAD, LANGFORD**

Author: L Langford
Author's Declaration Nil.
of Interest:
Reference: 209401
Application No: DA13/00266
Applicant: H Djajamihardja
Owner: Australian Federation of Islamic Councils Inc
Location: Lot 3403 Southgate Road, Langford
Zoning: MRS: Urban
TPS No. 6: Local Reserve (Public Purpose - Primary School)
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 3.2855ha
Previous Ref: OCM 21 September 2010 (Resolution 421)
Appendices: 13.5.7A Site and Floor Plans
13.5.7B Schedule of Submissions
13.5.7C Schedule of Submitters

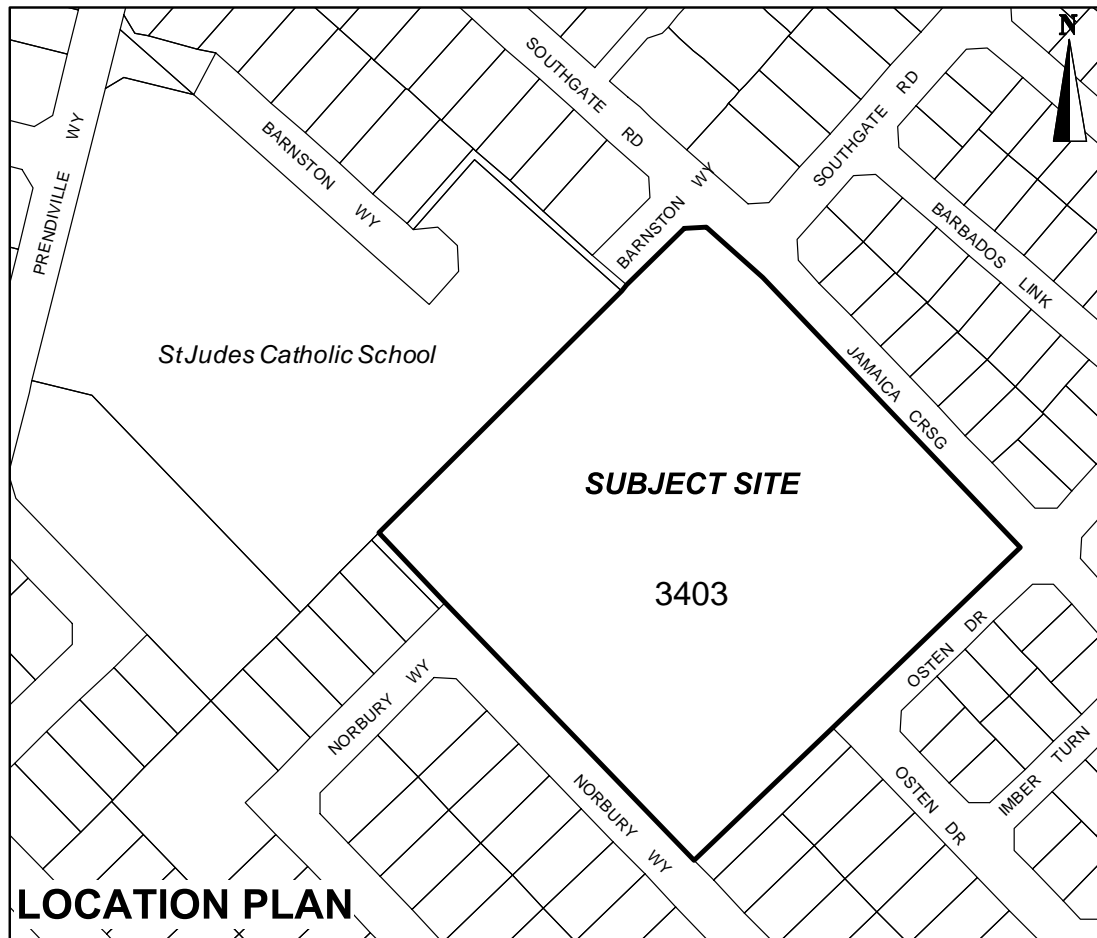
PURPOSE OF REPORT

For Council to consider an application for planning approval for a Place of Worship at Lot 3403 Southgate Road, Langford, as the proposal is outside the authority delegated to staff due to objections received during the consultation period.

BACKGROUND**Site Description and Planning Framework**

The subject site accommodates the Langford Islamic School. Prior to its use as an Islamic School, the site was occupied by Langford Primary School. The lot abuts St Jude's Catholic School to the north-west, and residential housing to the north, south and east. The entrance to the school is located on Barnston Way, with street parking located along Norbury Way and Jamaica Crossing.

A map identifying the location of the subject site follows:

Item 13.5.7 Continued

Site History

On 21 September 2010, Council resolved (Resolution 421) to approve a 551m² two-storey multi-purpose hall near the north-western boundary of the site. The hall formed part of a number of other additions to the school through funding from the Federal Government's Building the Education Revolution program.

In approving the application, Council imposed a condition of approval which stipulated that the hall was not to be used for general community functions.

Proposal

The current application involves the following:

- The use of the existing multi-purpose hall as a Place of Worship for evening prayer. The upstairs mezzanine area of the hall is proposed to be used for this purpose (approximately 232m² of floorspace)
- Proposed operating times between 6pm and 8pm in the evenings, from April to September, and between 7:30pm and 9:30pm from October to March, seven days a week

Item 13.5.7 Continued

- A capacity of up to 60 people. The facility is only intended to serve a local need for students, parents and friends associated with the College
- The use of the existing car parking associated with the College, which currently provides 137 bays in total.

The site and floor plans showing the location of the use is contained as Appendix 13.5.7A.

Consultation

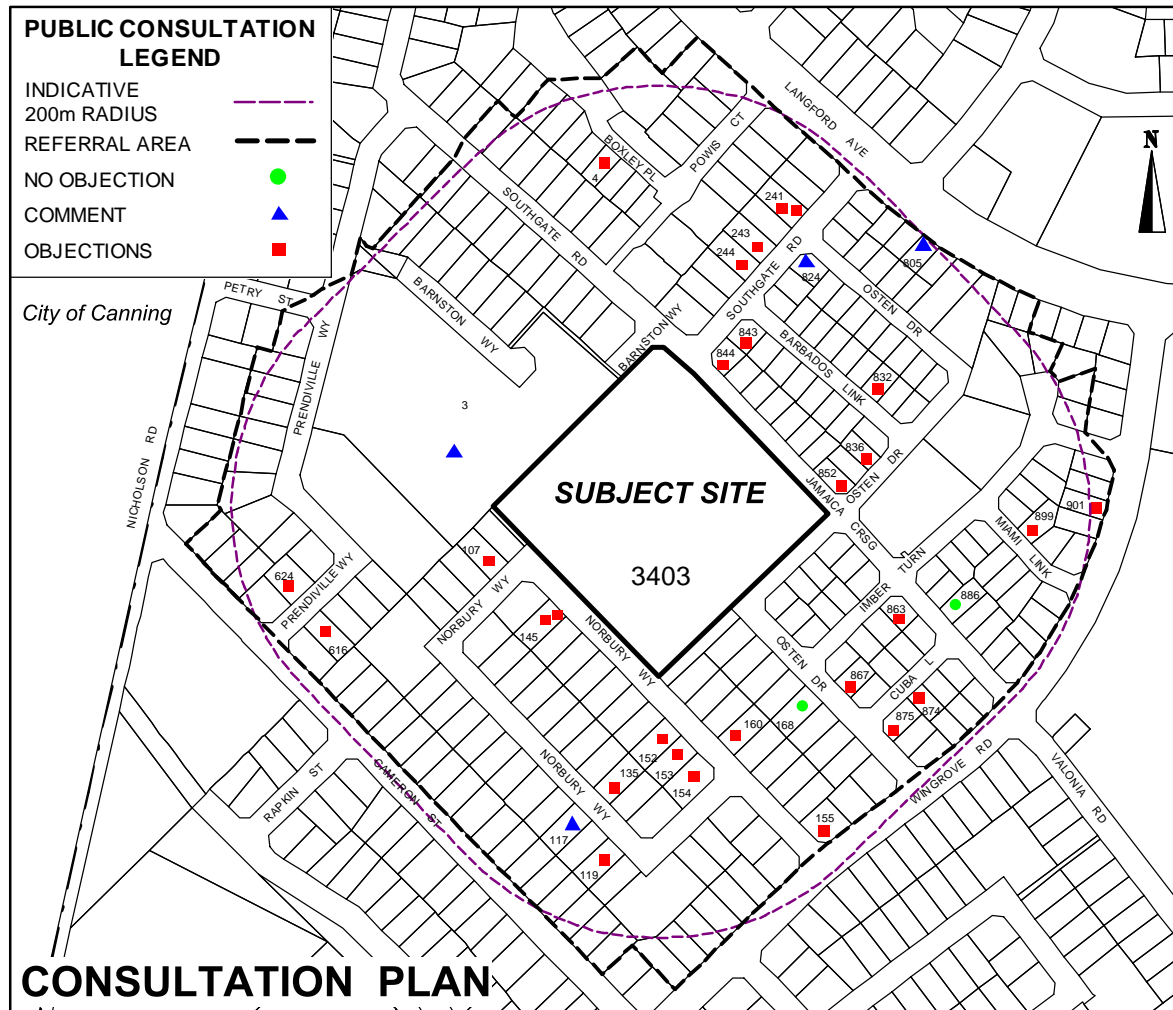
The proposal was required to be advertised for public comment in accordance with TPS 6 requirements, during which time 42 submissions were received; 36 objecting to the proposal, two raising no-objection and four which provided comment.

A summary of these submissions and comments thereon are provided in the Schedule of Submissions contained in Appendix 13.5.7B. A list of the properties where the owner/occupier made a submission is contained as Appendix 13.5.7C.

A map identifying the consultation area and the origin of each submission follows. It should be noted that:

- In six instances, objectors have requested to not have their details made public
- In one instance, information on the origin of the submission was not provided
- In one instance, an objection originated from outside the consultation area.

Item 13.5.7 Continued



The main issues raised in the submissions are as follows:

- The appropriateness of the use on a site which is designated for a primary school
- The impact that the proposal will have on the amenity of surrounding residents by virtue of noise associated with the use, traffic noise and the hours of operation
- Additional traffic and the appropriateness and ability of local roads to accommodate that additional traffic
- The adequacy of parking on the site.

Each is discussed in the following sections, along with any other applicable technical matters.

Item 13.5.7 Continued

DISCUSSION

Local Planning Policy 2.8 - Planning Guidelines for Places of Worship

Local Planning Policy 2.8 was adopted by Council in March 2011 in response to an increasing trend towards applications being lodged for the development of public worship and multi-use facilities within the City sometimes with inherent location and land use compatibility issues. These facilities were generally characterised by occasional gatherings for specific events or practices which can result in changes to traffic flow, parking availability, and impact on the prevailing amenity of an area, amongst other town planning factors.

The Policy is intended to assist with consistent decision-making on planning grounds, in a manner that meets the aims of the Scheme, and therefore expresses the major town planning considerations that the Council will consider when assessing such proposals. These considerations include the following:

- Zoning and Location Factors
- Scale of operation
- Built form
- Acoustic characteristics
- Traffic and road hierarchy
- On-site parking.

These issues are addressed below.

Town Planning Scheme No. 6

Land Use Permissibility

The subject site is identified as a Local Reserve (Public Purpose - Primary School) under Town Planning Scheme No. 6 (TPS 6). Clause 3.4.1 of TPS 6 states that a person must not commence or carry out development on a Local Reserve without first having obtained planning approval.

In determining an application for planning approval on a Local Reserve, Clause 3.4.2 of TPS 6 states the local government is to have due regard to the various matters set out in Clause 11.2 of TPS 6 and the ultimate purpose intended for the Reserve.

Land Use Appropriateness

TPS 6 designates the site as a Local Reserve (Public Purpose - Primary School), which reflects the previous use of the site when it was occupied by the Langford Primary School. Typically, private schools in urban areas are zoned Residential, as is the case for the adjoining St Jude's Catholic School.

In considering the appropriateness of the land use on the site, it should be noted that it is not unusual for private faith-based schools to contain a worship component which is used by the school and by the local community (usually associated with the school) for events and worshipping.

Item 13.5.7 Continued

The adjoining St Jude's Catholic School is an example of this where there is a church, parish centre and presbytery on the north-western portion of the site that is used outside of school hours. It should also be noted that it is not uncommon for stand-alone Places of Worship to be located in Residential areas, as it is a discretionary use under the Scheme.

The use is proposed to be limited to a maximum of 60 people and it is intended to be used as a local facility and for evening prayer only (as opposed to throughout the day). It is considered that the use would be small in scale and would not undermine the ultimate purpose of the zoning. Importantly, the building would be used during times that are complementary to the operating times of the school.

Amenity

A number of submissions raised concerns regarding proposed hours of operation, the potential for the use to create adverse noise and traffic noise associated with attendees visiting the site. These matters are discussed below.

Hours of Operation, Location and Noise

The application involves the use of the hall on the site seven days a week in the evenings between 6pm and 8pm from April to September, and between 7:30pm and 9:30pm from October to March. This is in addition to the use of hall during the day for school use.

A number of submissions raised objections in relation to the proposed hours of operation and associated noise and traffic noise impacts. The emission of noise from the site will need to be in accordance with the *Environmental Protection (Noise) Regulations 1997*. It should be noted that the regulations do not apply to noise generated by vehicles and traffic. If the proposal was to be approved, the onus would be on the applicants to ensure compliance with the Regulations.

The proposed hours of operation could be noticeable to those residents who live very close to the site, but this in itself does not constitute an adverse or unreasonable impact. In comparing other land uses within residential areas which operate in the evening, the following should be noted:

- Community type uses, such as evening sport and community centres, often operate until later in the evening
- The City's Home Based Activities Policy stipulates that Home Occupations and Home Businesses shall only operate as late as 6pm, Monday to Saturday, and that Family Day Care premises may operate until 7pm, Monday to Friday and 6pm on Saturdays.
- Council has recently approved Places of Worship, located on or near residential zoned land (including future residential), as follows:

Item 13.5.7 Continued

Subject Site	Hours	Attendees	Proximity to Residences (Approximate)
45 (Lot 15) Mills Road West, Gosnells	Until 8pm in winter and 9pm in summer.	Generally up to 40 people, however, up to 150 people for infrequent gatherings.	90m from existing residential dwelling.
225 (Lot 282) Campbell Road, Canning Vale	Until 11pm.	Up to 160 people on weekdays and Saturdays and up to 320 people on Sundays.	25m from future residences.
Lot 1526 Leslie Street, Southern River	Until 9pm	Up to 175 people.	130m from existing residential dwelling.

In the case of the subject application, the existing multi-purpose hall is located approximately 40m from the nearest residential dwelling, which is akin to many faith based activities in residential areas.

The proposed use is considered to be small scale in nature by virtue of the number of attendees and intended use, including that later evenings will only occur for half the year and that the facility is only intended to serve a local function. In light of other similar applications having been approved, it is considered that the location of the proposal is acceptable.

There were a number of submissions received which raised concerns about noise and the use of loud speakers to call prayer. The applicant has advised that occasionally a public address system will be used inside the hall, but only at a low volume, which will be directed for audiences within the hall. As such, the application does not involve any 'calling to prayer' via an external loud speaker. As discussed above, the use would be required to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

Traffic

A number of submissions raised concerns about the impact on amenity by virtue of traffic congestion and noise in the evening. Given that the proposal is small scale in nature and would not produce traffic that greatly differs from other community-based evening uses, the noise associated with traffic is not considered to be a significant concern.

In terms of congestion, given that the use would not be operating during the surrounding road network's peak periods, it is considered unlikely that it would cause unreasonable traffic congestion.

A number of submissions raised concerns with the potential for the use to increase traffic volumes in the area and the ability of the existing road network to accommodate the increases.

In terms of traffic volumes, the proposal would generate a maximum of 120 vehicle trips per day, which is assuming that 60 worshippers each use their own vehicle. Given that it is likely that there will be some families or worshippers who share a vehicle or walk from nearby, the number of vehicle trips is likely to be somewhat less than 120.

Item 13.5.7 Continued

Under the Council's adopted Road Network Hierarchy, the surrounding roads are all designated as Local Access Roads, which are able to accommodate a maximum volume of 3,000 vehicles per day. The additional traffic the proposal will generate is not anticipated to impact negatively on road functionality. As such, the proposal is considered acceptable from a traffic and access perspective.

Parking

The following table details the TPS 6 parking requirements for the proposal.

Use Class	TPS 6 Carparking Standards	TPS 6 Carparking Requirements	Carparking Bays Provided
Place of Worship	1 space for every 4 persons the facility is designed to accommodate, or	The proposed capacity is a maximum of 60 worshippers. As such, 15 bays are required, under this standard.	A total of 137 bays are provided on site.
	1 space for every 2.5m ² seating area, whichever is greater	The application does not propose a seating area as such and will merely be using an upper mezzanine area which is approximately 232m ² of floor area. This would equate to a 93 bay requirement. Based on the above, the current proposal requires the provision of at least 93 car bays.	
Total		93 bays are required.	

TPS 6 requires that 93 bays are provided (even though only a maximum of 60 worshippers will be attending the site). The 137 car bays that are available on the site after school hours satisfies the Scheme requirement.

There were a number of submissions which raised concerns about the adequacy of parking on the site to accommodate the proposed use however the 137 bay provision is ample from a TPS 6 perspective.

A submission has raised concerns that the parking area is located too far from the multi-purpose hall and it will result in attendees parking on surrounding roads. In this regard, a parking area comprising 44 car bays is approximately 20m away from the multi-purpose hall.

CONCLUSION

The proposal is supported for the following reasons:

- The use is of an appropriate scale for its location and would not undermine the ultimate purpose of the zoning
- The proposed use is not expected to generate an unreasonable level of noise and traffic that would otherwise be expected in a residential context
- The proposed use will not generate traffic that is outside the capacity of the existing road network
- The site provides adequate parking to service the land use.

Item 13.5.7 Continued

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
- Local Planning Policy 2.8 - Planning Guidelines for Places of Worship.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

438 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council approves the application for a Place of Worship at Lot 3403 Southgate Road, Langford, dated 29 July 2013 subject to the following conditions:

1. A maximum of 60 people are permitted on the site for the purposes of the use at any one time.
2. External noise amplification associated with the use is prohibited.
3. The use is permitted between the hours of 6pm and 8pm, from April to September, and between 7:30pm and 9:30pm, from October to March, seven days a week.
4. The use is not to operate when activities associated with the school use are being undertaken on the site.

CARRIED 8/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

**13.5.9 AMENDMENT NO. 126 TO TOWN PLANNING SCHEME NO. 6 -
MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT
1**

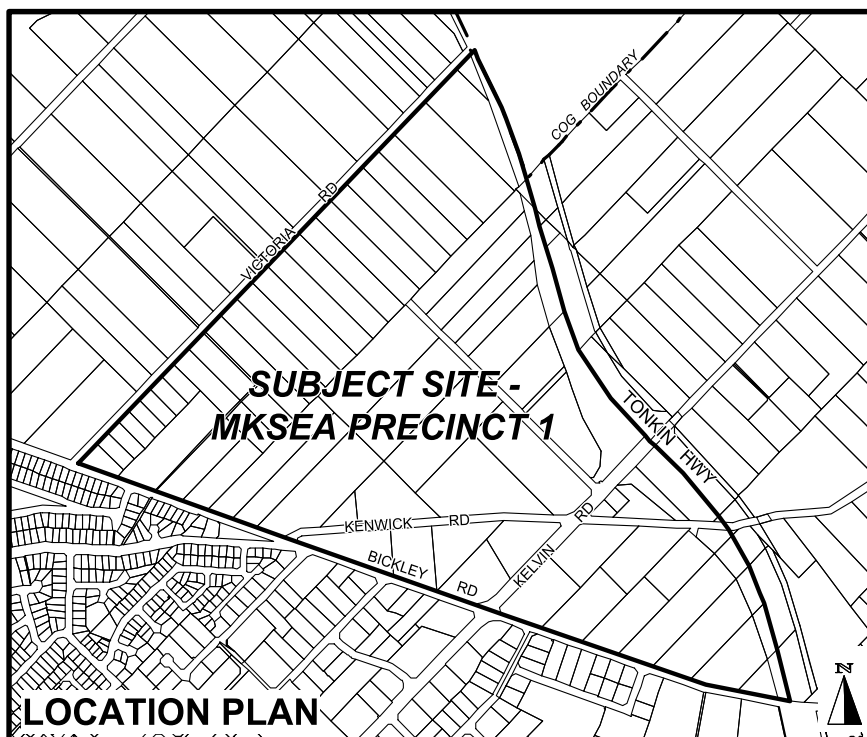
Author: C Windass
 Author's Declaration Nil.
 of Interest:
 Application No: PF12/00032
 Applicant: City of Gosnells
 Owner: Various
 Location: Maddington Kenwick Strategic Employment Area Precinct 1
 Zoning: MRS: Industrial
 TPS 6: Rural
 Review Rights: None
 Area: 125ha
 Previous Ref: OCM 14 May 2013 (Resolutions 166-168)
 OCM 23 October 2012 (Resolutions 514, 515)
 Appendix: 13.5.9A Scheme Amendment Map

PURPOSE OF REPORT

For Council to consider a proposed modification to Amendment No. 126 to Town Planning Scheme No. 6 (TPS 6) at the request of the Western Australian Planning Commission (WAPC) and the Minister for Planning.

BACKGROUND

Maddington Kenwick Strategic Employment Area (MKSEA) Precinct 1 is bound by Bickley Road, Victoria Road and Tonkin Highway, Kenwick, as shown on the location plan that follows:



Item 13.5.9 Continued

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

An amendment to the Metropolitan Region Scheme (MRS) for MKSEA Precinct 1 was finalised in late 2012 and rezoned the area from General Rural to Industrial (with the exception of the Bush Forever Site on Clifford Street, which retains its existing Rural zoning).

On 23 October 2012 Council resolved to initiate Amendment No. 126 to TPS 6 (Resolutions 514 and 515) and, subject to advice from the Environmental Protection Authority (EPA), advertise the proposal for public comment.

The EPA determined that Amendment No. 126 did not require formal environmental assessment and it was consequently advertised for public comment during the months of January and February 2013 for a period of 42 days.

The amendment proposes to rezone land in Precinct 1 from General Rural to Business Development, include the land in a Special Control Area and insert provisions for the establishment and operation of a Development Contribution Arrangement (DCA) (Refer to the plan contained in Appendix 13.5.9A).

Following public consultation, Council on 14 May 2013 resolved to adopt Amendment No. 126 and forward the proposal to the WAPC for final approval.

On 15 October 2013 the WAPC advised that the Minister for Planning had resolved to not approve the amendment until such time as a modification is affected.

The required modification involves deleting Part 3 of the amendment text which is intended to create the 'head of power' under TPS 6 for the City to establish and administer a DCA for the shared provision of development infrastructure.

Council is now required to consider the proposed modification.

DISCUSSION

The proposed modification involves deleting Part 3 of the amendment text, which reads:

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

Item 13.5.9 Continued

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"> 1. General Administration and Studies 2. Common infrastructure works to be determined at the time of preparation of the Development Contribution Plan Report.
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.

The Table (Attachment J) shown in Part 3 of the amendment text contains provisions that outline the general operation of a DCA. This table was proposed to be inserted into TPS 6 to provide Council with the ability to administer a DCA, should one be required.

This modification will necessitate revision of the amendment map by deleting the proposal to include the subject land in a Special Control Area.

The WAPC has indicated that the creation of the 'head of power' under TPS 6 for a DCA is premature in the absence of any specific details on infrastructure items to be included within an arrangement.

The WAPC considers that a separate amendment should be prepared to deal with a DCA for MKSEA Precinct 1, once the infrastructure requirements are known and a means can be devised for the sharing of costs.

This is not considered ideal as a separate amendment would potentially extend planning timeframes and expose the amendment area to financial risk should subdivision or development be approved and actioned ahead of the DCA parameters being established.

The fact remains that the amendment area requires an Outline Development Plan (ODP) to be prepared as a framework to guide subdivision and development.

Item 13.5.9 Continued

A landowner-initiated ODP is understood to be in preparation. It is possible to run a subsequent 'cost-sharing' amendment in parallel with an ODP approval process, thereby minimising potential delays.

The WAPC and the Minister for Planning are unlikely to change their position on deleting Part 3. As such, a practical approach would be to support the proposed modification and enable final approval of the amendment to rezone the MKSEA Precinct 1 to the Business Development zone.

Alternatively, Council may wish to challenge the WAPC and not support the amendment. However this may potentially delay the rezoning of Precinct 1 for some time.

CONCLUSION

It will be recommended that Council adopt the required amendment modification and forward the modified amendment documents to the WAPC and the Minister for final approval.

FINANCIAL IMPLICATIONS

All costs of processing the proposed Scheme Amendment will be met by the City Growth operational budget.

STATUTORY IMPLICATIONS

- *Town Planning Regulations 1967* - Amendments to Local Planning Schemes
- *Environmental Protection Act 1986* - (Section 48 - Scheme Assessments).

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION**439 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council, pursuant to Regulations 21 (2) and 25AA (6) of the *Town Planning Regulations 1967*, adopts the following modifications to Amendment No. 126 to Town Planning Scheme No. 6:

1. Delete Part 3 of the amending resolution as follows:
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

Resolution
439 revoked,
vide
Resolution
518 of the
17/12/2013
OCM.

Item 13.5.9 Continued

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	1 General Administration and Studies 2. Common infrastructure works to be determined at the time of preparation of the Development Contribution Plan Report.
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.

2. Modify the Scheme Map to delete reference to the proposed Special Control Area - DCA 10.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

440 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council forward the modified Amendment No. 126 documents to the Western Australian Planning Commission for final approval.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

12. REPORTS OF COMMITTEE MEETINGS

12.1 AUDIT COMMITTEE MEETING HELD 5 NOVEMBER 2013

Author: R Bouwer
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 12.1A Audit Committee Meeting Minutes dated 5 November 2013

PURPOSE OF REPORT

For Council to receive the Audit Committee Minutes dated 5 November 2013.

BACKGROUND

The Minutes of the Audit Committee Meeting held Tuesday 5 November 2013 are provided as Appendix 12.1A.

The recommendations of the Committee which require Council's consideration are provided in the following reports.

DISCUSSION

Nil.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

The Audit Committee is established in accordance with the *Local Government Act 1995*, Part 5, Division 2, Subdivision 2 - Committees and their meetings.

The Committee has no decision-making authority and therefore its recommendations are provided to Council in separate reports for resolution.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

441 Moved Cr J Brown Seconded Cr D Griffiths

That Council receives the Minutes of the Audit Committee meeting held Tuesday 5 November 2013, attached as Appendix 12.1A.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

12.1.1 AUDIT COMMITTEE - AUDITED ANNUAL FINANCIAL REPORT - 2013

Author: K Gill
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 12.1A Audit Committee Meeting Minutes dated
5 November 2013

PURPOSE OF REPORT

For Council to consider Recommendation 426 of the Audit Committee meeting held 5 November 2013 that seeks receipt of the audited Annual Financial Report for the year ended 30 June 2013.

BACKGROUND

The Audit Committee provides Recommendation 426 arising from the Minutes dated 5 November 2013, for Council's determination:

"That Council receives the audited Annual Financial Report for the year ended 30 June 2013, attached as Appendix 6.1A."

DISCUSSION

The auditors have completed their testing for the financial year ended 30 June 2013 and have provided the City with an unqualified audit report.

The Statement of Comprehensive Income shows an Actual Net Result of \$20,842,046. This reflects the change in net assets deployed or ready to deploy in order to meet the City's objectives.

The Total Comprehensive Income Net Position of \$21,910,861 is \$4,838,322 greater than budgeted.

Some of the more significant items contributing to the higher Net Result are:

Additional Interest Earnings	\$3,015,715
GST Refund on land sales	\$1,837,572

Refer to Item 6.1, Audited Annual Financial Report - 2013, Recommendation 426 of the Audit Committee Meeting Minutes dated 5 November 2013 provided as Appendix 12.1A.

FINANCIAL IMPLICATIONS

The unallocated surplus for 2012/13 will be provided to Council in the near future when carry forward calculations are complete.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.4
Local Government (Financial Management) Regulations 1996

Item 12.1.1 Continued

VOTING REQUIREMENTS

Simple Majority required.

Notation

8.50pm - Cr R Hoffman left the meeting.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

442 Moved Cr J Brown Seconded Cr W Barrett

That Council receives the audited Annual Financial Report for the year ended 30 June 2013, attached as Appendix 6.1A*.

* *Refer to Audit Committee Minutes Item 6.1 of 5 November 2013 contained in Appendix 12.1A.*

CARRIED 7/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

12.1.2 AUDIT COMMITTEE - 2014/15 BUDGET - PROPOSED TIMETABLE

Author: R Bower

Author's Declaration Nil.

of Interest:

Previous Ref: Nil.

Appendix: 12.1A Audit Committee Meeting Minutes dated
5 November 2013

PURPOSE OF REPORT

For Council to consider Recommendations 427 and 428 of the Audit Committee meeting held 5 November 2013 that seek approval of the timetable for adoption of the 2014/15 Budget be supported and the Special Council meeting to adopt the 2014/15 Budget be held on 1 July 2014.

BACKGROUND

The Audit Committee provides Recommendations 427 and 428 arising from the Minutes dated 5 November 2013 for Council's determination:

Recommendation 427:

"That Council supports the proposed timetable for adoption of the 2014/15 Budget, attached as Appendix 6.2A."

Recommendation 428:

"That Council resolves that the Special Council Meeting to adopt the 2014/15 Budget be held on 1 July 2014."

DISCUSSION

The proposed timetable has set a target date for adoption of the 2014/15 annual budget being 1 July 2014, with three Councillor Workshop scheduled for 18 February, 1 April and 3 June 2014.

Refer to Item 6.2, 2014/15 Budget - Proposed Timetable, Recommendations 427 and 428 of the Audit Committee Meeting Minutes dated 5 November 2013 provided as Appendix 12.1A.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government Act 1995, Section 6.2 (1) and (2).

VOTING REQUIREMENTS

Simple Majority required.

Item 12.1.2 Continued

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

443 Moved Cr J Brown Seconded Cr O Searle

That Council supports the proposed timetable for adoption of the 2014/15 Budget, attached as Appendix 6.2A*.

* *Refer to Audit Committee Minutes Item 6.2 of 5 November 2013 contained in Appendix 12.1A.*

CARRIED 7/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

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

444 Moved Cr J Brown Seconded Cr O Searle

That Council resolves that the Special Council Meeting to adopt the 2014/15 Budget be held on 1 July 2014*.

* *Refer to Audit Committee Minutes Item 6.2 of 5 November 2013 contained in Appendix 12.1A.*

CARRIED 7/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

13.1.1 GREAT FRONT YARD COMPETITION

Author: J Phillips
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 23 April 2013 (Resolution 133)
Appendix: Nil.

PURPOSE OF REPORT

For Council to appoint a Councillor or Councillors to the Garden Competition Judging Panel to participate in judging garden competition entries.

BACKGROUND

The City has worked hard on improving the district's visual amenity. To continue this improvement journey, the City developed a Beautification Strategy which aims to address the various issues affecting the City's visual amenity. Implementing a City of Gosnells garden competition was one of the initiatives included in the Beautification Strategy. At its Ordinary Council Meeting held on 23 April 2013, Council resolved to support the implementation of a 2013 Great Front Yard competition, which would include the Mayor and one or more other Councillors on the Judging Panel.

DISCUSSION

Entries for the 2013 Great Front Yard Competition have now closed. In total the City received 42 entries. Now that the entries have been collated, Council is required to nominate a Judging Panel to assist the Mayor and two horticultural experts in judging the gardens. Judging is expected to begin during the week beginning on 11 November 2013.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.1.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

445 Moved Cr J Brown Seconded Cr O Searle

That Council establish a Garden Competition Judging Panel consisting of the Mayor and Cr R Mitchell to participate with two horticultural experts in judging garden competition entries for the 2013 Great Front Yard Competition.

CARRIED 7/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.1.2 MAJOR PROJECTS PROGRESS REPORT

Author: J Phillips
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 18 August 2013
Appendix: 13.1.2A Major Projects Progress Report (July-Sept 2013)

PURPOSE OF REPORT

For Council to note the Major Projects Progress Report, which provides project updates for the July-September 2013 quarter.

BACKGROUND

The City has, for some time, produced quarterly reports in relation to performance against key activities. As part of the City's strategic planning framework, the Major Projects Progress Report is used to report on the progress of key annual strategic activities and projects, which aim to achieve strategic goals and objectives identified in the City's 10-Year Community Plan.

DISCUSSION

The current Major Projects Progress Report has been updated with progress for the July-September quarter and is attached as Appendix 13.1.2A.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

Notation

8.52pm Cr R Hoffman returned to the meeting.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

446 Moved Cr O Searle Seconded Cr R Mitchell

That Council notes the Major Projects Progress Report for the July-September period, attached as Appendix 13.1.2A.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.2 COMMUNITY ENGAGEMENT

13.2.1 PERFORMING ARTS ADVISORY GROUP MEETING - 7 OCTOBER 2013

Author:	P Quigley
Author's Declaration	Nil.
of Interest:	
Previous Ref:	OCM 13 December 2011 Resolution 597
Appendix:	13.2.1A Action Sheet of the Performing Arts Advisory Group Meeting held on Monday 7 October 2013
	13.2.1B Council Policy 3.1.14 - City of Gosnells Performing Arts Advisory Group - Terms of Reference

PURPOSE OF REPORT

For Council to receive the Action Sheet of the City of Gosnells Performing Arts Advisory Group (the Group) meeting held on 7 October 2013; to consider staff recommendations in relation to the Group's proposed Action; and to note the staff responses to the Group's Proposed Actions which are within operational parameters.

BACKGROUND

In accordance with Policy 3.1.14, City of Gosnells Performing Arts Advisory Group - Terms of Reference, the objective of the Group is to provide strategic advice relating to performing arts initiatives within the City. The Action Sheet of the Advisory Group meeting held on 7 October 2013 is attached as Appendix 13.2.1A.

DISCUSSION

There was one action proposed from the Group meeting held on 7 October 2013 which requires Council's consideration, as follows:

PROPOSED ACTION 7: That the City of Gosnells Performing Arts Advisory Group recommend to Council that approval be provided for Council Policy 3.1.14 - City of Gosnells Performing Arts Advisory Group Terms of Reference to be amended, by replacing the Forest Lakes Shopping Centre Management representative position, with a Forest Lakes Shopping Centre Precinct representative position.

The reason for this proposed amendment is that the Centre Management Representative position could not be filled. The City considers that a suitable representative may be sourced from within the Forest Lakes Shopping Centre Precinct instead. For example, a management representative from Lakers Tavern would add value to the Group to assist in facilitating business sponsorship arrangements with the adjacent Don Russell Performing Arts Centre.

To enable an amendment to the membership of this Group, it would be necessary for Council to amend Clause 2 Policy 3.1.14 City of Gosnells Performing Arts Advisory Group Terms of Reference to change the membership by replacing the Forest Lakes Shopping Centre Management representative to a Forest Lakes Shopping Centre Precinct representative.

Item 13.2.1 Continued

Appendix 13.2.1B contains the policy proposed to be amended. Words proposed to be deleted are indicated with a strikethrough (for example ~~delete~~) and new words proposed are shown in bold, underline and italics (for example ***new words***).

The Group also proposed five Actions relating to performing arts, which are being addressed by the City within operational parameters, as detailed below:

1. To undertake an investigation on whether the Don Russell Performing Arts Centre could also be established as a ticketing agency.
2. To present a report on potential enhancements for the performing arts space at Centennial Pioneer Park in Gosnells.
3. To undertake an audit of current performing arts programs and activities available within local venues, such as schools, churches and private centres.
4. To expand the Don Russell Performing Arts Centre community theatre group expressions of interest project to include City of Canning residents and stakeholders.
5. To provide feedback on the draft City of Gosnells Cultural Plan 2014 to 2016.

The Group had a general discussion on the performing arts, which included a suggestion for the City to investigate the establishment of a 'Walk of Fame' that acknowledges local arts and cultural achievers and other community achievers; and for the City to establish additional corporate partnership opportunities with suitable partners to advance the arts.

In relation to the 'Walk of Fame' initiative, it should be noted that the City has already commenced planning for this project, as a 'Walk of Fame' which is one of the Actions listed within the City's Leisure Strategy that was endorsed by Council at its Ordinary Meeting held on 13 December 2011 (Resolution 597).

In relation to establishing additional corporate partnership opportunities, it should be noted that the City has previously worked with the Australian Business Arts Foundation (ABAF) to facilitate opportunities for local arts-business partnerships. Furthermore, the City has recently commenced planning to recruit a Funding and Sponsorship Officer, who will focus on sourcing additional grants and corporate sponsorship for the City.

FINANCIAL IMPLICATIONS

Actions can be addressed within operational budgets and resources.

STATUTORY IMPLICATIONS

- City of Gosnells Policy 5.4.43 - Advisory Groups - Establishment and Operation
- City of Gosnells Policy 3.1.14 - City of Gosnells Performing Arts Advisory Group - Terms of Reference.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.2.1 Continued

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

447 Moved Cr J Brown Seconded Cr O Searle

That Council receives the Action Sheet of the City of Gosnells Performing Arts Advisory Group meeting held on 7 October 2013, attached as Appendix 13.2.1A.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

448 Moved Cr J Brown Seconded Cr O Searle

That Council notes the Proposed Action 7 of the City of Gosnells Performing Arts Advisory Group meeting held on 7 October 2013, attached as Appendix 13.2.1A, which reads:

"That the City of Gosnells Performing Arts Advisory Group recommend to Council that approval be provided for Council Policy 3.1.14 - City of Gosnells Performing Arts Advisory Group Terms of Reference to be amended, by replacing the Forest Lakes Shopping Centre Management representative position, with a Forest Lakes Shopping Centre precinct representative position."

and adopts the amendment to Policy 3.1.14 City of Gosnells Performing Arts Advisory Group - Terms of Reference as contained in Appendix 13.2.1B to enable a broader range of business representation membership.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

449 Moved Cr J Brown Seconded Cr O Searle

That Council notes the following proposed Actions from the Group meeting held on 7 October 2013:

Proposed Action Reference Number	Advisory Group's Proposed Action	Action Taken
PAAG 07/10/2013 - Proposed Action 3	That the Report on optimising performing arts patronage at the City's community venues is received.	A report was presented to the Advisory Group on the existing strategies implemented by the City to optimise performing arts patronage within the City's community venues. The City is also planning to undertake an investigation on whether the Don Russell Performing Arts Centre could be established as a ticketing agency for events/shows held around Perth, as

Item 13.2.1 Continued

Proposed Action Reference Number	Advisory Group's Proposed Action	Action Taken
		<p>this proposal may provide future cross promotional opportunities for the City to promote DRPAC shows to new customers.</p> <p>Furthermore, the City is also planning to present a report on potential enhancements for the performing arts space at Centennial Pioneer Park in Gosnells, such as: erecting shade sails, extending the amphitheatre seating, and installing a cover over the back of the stage.</p>
<p>PAAG 07/10/2013 - Proposed Action 5</p>	<p>That an audit is undertaken of current performing arts programs and activities available within local venues, such as schools, churches and private centres and a report presented to the Performing Arts Advisory Group at its next meeting in March 2014.</p>	<p>This audit is planned to be undertaken by the City during November and December 2013.</p>
<p>PAAG 07/10/2013 - Proposed Action 6</p>	<p>That the City of Gosnells Performing Arts Advisory Group support the City of Gosnells liaising with the City of Canning to discuss expanding the community theatre group expressions of interest to include City of Canning residents and stakeholders.</p>	<p>Staff have scheduled a meeting with the City of Canning in November 2013 to discuss the implementation of this proposal via the following communication strategies: newspaper advertising, media releases, e-newsletter advertising, and website advertising.</p>
<p>PAAG 07/10/2013 - Proposed Action 9</p>	<p>That the City of Gosnells Performing Arts Advisory Group provide the following stakeholder feedback about the Draft City of Gosnells Cultural Plan 2014 to 2016: <i>The draft Cultural Plan made effective provision for performing arts; and any further individual feedback should be provided to the City's Manager Leisure Services before 5 November 2013.</i></p>	<p>The City has developed a draft Cultural Plan for the period 2014 to 2016, which includes two key Actions for the provision for performing arts, namely:</p> <ul style="list-style-type: none"> • Action 6 - Develop and support new performing arts initiatives within the City, such as expanding involvement in the City's Homegrown Festival and expanding usage of the City's Don Russell Performing Arts Centre. • Action 14 - Continue with the implementation of the Don Russell Performing Arts Centre Feasibility Study.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.2.2 HISTORY AND HERITAGE ADVISORY GROUP MEETING - 3 OCTOBER 2013

Author: S. Gurney
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.2.2A Action Sheet of the History and Heritage Advisory Group Meeting held on Thursday 3 October 2013

PURPOSE OF REPORT

For Council to receive the Action Sheet of the City of Gosnells History and Heritage Advisory Group (the Group) Meeting held on 3 October 2013 and to note the staff response to the Group's Proposed Action which is within operational parameters.

BACKGROUND

In accordance with Policy 3.3.5 - City of Gosnells History and Heritage Advisory Group - Terms of Reference, the Group meets every two months to provide a community perspective on aspects of history and heritage within the care and control of the City of Gosnells. The Action Sheet of the meeting of the Group held on 3 October 2013 is attached as Appendix 13.2.2A.

DISCUSSION

There were no proposed Actions from the Group meeting held on 3 October 2013 which require Council consideration.

FINANCIAL IMPLICATIONS

Actions can be addressed within operational budgets and resources.

STATUTORY IMPLICATIONS

- City of Gosnells Policy No. 5.4.43 Advisory Groups - Establishment and Operation
- City of Gosnells Policy No. 3.3.5 City of Gosnells History and Heritage Advisory Group - Terms of Reference.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.2.2 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

450 Moved Cr J Brown Seconded Cr W Barrett

That Council receive the Action Sheet of the City of Gosnells History and Heritage Advisory Group Meeting held on Thursday 3 October 2013 attached as Appendix 13.2.2A.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

451 Moved Cr J Brown Seconded Cr W Barrett

That Council note the following proposed Action from the Group's meeting held on Thursday 3 October 2013:

Proposed Action Reference Number	Advisory Group's Proposed Action	Action Taken
HHAG 03/10/2013-Proposed Action 5	That the History and Heritage Advisory Group recommend that the Manager Library and Heritage Services investigate the feasibility of holding an event where the community is encouraged to bring historical photos or information on a particular theme to include in its collection or to provide information or practical workshop for the community on a heritage related topic.	Manager Library and Heritage Services to investigate feasibility.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

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

Author:	A Cochran
Author's Declaration of Interest:	Nil.
Previous Ref:	OCM 24 September 2013 Resolution 415 SCM 21 October 2013 Resolution 393
Appendix:	13.2.3A Summary of History and Heritage Advisory Group Nominations 2013 13.2.3B Policy 5.4.43 Advisory Groups - Establishment and Operations 13.2.3C Policy 3.3.5 History and Heritage Advisory Group - Terms of Reference

PURPOSE OF REPORT

To seek Council endorsement of membership to and appointment of a Presiding Member for the History and Heritage Advisory Group (the Group) for a term expiring at the 2015 Local Government elections.

For Council to amend Policy 3.3.5 History and Heritage Advisory Group - Terms of Reference to enable the appointment of an additional organisational representative.

BACKGROUND

At the Ordinary Meeting of Council held on 24 September 2013 Resolution 415, Council adopted amendments to the History and Heritage Advisory Group - Terms of Reference which implements a membership structure as follows:

- Up to six community members
- Up to two organisational representatives
- Up to two Councillor delegates and one Councillor deputy delegate.

Council Policy 3.3.5 – History and Heritage Advisory Group – Terms of Reference provides guidance that two Councillors are appointed to this Group. However, at the Special Meeting of Council held on 21 October 2013 (Resolution 393), Council appointed three Councillor delegates to the group, those being Councillor David Goode, Councillor George Scott and Councillor Julie Brown. Councillor Olwen Searle was appointed as the Councillor deputy delegate.

DISCUSSION

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

1. Advertised in the Examiner newspaper on 3 October 2013 seeking nominations from interested persons.
2. Written to each organisation listed below seeking their nomination of a representative:

Item 13.2.3 Continued

- Heritage Council of WA
 - National Trust (WA Branch)
 - Museums Australia (WA Branch)
 - Royal Western Australian Historical Society
 - Youth Advisory Committee
3. Written to each existing member of the History and Heritage Advisory Group to explain the procedures to be applied for the appointment of membership and to invite them to renominate for a position on the History and Heritage Advisory Group.

The nomination period closed on 15 October 2013 and two organisations made a nomination. These organisational representatives are recommended for appointment to hold the two organisations representative positions on the History and Heritage Advisory Group.

- Dr Fiona Bush, Royal Western Australian Historical Society (Inc.)
- Rosemary Fitzgerald, Museums Australia (WA Branch).

More detailed information on the above organisations'nominees is contained in Appendix 13.2.3A.

By the close of the nomination period the following nominations for community representatives were received:

- Dale Miller
- Douglas Corker
- Eileen Ward
- Dr Gilbert McDonald
- Patricia Morris AM JP
- Trevor Newman.

A summary of the nominations is contained in Appendix 13.2.3A.

All of the community nominations received are from individuals who have previously been members of the History and Heritage Advisory Group and are recommended to Council for appointment as community representatives.

The local government reform process currently being undertaken with the associated possible boundary changes could see parts of the City of Canning and the City of Gosnells merged. This, together with the large extent of the shared history and heritage of the Canning/Gosnells districts makes it beneficial to include representation of the Canning area on this Group. It is recommended that the Terms of Reference for this Group be amended by increasing the number of organisational representatives from two to three. This would enable a representative of the Canning Districts Historical Society to be appointed to the Group. This Society was founded in 1972 and aims to promote the history of the Canning area through schools and education and to preserve historical records and artefacts of the region. The aims of this historical Society align to those of the City's History and Heritage Advisory Group and staff

Item 13.2.3 Continued

consider the inclusion of a representative from this organisation will enhance and expand the scope of research and records relating to the shared history and heritage of the two districts. Staff have written to the Society to gauge its interest in possible involvement with the Group and if it would like to nominate a representative for Council consideration. The Society has advised the City that it would like to be involved and has nominated member Elizabeth Barlas for Council's consideration for appointment.

To enable the Society to be appointed as an organisation within the membership of the History and Heritage Advisory Group, it would be necessary for Council to amend Clause 2 (ii) Policy 3.3.5 History and Heritage Advisory Group - Terms of Reference to increase the number of membership organisations from two to three. A draft amended Policy 3.3.5 History and Heritage Advisory Group - Terms of Reference is attached as Appendix 13.2.3C. This appendix contains the policy proposed to be amended. Words proposed to be deleted are indicated with a strikethrough (for example ~~delete~~) and new words proposed are shown in bold, underline and italics (for example ***new words***).

The term of appointment for membership to the History and Heritage Advisory Group would be until the 2015 local government elections.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes one of the roles of Council as being to determine the local government's policies.

There are no relevant statutory obligations for appointments to Advisory Groups, however Council Policy 5.4.43 Advisory Groups - Establishment and Operations and Council Policy 3.3.5 History and Heritage Advisory Group - Terms of Reference attached as Appendices 13.2.3B and 13.2.3C are relevant.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION**452 Moved Cr R Hoffman Seconded Cr O Searle**

That Council adopts amendments to Policy 3.3.5 History and Heritage Advisory Group - Terms of Reference as contained in Appendix 13.2.3C to increase the membership number of organisations from two to three to enable a representative of the Canning Districts Historical Society to be appointed to the History and Heritage Advisory Group.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

Item 13.2.3 Continued

STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION

453 Moved Cr R Hoffman Seconded Cr O Searle

That Council appoints the following persons as the organisation representative members of the City of Gosnells History and Heritage Advisory Group, for the period expiring at the 2015 Local Government elections:

1. Dr Fiona Bush, Royal Western Australian Historical Society (Inc.)
2. Rosemary Fitzgerald, Museums Australia (WA Branch)
3. Elizabeth Barlas, Canning Districts Historical Society.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION

454 Moved Cr R Hoffman Seconded Cr O Searle

That Council appoints the following persons as the six community representative members of the City of Gosnells History and Heritage Advisory Group, for the period expiring at the 2015 Local Government elections.

1. Dale Miller
2. Douglas Corker
3. Eileen Ward
4. Dr Gilbert McDonald
5. Patricia Morris AM JP
6. Trevor Newman.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (4 OF 4) AND COUNCIL RESOLUTION

455 Moved Cr R Hoffman Seconded Cr O Searle

That Council in accordance with Policy 3.3.5 History and Heritage Advisory Group - Terms of Reference appoints Cr D Goode as Presiding Member of the History and Heritage Advisory Group for the period expiring at the 2015 Local Government elections.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

The following text has been added to Item 13.2.3 as per Resolution 511 of the 17 December 2013 OCM:

"Note:

Councillor J Brown nominated Dr Gill McDonald for the position of Presiding Member of the History and Heritage Advisory Group.
Councillor R Mitchell nominated Councillor D Goode for the position of Presiding Member of the History and Heritage Advisory Group.

As there was more than one nomination, the Mayor asked Councillors to vote on their preferred candidate for the Office of Presiding Member of the History and Heritage Advisory Group by a show of hands.

The voting was:

Councillor D Goode – 5 votes (Cr D Goode, Cr D Griffiths, Cr R Hoffman, Cr R Mitchell, Cr G Scott)
Dr Gill McDonald – 3 votes (Cr W Barrett, Cr J Brown, and Cr O Searle)."

13.2.4 COMMUNITY SPONSORSHIP PROGRAM - NATURAL DISASTER EMERGENCY RELIEF - NEW SOUTH WALES BUSHFIRES - OCTOBER 2013

Author: M Fitzgibbon
Author's Declaration of Interest: Nil.
Previous Ref: OCM 23 August 2011 Resolution 375
Appendix: Nil.

PURPOSE OF REPORT

For Council to approve a donation of \$2,500 to the Red Cross Disaster Relief and Recovery Fund to support recovery efforts required following bushfires within New South Wales (NSW) during October 2013.

BACKGROUND

At its Ordinary Meeting on 23 August 2011 (Resolution 375) Council approved a new sponsorship category for the City's Community Sponsorship Program named Natural Disaster Emergency Relief.

The Natural Disaster Emergency Relief category enables the City to make donations to authorised relief funds set up to support relief, rehabilitation and recovery activities for the communities affected by disasters, subject to Council approval.

The recent unseasonably hot conditions have brought catastrophic weather across NSW. As a result, vast areas of the Blue Mountains have experienced devastating bushfires, with the towns of Springwood, Lithgow and North Richmond being most affected.

As at 29 October 2013, it was estimated by the NSW Rural Fire Service that 208 homes had been destroyed and another 122 homes damaged. Two people have also died as a result of the NSW bushfires, including a pilot who was killed when his water bomber plane crashed as he was trying to put out one of the fires.

DISCUSSION

The City has an opportunity to support people in the above communities to rebuild their lives, through Council endorsing a donation via the City's Community Sponsorship Program- Natural Disaster Emergency Relief category.

Recipients of the City's Natural Disaster Emergency Relief donations must be an incorporated body or registered charity involved in responding to a natural disaster or collecting funds on behalf of natural disaster relief (eligibility criteria).

Donations are determined based upon Project Justification - The need for emergency relief must be demonstrated; and Community Benefit - Who and how many people will benefit from the emergency relief (assessment criteria).

The Red Cross is appealing to the Australian public for donations to be made through its Disaster Relief and Recovery Fund to provide personal support to people affected by these recent NSW bushfires.

Item 13.2.4 Continued

Red Cross has made the following statements about its involvement in the recovery efforts:

- "Volunteers are providing personal support to people returning home to affected communities
- Red Cross volunteers and staff have been registering and providing support to people at relief centres
- Funds raised will be used to assist individuals, families and communities directly affected by the disasters
- Australian Red Cross will not deduct any funds from public donations for appeal or administration costs".

The provision of funds to the Red Cross Disaster Relief and Recovery Fund meets the eligibility and assessment criteria for Category 9 Natural Disaster Emergency Relief of Council Policy 3.2.2 - Community Sponsorship Program.

FINANCIAL IMPLICATIONS

There is currently \$5,000 available within the City's Community Sponsorship Program Natural Disaster Emergency Relief Category - Account 91-92319-3760-000.

STATUTORY IMPLICATIONS

Council Policy 3.2.2 - Community Sponsorship Program is relevant.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

456 Moved Cr O Searle Seconded Cr R Hoffman

That Council approve a donation of \$2,500 to the Red Cross Disaster Relief and Recovery Fund in support of the communities affected by the NSW bushfires in October 2013, with such funds to be expended from the City's Community Sponsorship Program Natural Disaster Emergency Relief Category - Account JL 91-92319-3760-000.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.3 CORPORATE SERVICES

13.3.1 BUDGET VARIATIONS

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

PURPOSE OF REPORT

To seek approval from Council to adjust the 2013/14 Municipal Budget.

BACKGROUND

Nil.

DISCUSSION

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

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

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

FINANCIAL IMPLICATIONS

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-85086-3800-499	Increase Expenditure	Comrie Rd (Fraser to Pinaster) Footpath - Capital Purchase	30,600	
JL14-85068-2506-000	Increase Income	Comrie Rd (Fraser to Pinaster) Footpath - Transfer from Reserve Capital - Canning Vale ODP		30,600
REASON: To complete a section of footpath as per the Canning Vale ODP.				
JL71-93301-3124-000	Increase Expenditure	Parks Construction Overheads - Capital Items Expensed	9,600	
JL71-93301-3214-000	Decrease Expenditure	Parks Construction Overheads - Consultancy		9,600
REASON: To facilitate the supply and installation of an additional personal computer and specialised software, for the Parks Landscape Design and Construction area.				
JL43-41068-3276-499	Increase Expenditure	207 William Street, Beckenham - Property Clean-up - Private Works Expense	11,000	

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
JL43-41068-1584-498	Increase Income	207 William Street, Beckenham - Property Clean-up - Private Works Income		11,000
REASON:				
<p>The City has previously prosecuted the owner of this property for unauthorised development (storage) on his land. This compliance action was initiated following a number of complaints from local residents and the owner's subsequent reluctance to bring the property into compliance. The owner was convicted in the Magistrates' Court on 20 August 2013 and fined \$7,500, however, despite the efforts of the City's Compliance Officers, has failed to address the compliance issues.</p> <p>Under the Planning and Development Act 2005, the City is able to undertake work on a property in order to bring the land into compliance and to recover the cost of that work from the landowner. Given the landowner's reluctance to bring his land into compliance, it is intended that the City undertake the required work and recover its costs in Court.</p>				

STATUTORY IMPLICATIONS

Section 6.8 of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Absolute Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

457 Moved Cr R Mitchell Seconded Cr O Searle

That Council approves the following adjustments to the 2013/14 Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL14-85086-3800-499	Comrie Rd (Fraser to Pinaster) Footpath - Capital Purchase	30,600	
JL14-85068-2506-000	Comrie Rd (Fraser to Pinaster) Footpath - Transfer from Reserve Capital - Canning Vale ODP		30,600
JL71-93301-3124-000	Parks Construction Overheads - Capital Items Expensed	9,600	
JL71-93301-3214-000	Parks Construction Overheads - Consultancy		9,600
JL43-41068-3276-499	207 William Street, Beckenham - Property Clean-up - Private Works Expense	11,000	
JL43-41068-1584-498	207 William Street, Beckenham - Property Clean-up - private Works Income		11,000

CARRIED BY ABSOLUTE MAJORITY 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 TENDER 25/2013 - PAVILION EXTENSIONS AND REFURBISHMENT, ORANGE GROVE

Author: J Browning
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: Nil.

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 25/2013 - Pavilion Extensions and Refurbishment and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 11 September 2013 and closed at 2pm on 26 September 2013 to select a contractor to provide Pavilion extensions and refurbishment at the Orange Grove Oval.

Submissions were received from the following companies:

Company Name	Address
Cercon Building	43 Edward Street, Osborne Park WA 6107
Classic Contractors Pty Ltd	Suite 6, 7 Gympie Way, Willetton WA 6155
Connolly Building Company	66 Lakeside Drive, Joondalup WA 6027
GVM Solutions Pty Ltd	38 Jacqueline Drive, Thornlie WA 6108
Laneway Property Developments Pty Ltd	2 /10 Wittenberg Drive, Canning Vale WA 6155
Palace Homes and Construction Pty Ltd	PO Box 465, Inglewood WA 6932
Plan Construction Pty Ltd	14 Amstel Corner, Madeley WA 6065
Shelford Constructions Pty Ltd	29 Crompton Road, Rockingham WA 6168
Solution 4 Building Pty Ltd	72 Treave Street, Cloverdale WA 6105
West Force Construction	27 Moojebing Street, Bayswater WA 6053

DISCUSSION

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience, Capacity to Deliver the Services, Service Delivery Plans indicating Methodology and the major criteria - price.

The prices submitted are documented below

Company Name	Amount \$
Cercon Building	726,908.00
Classic Contractors Pty Ltd	793,987.01

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Company Name	Amount \$
Connolly Building Company	749,420.00
GVM Solutions Pty Ltd	1,104,650.00
Laneway Property Developments Pty Ltd	854,039.00
Palace Homes and Construction Pty Ltd	885,082.44
Plan Construction Pty Ltd	1,051,492.00
Shelford Constructions Pty Ltd	757,922.00
Solution 4 Building Pty Ltd	644,408.00
West Force Construction	976,361.00

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

Tenderer	Relevant Experience	Capacity to Deliver the Services	Service Delivery Plans indicating Methodology	Total Qualitative Score
Weighting	15%	10%	15%	40%
Cercon Building	6	0	0	6
Classic Contractors Pty Ltd	12	6	12	30
Connolly Building Company	9	4	9	22
GVM Solutions Pty Ltd	6	4	3	13
Laneway Property Developments Pty Ltd	9	4	9	22
Palace Homes and Construction Pty Ltd	12	6	9	27
Plan Construction Pty Ltd	9	8	12	29
Shelford Constructions Pty Ltd	12	8	12	32
Solution 4 Building Pty Ltd	12	8	12	32
West Force Construction	6	4	9	19

The tenders received from Cercon Building, Connolly Building Company, GVM Solutions Pty Ltd, Laneway Property Developments Pty Ltd and West Force Construction did not display an ability to meet the minimum requirement of this contract as their submissions did not demonstrate either sufficient relevant experience, capacity to deliver the services or methodology required of this contract. Therefore, these tender submissions were excluded from further assessment due to the potential risk to the City.

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

Tenderer	Price
Weighting	60%
Classic Contractors Pty Ltd	49

Item 13.4.1 Continued

Tenderer	Price
Palace Homes and Construction Pty Ltd	44
Plan Construction Pty Ltd	37
Shelford Constructions Pty Ltd	51
Solution 4 Building Pty Ltd	60

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

Tenderer	Qualitative Criteria 40%	Price 60%	Total 100%	Overall Ranking
Classic Contractors Pty Ltd	30	49	79	3
Palace Homes and Construction Pty Ltd	27	44	71	4
Plan Construction Pty Ltd	29	37	66	5
Shelford Constructions Pty Ltd	32	51	83	2
Solution 4 Building Pty Ltd	32	60	92	1

The qualifying submissions were of a professional standard, satisfied the City's Occupational Health and Safety requirements, addressed the qualitative criteria and demonstrated the ability to provide the City with the required services.

Referees were contacted for the preferred tenderer and all referees have provided a satisfactory reference.

Following the assessment against the selection criteria, the tender submitted by Solution 4 Building Pty Ltd was assessed as being the most advantageous to the City.

FINANCIAL IMPLICATIONS

The costs with this contract are included in the 2013/14 budget.

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.

Notation

The Chief Executive advised that the staff recommendation contained within the agenda has been withdrawn as the tenderer informed the City yesterday that they wished to withdraw their tender. As such an alternate recommendation was put to Council for consideration.

Item 13.4.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

458 Moved Cr D Goode Seconded Cr R Hoffman

That Council award Tender 25/2013 - Pavilion Extensions and Refurbishment Orange Grove to Shelford Constructions Pty Ltd of 29 Compton Road, Rockingham WA 6168 for the contracted sum of \$757.922, exclusive of GST.

CARRIED 8/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

13.4.2 ROADWISE ADVISORY GROUP - ENDORSEMENT OF MEMBERSHIP AND APPOINTMENT OF PRESIDING MEMBER (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the first report in these Minutes.

13.5 PLANNING AND SUSTAINABILITY

The Mayor advised the meeting that Cr J Brown had disclosed a Financial Interest in the following item in accordance with Section 5.60 of the Local Government Act 1995.

9.00pm Cr J Brown left the meeting.

13.5.1 AMENDMENT NO. 110 TO TOWN PLANNING SCHEME NO. 6 - SOUTHERN RIVER PRECINCT 3 DEVELOPMENT CONTRIBUTION ARRANGEMENT

Author:	S O'Sullivan
Author's Declaration of Interest:	Nil.
Reference:	PF09/00022
Application No:	N/A
Applicant:	N/A
Owner:	Various
Location:	Southern River Precinct 3
Zoning: MRS:	N/A
TPS No. 6:	N/A
Review Rights:	Nil, however responsibility for final determination of the amendment sits with the Minister for Planning.
Area:	Approximately 272ha
Previous Ref:	OCM 28 February 2012 (Resolutions 77-80) OCM 22 March 2011 (Resolutions 100-104)
Appendices:	13.5.1A Amendment No. 110 and draft Development Contribution Plan report - Southern River Precinct 3 (as advertised for public comment) 13.5.1B Schedule of Submissions - Land Owners 13.5.1C Schedule of Submissions - Authorities 13.5.1D Public Open Space context map - Southern River 13.5.1E Draft Outline Development Plan - Precinct 3A South 13.5.1F Proposed Attachment E to Schedule 12 of Town Planning Scheme No. 6

PURPOSE OF REPORT

For Council to consider submissions on a proposal to establish a development contribution arrangement (DCA) for Southern River Precinct 3 (Precinct 3) and a set of recommended actions that respond to the various issues raised.

BACKGROUND

Council initiated Amendment No. 110 to Town Planning Scheme No. 6 (TPS 6) on 22 March 2011. The amendment proposes new provisions to enable the formal establishment of a DCA to fund new infrastructure in Precinct 3. Council also resolved to include a related draft Development Contribution Plan (DCP) report in the amendment documentation that sets out how the DCA is intended to operate.

Precinct 3 includes much of the undeveloped land between Southern River Road, Ranford Road, Passmore Street and the Southern River, as indicated in Appendix 1 of the advertised Amendment No. 110 document contained in Appendix 13.5.1A.

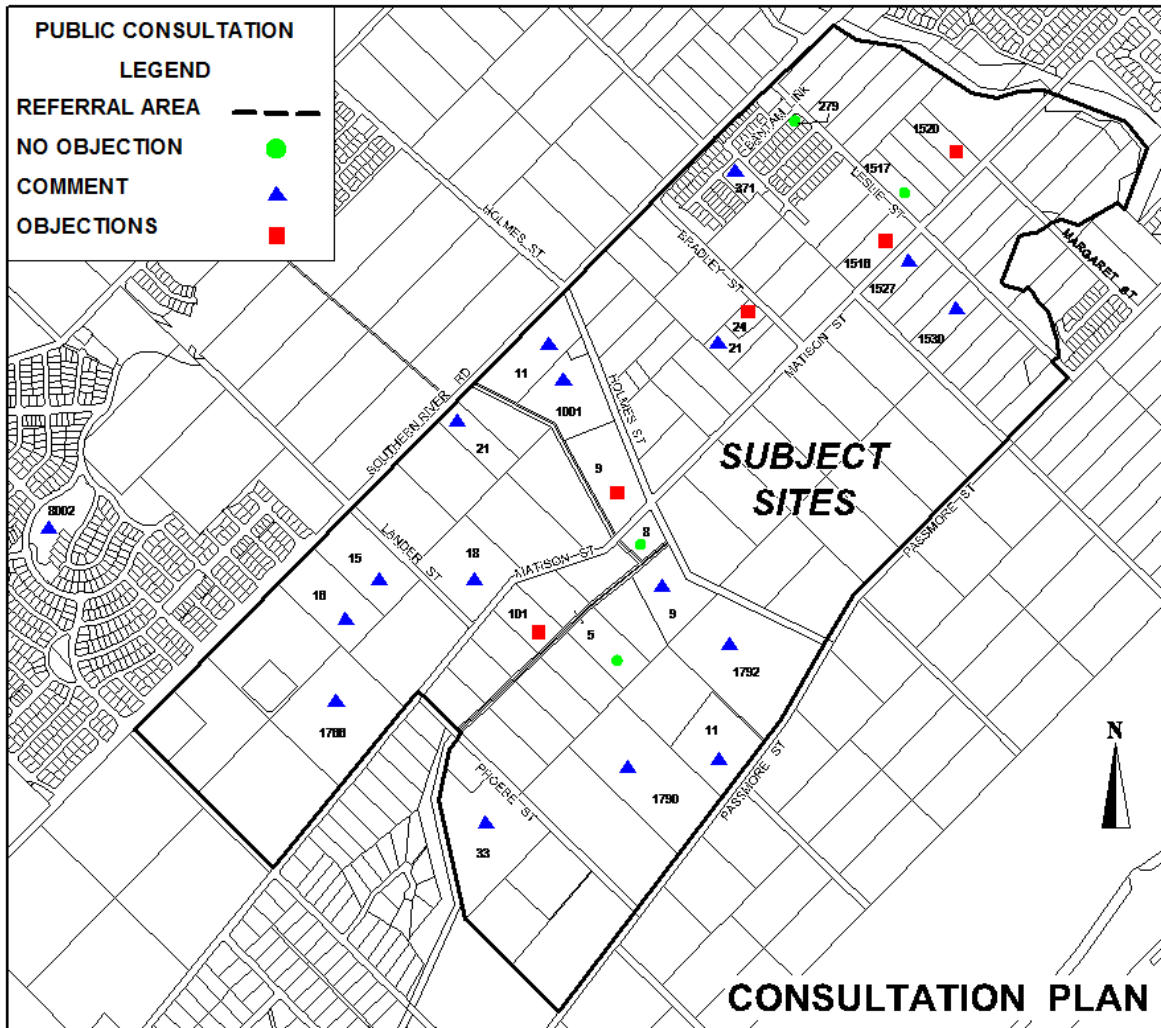
Item 13.5.1 Continued

Key details of the amendment and the draft DCP report are summarised later under the heading Proposal Overview.

Following their initiation, Amendment No. 110 and the draft DCP report were forwarded to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission (WAPC) for review. The EPA advised that no environmental assessment was required and the WAPC indicated it was prepared to grant its consent to advertise the proposal for public comment, subject to several minor modifications being made to the amendment text.

On 22 February 2012, Council adopted the required modifications to the amendment and consent was then given by the WAPC in March 2012 to commence consultation.

Amendment No. 110 and the draft DCP report were advertised for public comment between April and June 2012. Twenty four submissions were made by, or on behalf of, land owners during the public consultation period. Five submissions were also received from State Government and servicing authorities. Numerous issues were raised, which are analysed herein.



Item 13.5.1 Continued

Proposal Overview

Precinct 3

Precinct 3 has been identified for future urban development, however the planning process has various challenges to address. These include the fragmented nature of land held in multiple ownership, significant environmental and water management issues, the presence of a dog kennel zone and the need for new infrastructure to be provided and land to be set aside for various public purposes.

In order to guide the planning process a Local Structure Plan (LSP) was endorsed by Council and noted by the WAPC in September 2008. It identifies a variety of land uses, including urban and commercial development and a range of public purposes (these being conservation areas, recreation, schools, drainage and roads).

The LSP has since been used to guide the consideration of amendments to the Metropolitan Region Scheme (MRS) and TPS 6, Outline Development Plan (ODP) proposals and applications for subdivision and development in Precinct 3.

These proposals have resulted from pressure in the land development industry for land to be developed. Development in some parts of Precinct 3 has commenced (sub-precinct 3A) and plans are under consideration in others, as evidenced by the fact that draft ODP proposals are currently before Council in sub-precincts 3A, 3D, 3E and 3F.

Devising a means to equitably fund the provision of new infrastructure, given the particular infrastructure requirements and the fragmented nature of land holdings, is a key component of the planning of Precinct 3. This is the main objective of Amendment No. 110 and the associated draft DCP report.

Amendment No. 110

Amendment No. 110 proposes to:

- Modify the extent of the existing Special Control Area (SCA) on the Scheme Map that applies to most of Precinct 3 and redefine it as a Development Contribution Area
- Modify existing SCA Scheme Text provisions and add a new Attachment E to Schedule 12 of the Scheme Text to broadly identify items of common infrastructure and associated contribution requirements applicable to the Development Contribution Area.

It should be noted that since the initiation of Amendment No. 110, Council has progressed a separate amendment (No. 122) to TPS 6 to significantly modify the statutory framework which governs how DCAs are established and administered by the City. That amendment is very close to being gazetted and therefore the format of Amendment No. 110 must ultimately be modified so as to be consistent with the format proposed by Amendment No. 122. This matter is addressed later in the report.

Item 13.5.1 Continued

Draft Development Contribution Plan report

The draft DCP report deals with the identification of Common Infrastructure Works (CIW) items and proposes a method of cost sharing between developing land owners. The 2008 LSP and subsequently adopted Outline Development Plans have informed the report by identifying required infrastructure items and the location and size of land parcels needed for specific public purposes. The draft DCP report combines the outcomes of this work with the following themes:

1. Some items of CIW are of benefit to the entire Precinct 3 area, and therefore the costs are proposed to be shared across the entire precinct. The total costs are estimated at almost \$20.4 million, including road improvements on key distributor roads, 3 signalised intersections, acquisition of 6.5ha of land for drainage purposes, and other items. This results in a proposed contribution rate of almost \$136,000 per ha of developable land.
2. Some CIW items are of benefit to smaller sections of Precinct 3 (known as sub-precincts) and it is proposed that costs be shared by land owners within those areas. There are specific items in the draft DCP report which are of benefit to specific sub-precincts.
3. There is a need to consolidate and supply significant areas of Public Open Space (POS) for the future population of the broad area, and a cost sharing model has been developed for that purpose. The cost of acquiring almost 13ha of land for playing fields to be developed on Passmore Street is around \$11.6 million, or \$105,000 per ha of land developable for residential use in Precinct 3.
4. Detailed planning work may reveal new or changed factors that influence CIW requirements. The draft DCP report is flexible so as to allow for future changes.
5. The adoption of a two tiered approach to the valuation of land given the variability of development potential of land. Tier 1 assumes that land is zoned for residential development and is unconstrained. Tier 2 land is based on reduced development potential due to constraints.

It should be noted that the DCA does not make provision for the sharing of costs associated with any other infrastructure items required in Precinct 3, including:

- Construction of new subdivisional roads or the upgrade of existing local roads
- Expansion of the various utility networks (water, sewer, power, gas, and telecommunications) and the connection of new lots to extended service mains
- Compensation to be paid to owners who may be required to cede land for conservation purposes, such as Bush Forever sites or wetlands with identified conservation value.

The advertised Amendment No. 110 text and draft DCP report are contained in Appendix 13.5.1A.

Item 13.5.1 Continued

DISCUSSION

Issues Arising from Consultation

The 24 land owner and five government and servicing authority submissions made during the public consultation period on Amendment No.110 and the draft DCP report are summarised and responded to in the Schedules of Submissions, contained in Appendices 13.5.1B and 13.5.1C respectively.

A wide range of issues were raised in the submissions, which reflects the complexity of the proposed DCA and its significant potential financial implications for land owners in Precinct 3. The issues and concerns raised are discussed and analysed below. The bracketed information under each heading provides a cross-reference to the submission/s in which the particular issue or concern was raised.

Cost imposition on development

(issue common to most submissions)

Most submissions expressed a common general concern, being that contributions required under the proposed DCA represent a significant cost burden on development. Some submissions suggested the potential cost burden is significant enough to render development of properties economically unviable.

The core objective of the proposed DCA is to fund the cost of providing key infrastructure that is required to support the growth of a new community in a manner that is fair and equitable for both the land owners that undertake development and the broader community.

The impact of development contributions on the price of land and concerns with housing affordability were recognised in preparing the draft DCP report. Equally, it was recognised that developers need to meet a reasonable share of infrastructure costs through contributions to ensure that the cost burden of infrastructure provision is not unreasonably shifted onto the broader community.

The proposed contribution rates for Precinct 3 are primarily due to the high ratio of costs involved in constructing infrastructure and acquiring land for public purposes compared to the extent of developable land over which contributions could be levied to meet these costs.

Potential measures to reduce contribution rates are explored further in the discussion on each of the concerns raised in submissions about specific CIW cost estimates and related estimation approaches.

State Planning Policy 3.6 - Need and Nexus

(issue raised in Submissions 11, 17)

Two submissions state a belief that there is no nexus between the need for certain infrastructure proposed and the development itself, which makes the requirement for contributions to these infrastructure items inconsistent with the WAPC's State Planning Policy 3.6 - Development Contributions for Infrastructure (SPP 3.6).

It should be noted that draft Amendment No. 110 and the draft DCP report have sought to embed the key guiding principles set out in SPP 3.6.

Item 13.5.1 Continued

The submissions raise need and nexus concerns with several specific infrastructure items, which are addressed in the discussion under the headings that follow.

Passmore Street playing fields

(various issues raised in the submissions as detailed below)

Many submissions were concerned about the draft DCP report's requirement for contributions relating to approximately 13 hectares of land for future sporting fields on Passmore Street.

A cost allowance of \$11,570,000 has been made to acquire and develop the land for playing fields, comprised of:

- Land acquisition – based on a land value of \$350,000/ha (Tier 2) for 13ha = \$4,550,000
- Site works, turf and landscaping @ \$50/m², for 130,000m² = \$6,500,000
- POS maintenance rate of \$2/m² for each of the first two years after development, consistent with WAPC policy requirements = \$520,000.

It is proposed that this cost be met by contributions from the owners of all developable land in Precinct 3, with the exception of land to be developed for commercial purposes. The contribution towards the playing fields costs is calculated by the division of the cost of land and works by the net POS contribution area, which equates to \$104,710 per ha.

The contribution to the playing fields cost is to be applied separately to the CIW contribution and POS equalisation arrangements for separate sub-precincts.

Submissions on this aspect of the DCA expressed the following viewpoints:

- Contributions towards the cost of the playing fields represent an unfair burden on land owners in Precinct 3 (Submissions 3, 7, 8, 9, 14, 15, 17, 18, 19, 20)
- The cost of the playing fields should be apportioned to a broader contributing area (that is, beyond Precinct 3) or met from alternative sources (Submissions 7, 9, 14, 15, 17, 19, 20)
- Contributions for the playing fields should not be required from the owners of future light industrial land in Precinct 3F (proposed Business Park) (Submissions 8, 18)
- Questions why an allowance is made for the acquisition of 13 hectares of land for the playing fields, when the Precinct 3 LSP indicates the parkland is nine hectares in area (Submissions 15, 19)
- Compensation should not be paid for four hectares of the playing fields that is classified as resource enhancement wetland (REW), when no compensation is proposed from development contributions for acquisition of other wetlands elsewhere in Precinct 3 (Submissions 15, 19).

The Department of Planning (DoP) has also provided an opinion on this aspect of the DCA. It considers that a requirement for developers in Precinct 3 to meet the full cost of acquisition and development of the playing fields is inequitable and suggests that they be required to fund only a proportion of the cost of the playing fields. The DoP has not provided any specific advice on what proportion of costs should be allocated to Precinct 3, nor identified a source of funds to meet the balance.

Item 13.5.1 Continued

The City's analysis of the concerns raised is guided by the need to provide a required level of infrastructure and to apportion costs as fairly as possible in accordance with relevant planning policy.

The need for the playing fields has been established by the City for some time in recognition of the significant residential growth anticipated to occur in Precinct 3 and the broader area, the high level of existing community demand on existing nearby active recreation facilities (as evidenced by the high current level of usage of the nearby Sutherlands Park) and the limited provision made to develop additional POS in the locality with sufficient area to cater for future active recreational needs.

The playing fields site was originally selected through the LSP process by virtue of the potential to co-locate adjacent to the high school site, its central location to the growth anticipated to occur in the area and in recognition of the fact that the adjacent dog kennels zone has a 500m buffer surrounding it which limit the range of uses for which the land may be developed.

The area of the identified playing fields site, as measured using the LSP, is estimated to total 13.14 ha. As noted in Submissions 15 and 19, the LSP contains a label indicating that the playing fields site is 9ha in area, however this label is understood to relate to the portion of the site that is unaffected by a REW classification.

Although recent environmental investigations of the high school and playing fields sites raise some questions over the extent of land that could be developed and that which may need to be protected from development for conservation purposes, there is a high degree of certainty that a 13ha playing fields site is required and arrangements are needed to acquire and develop land for this important community purpose.

No submissions have questioned the legitimacy of the need for new parkland. Rather, the concerns expressed relate to the equity of apportioning the total cost of acquiring and developing the playing fields site on developers of land in Precinct 3, with suggestions made to apportion the cost over a broader area than proposed.

The general principle supporting the requirement for the owners of land to be developed for residential purposes to make a contribution towards the provision and development of POS is long established in State planning legislation and policy. The standard requirement is for 10% of a development site to be set aside as POS and developed to a basic standard for POS. Alternatively, a cash contribution in lieu of the provision of land, at a value equivalent to 10%, may be required in instances where 10% of a site would result in the creation of POS of a dimension that would be impractical. State policy also provides that a small portion of land provided for drainage may be credited as part of the required 10% POS provision.

In Precinct 3 the total amount of land needed for POS (comprised of the playing fields, linear drainage/parkland corridors and new local parks, but not including land set aside for conservation purposes) is likely to total approximately 30ha, representing about 25% of the land anticipated for development for residential purposes. This is well in excess of the usual 10% requirement and is due in part to the large amount of land that is required for future drainage infrastructure resulting from prevailing soil conditions and topography and the distribution of district open space relative to planning precinct boundaries.

Item 13.5.1 Continued

The significant land requirement for drainage is also reflective of numerous changes in planning and urban water management that have occurred at both state and local levels in recent years. Through the evolution of structure plans and subdivision applications that have been prepared in accordance with changes in planning and water management, it has become evident that there will be an increased supply of POS, above the standard 10% required by the WAPC.

Planning for Precinct 3 was originally progressed in parallel with a district-level water management strategy, which considered all matters of water quantity and quality. A key outcome was that in most, but not all locations, a significant amount of additional land is required for drainage purposes. To add another layer of complexity, the evolution of Liveable Neighbourhoods as an operational policy to provide general guidance for subdivisions affords substantial credits to dual-function open space/drainage areas.

Whilst arguable that it may be more equitable to share the cost of the district level playing fields across a broader area, identifying the precise catchment of the fields is particularly difficult. Furthermore, it should be noted that it is quite likely that at least some of the residents within Precinct 3 will use other district level facilities within the local area, including Sutherlands Park, to which they made no contribution. The reverse situation is also likely to occur.

Future residents will be adaptable in their use of active POS depending on activities and functionality offered and the level of convenience. Some users will not be local, while others will. The plan contained in Appendix 13.5.1D helps to illustrate the complexities associated with determining applicable POS calculations. It shows the five Southern River planning precincts, the distribution of sites for active open space and the impact that the State Government's Bush Forever conservation initiative has on the planning of Southern River, particularly in terms of the amount of land that may be developed (and therefore potentially contribute to POS).

Submission 15 suggests that only 38% of the cost of the playing fields should be met by the developers of residential land in Precinct 3, with the balance 62% of the cost to be met by the developers of the adjoining Precinct 4. These proportions are suggested on the basis of estimated number of lots likely to be yielded from development of the respective areas.

While the principle of setting a proportional contribution requirement for Precinct 3 has merit in terms of lessening the POS contribution burden for the area, the flaw with the suggested 38%/62% contribution approach is its failure to recognise that Precinct 4 will have its own requirements for a district-level recreation facility. There is a need for a separate 20ha recreation precinct to be developed in Precinct 4, or in the adjacent Seaforth planning cell immediately to the north-east. The indicative concept plan prepared by the owner of land in Precinct 4 and the Seaforth planning cell in support of other amendment proposals (Amendments No. 130 and 131) being progressed for this land show a substantial recreational precinct adjacent to the Southern River.

If the logic of the suggested 38%/62% contribution approach were fully applied, land owners in Precinct 3 should be required to make a 38% contribution to not just the Passmore Street playing fields but to the cost of the future district recreation facility in Precinct 4 as well.

This would be a fundamental change to a key element of the DCA that would have implications for all land owners in Precincts 3 and 4.

Item 13.5.1 Continued

The immediate consideration for Council is to decide if it wants to maintain the proposed requirement for the full cost of the playing fields to be met through contributions from developers in Precinct 3, or is willing to apply only a proportion of the cost as a contribution requirement on Precinct 3 and if so, what that proportional requirement should be.

In the event that a proportional contribution approach is supported, it should be noted that funding of the balance of the playing fields costs, whether that be through apportioning a proportion to the owners of Precinct 4, from the broader municipal rate base or other sources is a secondary consideration at this point in time and a decision in this regard is not required now. The matter should though be further investigated and considered.

A number of questions arise considering the issue:

- What is a reasonable level of contribution to the playing fields from Precinct 3 DCA?
- How should a reasonable level of contribution be determined?
- Should other funding sources be used for the provision and/or upgrade of infrastructure?

It is difficult to define the basis for calculating what the proportional contribution requirement for Precinct 3 should be, as there are various factors to consider. Any reduction to Precinct 3's contribution obligation to the playing fields would effectively reduce its overall POS contribution liability from the current effective figure of around 25% and would likely be welcomed by land owners, given the total estimated cost of the playing fields of \$11,570,000 represents a significant burden.

After considering these questions, it will be recommended that the draft DCP report be amended to modify the contribution requirement for the Passmore Street playing fields to apportion 50% (instead of 100%) of costs to all land developable for residential purposes in Precinct 3. This will have the effect of reducing the cost obligation on Precinct 3 by \$5,785,000, equating to a reduction in the contribution rate of \$52,355/ha. A means to fund the balance 50% of the cost will need to be further considered at a subsequent time.

The following comments are made in response to other concerns expressed in respect to the playing fields:

- The submissions that query why provision is made to compensate land owners for the requirement to cede the 4.1ha REW portion of the playing fields site, when the owners of other land in Precinct 3 containing wetlands (be they, REW or the higher-order conservation category wetlands) are not proposed to be compensated under the draft DCP report, make a valid point. The broader issue of no payment of compensation for wetlands to be set aside for conservation is discussed later in this report, where it will be recommended that no change be made to this aspect of the proposed DCP report. Accordingly, the principle should apply such that no payment of compensation should be made for setting aside any portion of the playing fields site for wetland conservation.
- Unfortunately, modifying the draft DCP report to reflect this principle is not as simple as just deducting the area of REW wetland (4.2ha) from the total area to be acquired. The fact remains that approximately 13 ha of land is needed to accommodate construction of playing fields for active recreational use.

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It may eventuate that fine tuning of the spatial land requirements is required in light of further work completed on the environmental characteristics of the identified playing fields and high school site. Maintaining a cost allowance for acquisition and development of 13 ha of land for the playing fields is prudent.

- Contributions are not proposed to be levied over land that is developable for non-residential purposes (or is not developable for urban purposes at all). This includes land in the sub-precinct 3F future Business Park and other commercial land elsewhere in Precinct 3. This is consistent with a long-standing State Government approach to exempt such land from POS contribution requirements.

Forrestdale Main Drain

(various issues raised in the submissions as detailed below)

The Forrestdale Main Drain is managed by the Water Corporation and extends from Forrestdale Lake to the Southern River. It was initially constructed when much of the catchment was undeveloped. Urbanisation of the catchment necessitates expansion of the drain's capability to ensure stormwater is contained within the confines of the drainage corridor so as to avoid flooding impacts on new development.

The Forrestdale Main Drain Arterial Drainage Strategy (FMDADS) identifies the need for widening along its length, including the area between Phoebe Street and Holmes Street within Precinct 3, to cater for urban development in the drain's catchment.

Many submissions were critical of the draft DCP report's requirement for contributions to be made towards the cost of acquiring approximately 4.48 hectares of land for widening the drain and developing it as a parkland corridor. The draft DCP report sets out an estimated cost of \$3,902,200 for the land and works, representing a required contribution rate of \$24,712/ha of developable land.

Submissions on this aspect of the DCA expressed the following viewpoints:

- Contributions to the cost of land acquisition and works on the main drain represent an unfair burden on land owners in Precinct 3 (Submissions 3, 8, 11, 15, 18, 20)
- Acquiring land for the main drain should be a Water Corporation responsibility (Submissions 3, 11, 15, 20)
- No adequate demonstration has been provided of the nexus between the required infrastructure (that is, the drain widening) and the requirement for contributions to be made by developers to its provision (Submissions 20)
- The cost of acquisition and works should be apportioned to a broader area (Submissions 8, 11, 18, 20)
- The timeframe for land owner compensation is unclear and the amount will be inadequate (Submission 5).

The following matters should be taken into account in considering this element of the proposed DCA and the submissions of concern.

Various attempts were made by the City through input provided on the preparation of the FMDADS between 2006 and 2008 to obtain the Water Corporation's agreement to fund the cost of land acquisition associated with widening of the drain. This was pursued as it was recognised that the drain is a Water Corporation managed asset and its widening would be for the benefit of a catchment that is substantially larger than the

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properties affected by the widening requirement and indeed the broader Precinct 3. The Water Corporation responded by agreeing to manage the physical upgrades to the drain, but it would not fund land acquisition as this normally occurs through the planning process.

Accordingly, considering the LSP in 2008, the WAPC adopted a resolution that provided for any future DCA for Precinct 3 to include a contribution to the cost of acquiring land for the widening of the Forrestdale Main Drain as identified in the FMDADS, if not acquired through the Water Corporation's headworks contributions.

Further liaison between the City, the Water Corporation, DoP, Department of Water and others has occurred on this issue through the Forrestdale Main Drain Land Acquisition Group. The Water Corporation is steadfast on its views on funding responsibilities.

The planning process can readily ensure that land required for drainage is appropriately set aside, particularly when the development parcel is large, the impact of the drainage requirement on development yield is minor and there are few land owners involved who are all willing to undertake development.

The situation in Precinct 3 is quite different. Eight properties are affected by the widening requirement, with seven of these in private ownership. The properties have limited development potential due to them being relatively small in area (generally between two to four ha) and having substantial proportions affected by the drain widening requirement and other development constraints such as those posed by Bush Forever, classified wetlands or the dog kennel buffer.

Little prospect exists for the land acquisition for the required drainage land to occur in a timely and co-ordinated manner as a result of individual land owner-led planning proposals for development on each of the affected lots. Without a compensatory approach installed by either the Water Corporation or through a DCA, affected land owners would potentially get no compensation for the requirement to cede land for the drain widening at the time of development. Alternatively, the burden could pass to the broader community to meet the cost of compensation resulting from forced acquisition. Neither option is considered to be acceptable.

The widened drain area would likely be inundated only infrequently and for a short duration following major rainfall events, meaning that most of the time much of the widened drainage corridor, if constructed appropriately within a developed parkland context, would be available for public recreational use. Amendment No. 110 and the draft DCP report were drafted with a presumption that the cost of land acquisition for the drain widening would be a shared cost under the proposed DCA.

Concerns about the amount and timing of compensation have been raised. Ultimately the determination of compensation is governed by relevant legislation and practice and would have to recognise the constrained nature of the required land by environmental characteristics. The timing of compensation is uncertain and the difficulty this may create for individuals concerned is recognised. However unless a decision is made to pre-fund the cost of acquisition by Council, timeframes for acquisition occurring will largely be determined by the timing and availability of funds generated through contributions made by developers.

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On balance, considering the background, policy context and complexities of the issue, it is considered that the approach to compensating affected land owners for the required land to widen the Forrestdale Main Drain from developer contributions from Precinct 3, as is contained in Amendment No. 110 and the draft DCP report, is the most equitable and workable approach in the circumstances.

Balannup Lake Branch Drain

(various issues raised in the submissions as detailed below)

Several submissions were critical of the inclusion of the cost of acquiring approximately 1.80 ha of land for widening the Balannup Lake Branch Drain and developing it as a combined drainage and parkland corridor as a shared CIW item to be funded through contributions from all developable land in Precinct 3.

The existing agricultural-style drain runs from Balannup Lake in Precinct 2, through the Bletchley Park estate, before crossing under Southern River Road into Precinct 3 and discharging into the Forrestdale Main Drain. The draft DCP report sets out an estimated cost of \$3,496,700 to acquire the land required to widen the drain and undertake drainage upgrade works for the section within Precinct 3, representing a contribution rate of \$22,144/ha of developable land in the area.

Submissions on this aspect of the DCA expressed the following viewpoints:

- Costs should be apportioned to a broader area beyond Precinct 3 or met from municipal or other funds (Submissions 10, 15, 20)
- Contributions to the cost of land acquisition and works on the drain represent an unfair burden on land owners in Precinct 3 (Submissions 11, 15, 20)
- The proposed upgrade of the drain provides no benefit to the Precinct 3F Business Park and costs should be levied to only the sub-precinct that the drain lies within, rather than as a broader common cost (Submissions 8, 18)
- The need to widen the drain is questioned (Submission 19)
- Thereproposed approach to compensation of affected land owners is supported (Submission 19)
- Attachment E - Part 1c - needs consistent reference to Table 4 of the draft DCP report - re: Balannup Lake branch drain (Submission 15)
- Attachment E - Part 2 - needs to reference land for widening of the Balannup Lake branch drain (Submission 15).

The following matters should be taken into account in considering this element of the proposed DCA and the submissions of concern:

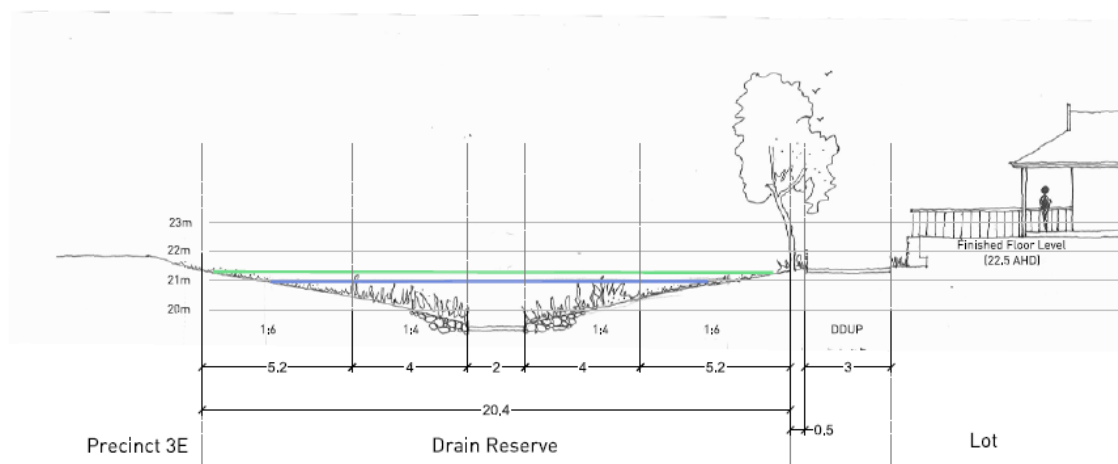
- There is a need to maintain the stormwater drainage and groundwater management functions of the drain. While this potentially could take several forms, such as a piped drain or opened into a 'living stream', it would generally be inappropriate to maintain the drain in its present state, particularly in the context of new abutting urban development, amenity and public safety considerations and environmental requirements for water management.
- The Precinct 3 LSP indicated a 50m wide, multiple-purpose, parkland corridor along the alignment of the drain. The LSP's definition of a 50m wide reserve is considered to be somewhat indicative, but has been the basis upon which the cost estimates for land acquisition for widening and upgrade works were prepared.

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It is possible to consider creation of a narrow parkland reserve, so long as it could function effectively in relation to its drainage and recreational role and safety and amenity considerations.

- Land to the south of the drain is the subject of the draft Precinct 3E ODP, which has been adopted by Council, but not the WAPC. The ODP indicates residential development abutting the drain. A revised ODP proposal is currently under assessment, though none of the revisions relate to the proposed interface between development and the drain. The pattern of planned abutting development to the south is therefore relatively more fixed than to the north.
- Land to the north of the drain is the subject of a draft ODP proposal for the southern portion of Precinct 3A. The draft ODP, which is contained in Appendix 13.5.1E, is currently being advertised for public comment and indicates a significantly narrower parkland corridor than shown on the LSP. In total 8,807m² is shown for POS (compared to 1.8ha on the LSP). An indicative cross-section of the upgraded drain is shown below. The draft ODP still has to be considered and determined, but it provides enough indication to warrant a review of the funding approach outlined in the draft DCP report. Scope exists for the draft DCP report to be tailored to reflect the final outcome of the ODP and the land requirements established for the parkland.
- Submissions reflect contrasting views on how the costs should be apportioned.
- In the development undertaken in Precinct 2, the upstream section of the drain has been upgraded through conversion to either sub-soil pipes or open swales. The drain sits within either POS or road reserves. The cost of upgrading is a shared CIW item that is apportioned to all owners in Precinct 2 in its entirety.
- It is impossible to categorically define what part of Precinct 3 will benefit, in terms of both drainage function and recreational utility, from the drain being upgraded. It is therefore difficult to define what part of Precinct 3 should fund the upgrade cost.

Indicative ODP proposal - cross-section of proposed drain upgrade



(nb - the blue line indicates the 1:10 year flood level and the green line indicates the 1:100 year flood level)

Taking account of the above matters, it will be recommended that the draft DCP report be modified to reflect the following changes in respect to contribution requirements for the widening and upgrade of the Balannup Lake Branch Drain:

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- The land required for the widening of the drain between Southern River Road and Matison Street is to be removed from the list of CIW items to be funded by all owners of developable land in Precinct 3. Instead the required land, as defined by the outcome of determination of the draft ODP for Precinct 3A South, is to be redefined as local POS and the costs met through the sub-precinct POS equalisation arrangements for the broader Precinct 3A. This will necessitate recalculation of POS figures in Appendix 13.5.1B.
- The cost of the drain upgrade works will be reviewed in the context of the draft ODP proposed for sub-precinct 3A south and then apportioned to sub-precincts 3A and 3E only, on 50%/50% basis.

Land owners affected by the widening requirement will receive the same amount of compensation under this approach, as would eventuate under the compensation approach set out in the draft DCP report.

These recommended modifications would have the following impact on contribution rates:

Contribution Element	Contribution Rate - Draft DCP report	Contribution Rate - Recommended Modifications	Change
Precinct 3-wide CIW costs	\$22,144/ha	\$0	-\$22,144/ha
Precinct 3A CIW costs	\$11,058/ha	\$11,058/ha	\$0
Precinct 3A POS costs	\$151,579/ha	\$181,053/ha	+\$29,474/ha
Precinct 3A (South) CIW costs	\$0	\$20,189/ha	+\$20,189/ha
Precinct 3E CIW costs	\$5,412/ha	\$16,290/ha	+\$10,878/ha
Precinct 3E POS costs	POS to be equalised between owners	No Change	\$0

All figures based on the draft Precinct 3A South ODP and cost estimates contained in the draft DCP report. Actual definition of POS land area requirements and review of works costing parameters will alter these figures.

Balannup Lake Branch Drain – Road crossing

Several submissions refer to the draft DCP report's requirement for contributions to be made by the owners of land in sub-precincts 3A (south) and 3E towards the cost of a road to be constructed across the widened Balannup Lake Branch Drain.

Submissions on this aspect of the proposed DCA expressed the following viewpoints:

- The cost of the road crossing over the drain should be attributable only to Precincts 3A and 3E (Submission 11)
- The cost estimate for the road crossing over the drain should be detailed (Submission 20)
- Draft DCP report - Appendix B - "\$52,500/ha" should be "\$52,500" (Submission 19).

The following matters should be taken into account in considering this element of the proposed DCA and the submissions expressing concern:

- On 9 August 2011 Council resolved (Resolution 355) to conditionally adopt a proposed ODP for Southern River Precinct 3E.
- The ODP shows an indicative road connection between Lots 20 and 22 in Precinct 3E and Lot 1001 Holmes Street to the north in Precinct 3A, across the Balannup Lake Branch Drain, which sits within a City-controlled reserve.

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- The need for a road across the drain to provide for vehicular and pedestrian movements was recognised by Council in its consideration of the Precinct 3E ODP, where it required a notation to be added to the ODP referring to the need for appropriate arrangements for the bridge's 'suitable, timely and equitable provision'.
- The draft DCP report sets out an estimated cost of \$150,000 for the 50m long drain crossing, including provision for the road pavement, kerbing, lighting, drainage and design, and stipulates that the cost is to be met by contributions to be paid by the owners of land in the southern portion of sub-precinct 3A (that is, land between Holmes Street and the drain) and all of sub-precinct 3E. A 35/65% apportionment split is proposed, based on the relative land areas between the respective sub-precincts, representing a contribution of \$5,412/ha of developable land.

It will be recommended that the proposal contained in the draft DCP report for the cost of the road crossing be apportioned as a shared CIW, with contribution requirements imposed on a proportional basis over all developers in the southern portion of Precinct 3A (south of Holmes Street) and Precinct 3E, based on the respective relative areas.

Holmes Street/Southern River Road upgrades

(various issues raised in the submissions as detailed below)

Many submissions were concerned about the proposed requirement for contributions to be made towards part of the cost of upgrading sections of Southern River Road and Holmes Street.

The upgrades will involve the construction of an additional carriageway (that is, two lanes) and improvement of these roads from their present rural standard to be consistent with an urban standard.

The required contributions equate to 50% of the cost of constructing one carriageway for the identified sections in Precinct 3, plus half the cost of earthworks of a second carriageway.

The balance 50% contribution for the new carriageway is provided for in the DCA for the adjoining Southern River Precinct 2, within which the Bletchley Park estate is the major development.

\$4,826,700 has been allowed for the acquisition of approximately 2.8ha of land for road widening; \$6,172,500 has been allowed for 4.9km of road works and \$800,000 for traffic management devices, representing a contribution rate of \$74,722 per hectare of developable land.

Submissions on this aspect of the DCA expressed the following viewpoints:

- Contributions to the cost of land acquisition and roadworks represent an unfair burden on land owners (Submissions 3, 4, 8, 10, 15, 17, 18, 20)
- No data, analysis or evidence supports the need for traffic signals on Holmes Street (Submissions 3, 15, 20, Main Roads)
- Costs should be apportioned to a broader area (Submissions 3, 4, 7, 17, 20)

Item 13.5.1 Continued

- The upgrade of Holmes Street and signalised intersections provide no direct benefit to the Precinct 3F Business Park (Submissions 8, 18) and the cost should not be levied over the sub-precinct
- The proposed Holmes Street realignment (Submissions 9, 14) is objected to
- The DCA should reflect modified land requirements that will result from the proposed realignment of the road reservation for the upgrade of Holmes Street (Main Roads)
- Upgrade costs are not fairly apportioned (Submissions 11, 17, 20)
- The proposal for 50% vs 100% allocation of earthworks costs needs to be clarified (Submission 11)
- Cost allowances have substantially escalated in the time period between Amendment No. 88 (which rezoned land in Precinct 3A and included a contributions framework) and Amendment No. 110 for the cost of upgrading Holmes Street and Southern River Road (Submission 13)
- The apportionment of costs to upgrade Southern River Road (between Furley and Ranford Roads) to developers in Precinct 3, when this section lies outside the proposed Special Control Area, is legally questionable and objected to (Submission 15)
- It is unclear whether the cost of land acquisition for intersections on Southern River Road is to be shared between Precincts 2 and 3 (Submission 15)
- The lack of reference to the shared cost of a roundabout at Southern River Road/Furley Road is queried and removal of a roundabout requirement or inclusion of a 50% cost allowance is advocated (Submission 16)
- The future roundabout on Southern River Road (near the future commercial centre approximately 200-300m south of Holmes Street) should be a shared cost (Submission 16).

The inclusion of an allowance for regional road upgrade costs and their apportionment as development contribution requirements in the draft DCP report is consistent with established practice elsewhere in the City and the WAPC's SPP4.6, whereby broad acre land development is often accompanied by an obligation to contribute to road upgrades on key feeder roads. No change to the approach set out in the draft DCP report will be recommended.

The following table provides a response to each of the issues of concern:

Issue	Response
Unfair burden on Precinct 3 owners	Development in Precinct 3 will add to the volume of traffic on Southern River Road and Holmes Street and therefore contribute to the need for their future upgrade. Precinct 3 benefits from the eventual upgrading of the road and as such, it is considered appropriate that developers in the area make a contribution to the applicable costs. The formula for cost apportionment is consistent with SPP 3.6 and other similar DCAs.
No justification for signals	Allowance is made in the draft DCP report for the cost of constructing three sets of traffic signals on Holmes Street at its intersections with Southern River Road (50%), Matison Street (100%) and Passmore Street (50%). Traffic signals at Southern River Road are indicated on the Precinct 3 LSP. As it will ultimately be the junction of two dual-carriageway roads, with significant volumes of traffic moving through the intersection and largely flanked by future commercial development with likely demand for pedestrian movement, signals will be a necessity. A contribution to 50% of the cost

Item 13.5.1 Continued

Issue	Response
	<p>(with the balance to come from contributions from the Precinct 2 DCA) is considered to be warranted.</p>
	<p>While the LSP did not indicate traffic signals being required at Matison Street and Passmore Street, analysis completed since adoption of the LSP in 2008 found that management of vehicle movements at these future four-way intersections will be required. Signals are considered by the City to represent the best approach, though it is acknowledged that detailed design and approval by Main Roads WA is required.</p> <p>Should traffic signals not be approved, some other form of intersection treatment, such as roundabouts, will be required, which can cost a similar amount to signals.</p> <p>100% of the cost of the intersection with Matison Street is proposed as a CIW item as this intersection is wholly contained within Precinct 3. 50% of the cost of the intersection with Passmore Street is proposed as a CIW item as it is on the south-east edge of Precinct 3 (with the balance likely to be funded through a contribution requirement on the adjoining Precinct 4).</p> <p>The \$800,000 allowance for the three sets of signals is considered to be justified.</p>
<p>Costs should be met by a broader area</p>	<p>A significant part of the cost of upgrading Southern River Road and Holmes Street will in effect be funded by a broader area. The cost allowances/contribution requirements applicable to Precinct 3 relate only the required land on Holmes Street and effectively 25% of the cost of the sections of road to be upgraded.</p> <p>The balance of costs will be funded from sources outside of Precinct 3 DCA, which includes land for 12 metres of widening on the north-western side of Southern River Road and half of one-carriageway being met by the Precinct 2 DCA. The broader community, through municipal rates and any government grants, will fund the other carriageway.</p>
<p>Holmes Street costs should not be applied to the Precinct 3F Business Park</p>	<p>The future Precinct 3F Business Park is located at its nearest point approximately 600m from Holmes Street. It is located 1.7km away at its furthest point.</p> <p>Traffic generated by the Business Park is likely to radiate from the site, primarily along Southern River Road and to a lesser extent on Matison Street, both of which connect to Holmes Street. A proportion of the total traffic on Holmes Street, which will ultimately provide a connection between Roe and Tonkin Highways, will originate from or have the destination of the Business Park. Detailed traffic modelling has not been completed to determine this exact proportion, but it is envisaged to be significant enough to warrant the owners of land in the Business Park contributing to the upgrade costs of Holmes Street.</p> <p>Development in Precinct 2 is required to contribute to 50% of the cost of one carriageway of the abutting section of Holmes Street, in a similar manner as is proposed for Precinct 3. By way of comparison, Precinct 2 has a greater depth than Precinct 3, or in other words a greater distance between the properties required to contribute to Holmes Street than is proposed in Precinct 3.</p> <p>Other DCAs in the City, most notably the Canning Vale ODP DCA, incorporated a requirement for contributions to the flanking regional roads (Nicholson Road, Garden Street and Warton Road). The distance between properties required to contribute to these roads and the road themselves are significantly greater than the distance between the Business Park and Holmes Street.</p>

Item 13.5.1 Continued

Issue	Response
Objection to Holmes Street realignment	The draft DCP is merely the funding mechanism for acquiring land to facilitate the Holmes Street upgrade. The actual alignment is set through reservation under the MRS. Concerns about the alignment should have been expressed in response to the MRS amendment proposal advertised in 2012 to alter the previously planned Holmes Street alignment.
Revised land requirements for Holmes Street	It is acknowledged that further modifications proposed to the planned realignment of Holmes Street will necessitate recalculation of the affected land areas and in turn the cost estimates to fund the acquisition of the required land. It will be recommended that the draft DCP report be modified to reflect the latest land requirements.
Road upgrade costs are not fairly apportioned	See above points.
Earthworks costs are unclear	The proposed contribution requirement for the earthworks component of the road upgrade cost estimates is in accordance with the provisions of SPP 3.6.
Escalation of costs since Amendment No. 88	Refer to the response to submission point 13.1 in the Schedule of Submissions contained in Appendix 13.5.1B.
Objection to the cost of widening Southern River Road between Ranford and Furley Roads being a CIW item.	<p>The objection to the proposed sharing of costs for upgrading this section of Southern River Road is made on the basis that it lies outside the Special Control Area (SCA) proposed by the amendment.</p> <p>This section of Southern River Road is mostly flanked by land reserved for Parks and Recreation (P & R) under the MRS. The SCA boundary was drawn to exclude the P & R reserve within Precinct 3, between Ranford and Furley Roads, as this land could not be developed for a purpose that would have a contribution obligation while under such a reservation.</p> <p>The purpose of the SCA is to define an area that is subject to special development controls, in this case the requirement to make a development contribution to certain infrastructure. The infrastructure itself need not be within the SCA, though there must be a need and nexus between the contributing land and the item of infrastructure to be cost-shared.</p> <p>It would be impractical for only the section of Southern River Road that abuts Precinct 3 to be upgraded and then not upgrade the remaining connecting 725m section to Ranford Road. Being flanked by P & R land does not remove the need for the upgrading of this section of road.</p> <p>The Precinct 2 DCA requires contributions to be made to the upgrade of Southern River Road, between Holmes Street and Ranford Road (including this section of road).</p> <p>It is considered reasonable that developers in Precinct 3 also make a similar proportional contribution to upgrade costs.</p>
Sharing of Southern River Road costs with Precinct 2.	<p>A submission queried whether the cost of land acquisition for intersections on Southern River Road is to be shared between Precincts 2 and 3.</p> <p>The land in question lies within Precinct 3 and the cost of acquisition is proposed to be met by Precinct 3 owners. Land required at these intersections that sits within the Precinct 2 area will be acquired using funds from the Precinct 2 DCA.</p>
Southern River Road roundabouts	The Precinct 2 DCA has a requirement for contributions to be made by Precinct 2 developers to the cost of constructing a roundabout at the intersection of Southern River Road and Furley Road. The Precinct 3 DCA makes no provision for contributions to be made by Precinct 3 developers towards this roundabout.

Item 13.5.1 Continued

Issue	Response
	<p>The submitter notes that the draft Precinct 3F ODP does not indicate a roundabout at this intersection, as Furley Road is to remain unconstructed and questions the need for the roundabout given the intersection will not provide four-way movement. The submitter advocates that this matter be clarified for both the Precinct 2 and 3 DCAs and suggests that the cost allowance made in the Precinct 2 DCA for the roundabout be transferred to another roundabout on Southern River Road to be constructed approximately 200m from the intersection with Holmes Street.</p> <p>The following points are made in response:</p> <ul style="list-style-type: none"> • The draft Precinct 3F ODP proposal to not construct Furley Road (and therefore not form a four-way intersection with Southern River Road/Aldenhams Road) does not remove the need for a roundabout at this intersection. A roundabout in this location serves to assist access to development in Precinct 2 and acts to slow and provide breaks in traffic. The contribution requirement in the Precinct 2 DCA should therefore remain. • The suggestion that the cost of the other roundabout near the Holmes Street/Southern River Road intersection should be added as a shared cost item is not supported. The need for a roundabout at this location arises as a result of the propositions for commercial development flanking both sides of Southern River Road in this location. It would be unlikely that a roundabout would be required if the land was developed for other uses, such as residential. The cost of a roundabout should be met by the owners of land directly abutting this future intersection, rather than a broader collective of land owners in Precincts 2 and 3, as it is the type and form of development on the abutting land that will generate the need for the roundabout.

Local road upgrade works

(issues raised in Submissions 7, 11)

One submission advocates that the cost of constructing Woongan Road should be shared, and another similarly advocates that the cost of upgrading/constructing Passmore Street, Phoebe Street and Furley Roads should be shared as they are needed to provide access to the future high school and playing fields.

Whilst it is open to Council to include the above infrastructure in the draft DCP report, the City typically does not seek to share the cost of upgrading local roads, as that is a matter for individual subdividers.

It will be recommended that Council does not modify the draft DCP report as suggested.

Passmore Street path

(issue raised in Submissions 3, 15)

Two submissions advocate that the cost of constructing a new shared use path along Passmore Street, between Ranford Road and the Southern River, should be shared with the owner of land in the adjacent Precinct 4 rather than being met solely by owners in Precinct 3.

It is possible that when the area is fully developed traffic volumes will be high enough to warrant shared use footpaths being constructed on both sides of the road. An equitable approach would be for the owners of land on each side of Passmore Street to fund the costs of a path on their side.

Item 13.5.1 Continued

It will be recommended that the path requirement be retained in the draft DCP report.

Shared use path cost estimation approach

(issue raised in Submission 20)

One submission raised concern with the proposed funding from contributions of 9.95km of new shared use paths throughout Precinct 3.

The draft DCP report makes an allowance of \$1,094,500 to construct these paths, representing a contribution of \$6,391/ha of developable land.

The submission suggests that only the additional cost of providing a 2.0m-wide shared use path, compared to a standard 1.5m-wide footpath, should be shared among developers. This is suggested on the basis that responsibility for construction of new paths in subdivisional estates typically sits with the individual developer and most new roads under current policy requirements are to have a footpath on at least one side.

In isolation, the submission makes a valid suggestion. However it needs to be considered in the broader context of other DCAs in operation elsewhere in the City. No other DCA incorporates this novel approach to cost estimation for shared use paths. Adoption of this approach in Precinct 3 would make it at odds with how other DCAs operate.

No revision to the draft DCP report will be recommended on this matter.

Public open space

Two submissions suggest that there is a potential conflict between proposed Scheme provisions in relation to POS contributions and how contribution requirements for POS are detailed in the draft DCP report (Submissions 8 and 18).

It is intended that the Scheme provisions provide a broad head of power for the DCA to operate in a manner that equalises the provision of POS, whereas the draft DCP report sets out the detailed operational aspects of the POS equalisation approach.

The approach to POS contribution is based on the following considerations:

- The requirement for land to be set aside for POS will not be evenly distributed across Precinct 3 due to environmental constraints, road connectivity within the area, and the need to consolidate substantial useable distinct POS in key areas. Some owners will be required to provide a substantial proportion of their land for POS, whereas others will not.
- A key objective of the proposed DCA will be to equalise the cost of providing land for POS among owners within the DCA area. This will involve the collection of contributions to fund the compensation of owners who provide land for POS.
- The State Government has policies and practices that directly influence the required approach to POS contribution calculations, land valuation and compensation together with the parameters for the operation of the proposed DCA. These policies and practices vary depending on the purpose for which POS is required. Contribution arrangements for the equitable provision of POS are therefore complex.

Item 13.5.1 Continued

- POS contribution requirements will be applied at the time of subdivision or development in accordance with WAPC policy. These will be in addition to CIW contribution requirements and will include allowance for the cost of achieving a basic level of development of POS.
- POS contribution requirements can be met through the provision of land for POS, in accordance with the Precinct 3 LSP or ODPs prepared for each sub-precinct, or a cash contribution of an equivalent value or a combination of these methods.
- The proposed DCA is to operate in keeping with State Government policies and practices. Therefore the arrangement does not include funding for land that is required to be given up by the MRS for Parks and Recreation and/or Bush Forever Protection Area, or required by the State Government to be set aside for wetland conservation.
- Where wetlands are required to be set aside for conservation, there is typically a requirement for a buffer, usually as POS, to be provided to the abutting development.
- Notwithstanding that wetland proposed buffer areas may offer some recreational utility and perform drainage functions, the DCA makes no provision for contributions to be made towards the cost of acquiring buffers, nor any provision for owners of land required for buffers to be compensated.
- The potential for POS buffer areas to offer recreational use and form part of the contribution arrangement will be taken into account when considering ODPs for sub-precincts and detailed POS contribution arrangements in light of the localised POS needs of the area and the characteristics of the relevant buffer area.
- It has been recognised in the preparation of the draft DCP report that future residents in Precinct 3 will be likely to have access to substantial areas of POS, whether it be in the form of regionally significant land protected for conservation by the State Government, the 13ha Passmore Street playing fields, the 4.5ha parkland adjacent to the Forrestdale Main Drain and other local POS areas within each sub-precinct, some of which will contain wetlands, buffers and drainage areas.
- Because of the complexity of POS provision and various unknown parameters at the time of preparing the draft DCP report, no specific provision has been made in the proposed DCA to compensate for any additional small areas of POS that are to be set aside through an ODP and subsequent subdivision processes.
- There may however be a need for the City to establish and administer contribution arrangements for localised POS within a particular sub-precinct where an inequitable development outcome might occur without the City's involvement.
- Where it is determined that POS contribution requirements are to be specifically applied within a sub-precinct to address an inequitable distribution of local POS, modifications will be made to the draft DCP report in future.

Compensation for conservation land
(Submission 12)

One submission advocates the collection of contributions from developers to compensate land owners who are required to cede land for conservation purposes.

Item 13.5.1 Continued

In considering the Precinct 3 LSP in September 2009, the WAPC adopted the following resolution:

“Draft State Planning Policy (SPP) 3.6 - Development Contributions for Infrastructure outlines items that local governments can seek developer contributions for. In this regard, the acquisition of land which houses regional environmental assets (Bush Forever sites, Environmental Protection Policy (EPP) Lakes and ‘Conservation Category’ and ‘Resource Enhancement’ wetlands) are not considered items which can be levied in a Developer Contribution Plan.”

As such, the proposed DCA specifically excludes the costs associated with acquiring wetlands. Therefore landowners required to set land aside for wetland conservation will not be compensated under the DCA.

This does not preclude affected land owners pursuing other avenues to address financial concerns with wetland conservation requirements. These avenues may include actions such as submitting a wetland reclassification proposal or an ODP, subdivision or development application (with necessary support and justification) or negotiating land acquisition outcomes with the relevant State Government authorities.

While it is recognised that each of these options are likely to involve some cost and complexity for the affected land owners, the clear position of the WAPC is that it is not the responsibility of the broader collective of developing land owners in Precinct 3 to fund financial arrangements for conservation of environmental assets.

No change to this aspect of the draft DCP report will be recommended.

Calculation of net contributing area

Some submissions have raised issues on the theme of the Net Contributing Area (NCA) of the draft DCP report. These concerns include.

- Questions over legality of Amendment No. 110 given that the NCA is undetermined - generating a necessity for another amendment when defined (Submission 13)
- Better clarity needed on how the NCA has been calculated, including mapping indicating areas subject to contributions and deductions (Submissions 15, 20)
- Objections to the exclusion of Lot 18 Matison Street from the NCA - will increase the contributions for developers and does not reflect the land's development potential (Submission 17)
- Appropriateness of levying contributions on properties that are already substantially developed (Submission 12) - such as the established place of worship at Lot 16 Southern River Road
- The proposed exemption of land to be developed for commercial purposes (including retail and light industrial) from any requirement to contribute towards POS-related costs identified in the draft DCP report (Submission 7).

The POS and CIW costs are proposed to be apportioned over the area estimated to be developable. The contributing area for CIW varies from that for POS, given certain non-residential land uses are typically exempt from requirements to contribute to POS.

Item 13.5.1 Continued

The lack of definition (on a plan) of the extent of land in Precinct 3 that can be developed presents a particular challenge in establishing a DCA.

Large parts of Precinct 3 require detailed planning and environmental investigations and decision-making processes to determine the actual extent of land that may be developed for urban purposes.

It is however, intended that the DCA will be funded by the owners of developable land, and therefore it is proposed to identify the contributing land in that fashion for the time being, with the draft DCP report being amended over time as detailed planning occurs in various precincts.

It will be recommended that the draft DCP report be amended to reflect recalculation of the NCA based on the best available indications of likely land use structure in Precinct 3 and development potential, including improved mapping detailing how it has been determined.

Administration costs
(Submission 17)

One submission states that it considers the cost allowance of \$550,000 for City staff costs to administer the proposed DCA to be excessive and requests calculation details.

This allowance forms part of a \$1.1 million allowance to administer the DCA. The City staff component of the allowance has been set following a review of costs and resource requirements in other DCAs. It includes allowance for the staff costs involved in establishing the DCA, receipting contributions, reviewing expenditure claims, reviewing the DCP, procurement of works, accounting and financial reviews.

By way of comparison, the Shire of Serpentine-Jarrahdale has prepared a DCP report for a DCA for the Byford Structure Plan area. The Structure Plan area is approximately 753ha. \$4.86 million has been allowed for administration costs, including a Shire staff component of \$2.1 million. The amount of developable land in the Byford Structure Plan is approximately four times larger than that of Precinct 3. Similarly, the Shire's staff cost allowance is four times larger than the City's staff cost allowance for Precinct 3.

Considering the likely long timeframe for the operation of the DCA (at least 10 years) the allowance made for administration is considered reasonable.

Cost of ODP preparation - sub-precinct 3A

One submission (Submission 19) objects to the cost of preparing the ODP for Precinct 3A (\$300,000) being levied on the southern portion of this sub-precinct (that is, the land south of Holmes Street), as this area was not included in the adopted ODP. The land south of Holmes Street is the subject of the draft ODP contained in Appendix 13.5.1E.

The submission advocates specific allocation of the Precinct 3A ODP cost to the beneficiaries of the plan (that is the portion of Precinct 3A north of Holmes Street) or the inclusion of costs for the preparation of the draft ODP for land south of Holmes Street being included as a shared cost item for all of Precinct 3A. This cost was anticipated by the submitter to be in the order \$50,000 to \$100,000.

Item 13.5.1 Continued

The submission makes a valid point. It will be recommended that the draft DCP report be modified such that the cost of preparing the Precinct 3A ODP is apportioned to only the portion of Precinct 3A covered by this plan.

Land valuation

Several submissions raised concern with the proposed approach to the valuation of certain land to be acquired using contribution funds for various public purposes.

Submissions on this aspect of the DCA expressed the following viewpoints:

- Objection to the proposed Tier 1/Tier 2 land valuation approach (Submissions 9, 11, 14).
- Advocacy for sub-precinct 3D to be classified as Tier 1, rather than Tier 2 (Submissions 9, 14)
- Concerned that formal valuation advice has not been sought to inform adopted land values (Submission 11).

The following matters should be taken into account in considering this element of the proposed DCA and the submissions of concern:

- One of the main objectives of the proposed DCA is to facilitate the assembly of land needed for certain public purposes, that is land for POS and the widening of Holmes Street, in an equitable manner, recognising the significant social and economic issues that need to be addressed in doing so.
- An important component of the proposed DCA is what is referred to as the land valuation basis. The land valuation basis will be used to estimate the cost of acquiring required land and in turn determines the contributions needed to fund the cost. Adopting a common land value has advantages in terms of the cost, efficiency, fairness and transparency of operation of the DCA.
- The proposed land valuation basis has two tiers. Tier 1 will be the market value, assuming the required land is zoned and unconstrained for residential development. Tier 2 will be based on a lesser, rural-value recognising the land is not currently zoned for development and is constrained by environmental and other factors. The intent is to ensure contribution rates reflect the estimated cost of acquiring land and land owners are fairly compensated, without undue burden on the broader community.
- The interim adopted Tier 1 value, as set out in the draft DCP report, is \$1,200,000/ha (\$120/m²). For Tier 2, it is \$350,000/ha (\$35/m²).
- TPS 6 provides for the formal appointment by Council of a valuer to provide valuation advice as a key input into the DCA. The draft DCP report was based on the City's own assessment of property values prevailing in the locality around the time Amendment No. 110 was initiated in March 2011. The intent has been for a formal appointment process of a valuer to occur to inform the preparation of a final DCP report and undertake regular valuation reviews over the life of the DCA.

It is recommended that the 2-Tier approach be retained given that it reflects the differing characteristics and potential of land in Precinct 3.

It is acknowledged that the draft DCP report could benefit from some additional text that better explains the intended valuation methodology of the two-tiered approach. It will be recommended that the draft DCP report be amended accordingly.

Item 13.5.1 Continued

Preliminary contributions
(Submissions 7,11)

Two submissions were concerned that some land owners have already undertaken development in Precinct 3 and made preliminary contributions to the DCA on the basis of provisional cost estimates contained in the draft DCP report and that a funding shortfall may result if the actual costs of infrastructure provision exceed these estimates.

The City has entered into legal agreements with land owners who have undertaken development in Precinct 3 to secure their contribution obligations, even though the parameters for operation of the DCA are yet to be finalised. This has involved the payment of preliminary contributions based on the draft DCP report, with provisions contained in the agreements that set out a reconciliation process once final contribution requirements are known.

It would be preferable that contribution parameters are well-defined prior to subdivision and development being allowed to commence. However, this rarely occurs due to the State Government's power to determine subdivision applications, sometimes despite the City's recommendations.

The submitters' concerns are noted, however the City's approach has had the intent of mitigating financial risk insofar as is practicable and reasonable.

No intention to develop
(Submissions 2, 6, 7)

Two submissions indicated that the land owners have no intention of developing their land and would prefer that Precinct 3 remained rural. Another submission suggested that the area should only be subdivided into smaller rural-lifestyle lots.

The desire of some land owners for Precinct 3 to remain rural is appreciated. While the value of the City's rural heritage in areas like Southern River is recognised, Precinct 3 has long been identified for urban development given its location and context within a growing Perth region and change in this respect is considered to be inevitable.

Land owners are under no compulsion to develop their land, however the fact that some owners may not want to develop anytime soon could have significant implications for the DCA. Most significant is the likely lengthy timeframe needed and cost to be incurred by the City in administering the DCA over an extended period. A drawn-out period for contributions to be made could also impact on the ability of the City to deliver common infrastructure in a timely manner. This situation is common to most DCAs.

The options available to Council are to:

- Consider instituting mechanisms to force owners to make contributions in a timely manner. This would involve amending TPS 6, as powers to demand contributions ahead of subdivision and development occurring do not presently exist. Forcing the payment of contributions, perhaps upon the fifth-year anniversary of the commencement of a DCA, could potentially have significant financial implications for affected individuals.
- Consider pre-funding the provision of new common infrastructure, with the hope that this would encourage land owners who have no immediate development intention to develop their land (or sell to an owner who is keen to develop).

Item 13.5.1 Continued

This would likely involve borrowing funds until contributions are collected to recoup costs and therefore have financial implications for the City.

- Accept that staged development and roll-out of infrastructure, over a long period of DCA administration, is preferable to the alternatives of forcing early contributions from land owners and/or borrowing to pre-fund infrastructure provision.

The final option has tended to be Council's preferred approach in establishing and administering DCAs elsewhere in the City. While not ideal, the fact that only a small number of owners have flagged their lack of development intent in Precinct 3 suggests that a long timeframe to collect all required contributions in this instance is only a moderate risk.

The option would exist at any time for Council in future to consider a review of its powers to force contributions or borrowing to pre-fund infrastructure, whether that be generally or specifically for Precinct 3.

Request for further consultation (Submissions 8, 10)

Two submissions advocate that further consultation with land owners on the proposed establishment of the DCA should occur, particularly if substantial changes are to be made to Amendment No. 110 and the related draft DCP report in response to issues raised during the consultation period. This matter is addressed later in the report.

Priority and Timing for Infrastructure Provision

The proposed Precinct 3 DCA will involve the provision of a range of CIW and acquisition of land and works associated with POS. It is not unusual in operating a DCA that there will be competing demands on limited available contribution funds to deliver different infrastructure items simultaneously. Some works may have a higher priority to be undertaken sooner than others, depending on servicing requirements, traffic volumes and community expectations and demands. In this respect it would be possible to notionally adopt a program for the staged provision of CIW and POS, however, devising and committing to a program for the timing of infrastructure delivery is highly problematic.

The key problem is that the income required for the delivery of infrastructure is dependent on contributions being made by developers. As the rate and extent of development is shaped by various factors related to owners' intentions, regulatory processes and market conditions, it is difficult to reliably determine the timing and amount of contribution income and in turn schedule a program for CIW and POS delivery.

Unless the City agreed to pre-fund infrastructure, which would likely need to be from borrowed funds, the program may not be able to be met. It would certainly be undesirable to have such a program within a Scheme Text, given the level of detail required, though it may be possible to devise a program that at least sets out a general order of priority for undertaking CIW and POS works. This would most appropriately be done within the DCP report.

It will be recommended that the draft DCP report be amended to incorporate an indicative CIW and POS works program.

Item 13.5.1 Continued

Update of Cost Estimates

The combined cost of CIW and POS and the translation of this cost to contribution rates set out in the draft DCP report reflect various values and unit rates applicable in early 2011 when Amendment No. 110 was initiated by Council. It will be recommended that the draft DCP be revised to reflect the current cost of CIW and POS provision.

Summary of Recommended Modifications

Amendment No. 110

As detailed earlier in the report, Amendment No. 110 must be modified so as to be consistent with the format proposed by Amendment No. 122. The required modifications are as follows:

1. Changes to the Scheme Map are now not required, as Amendment No. 122 has addressed this issue.
2. Changes to Schedule 12 of the Scheme Text are now not required, apart from inserting a new Attachment E, as contained in Appendix 13.5.1F.

These modifications have been incorporated into the recommended amendment adoption resolution drafted at the conclusion of this report.

Draft DCP report

As discussed, the draft DCP report requires review to reflect:

- Modification to the contribution requirements for the Passmore Street playing fields to apportion 50% (instead of 100%) of land acquisition, development and initial two-year maintenance costs to all land developable for residential purposes in Precinct 3.
- Modification to the contribution requirements for the Balannup Lake branch drain POS to remove the requirement to apportion land acquisition, drainage upgrade and development costs to all land developable for residential purposes and instead address land and development contribution requirements as part of the Precinct 3A local POS calculations and apportion the drain upgrade costs to the portion of Precincts 3A south of Holmes Street and to 3E on a shared (50%/50%) basis.
- Modification to the contribution requirements for the cost of preparation of the Precinct 3A ODP, such that the cost is apportioned to only the land covered by the plan (that is, land in Precinct 3A north of Holmes Street).
- Recalculation of the NCA based on the best available indications of likely land use structure in Precinct 3, including improved mapping detailing how it has been determined.
- The input of formal valuation advice in relation to land acquisition costs, with an improved explanation of the two-tiered valuation approach.
- Updated cost estimates for all CIW and POS related costs, including revisions to land requirements resulting from changes to the alignment of Holmes Street and further planning that has refined POS requirements.
- Updated contribution rates to reflect the preceding points.

Item 13.5.1 Continued

- Completion of an independent review of all infrastructure cost estimates.
- The outcome of the Minister for Planning's determination on the amendment.
- An indicative program for the provision of common infrastructure works and public open space.
- Minor text corrections and amended numbering and other references as required.

It will be recommended that Council endorse the requirement for these revisions to be made to the draft DCP report.

Further Consultation

The recommended modifications to Amendment No. 110 will generally benefit land owners in Precinct 3 by having the impact of reducing contribution liabilities. For this reason, it is not considered necessary to undertake further consultation on the amendment.

However, it will be recommended that upon completion of the required revisions to the draft DCP report, the modified report be referred to affected land owners for their information and comment as a further step towards its adoption.

It is considered logical at this point to separately progress the amendment and the draft DCP report.

Subject to Council's approval, the amendment can now be forwarded to the WAPC for consideration before it makes a recommendation on the proposal to the Minister for Planning. This will have the advantage of moving towards the formal establishment of the broad head of power for the DCA.

In the meantime, the required revisions to the draft DCP report can be actioned with the objective of undertaking further consultation with Precinct 3 land owners and finalising the operational aspects of the DCA.

CONCLUSION

The advertising of Amendment No. 110 and the associated draft DCP report for public comment provoked numerous submissions raising a range of concerns.

Some of the concerns are significant enough to warrant modification to certain aspects of the proposed DCA.

This will necessitate several modifications being made to Amendment No. 110, as identified in this report.

Accordingly, it will be recommended that Council adopt the modified amendment and forward it to the WAPC for its consideration.

FINANCIAL IMPLICATIONS

Any DCA that Council establishes has an inherent degree of financial risk and administrative cost.

Item 13.5.1 Continued

The main financial risk is that collected contributions may not be sufficient to meet the cost of the infrastructure required. This could result from a range of events, such as a major escalation in the cost of infrastructure or land, cost estimation errors, contribution rate setting constraints, or landowners choosing not to develop (and therefore not making a contribution). The onus would fall on Council, and therefore the broader community, to address any funding shortfall.

Financial risks can be mitigated to an extent by factoring contingency amounts into cost estimates, though this needs to be done with a high degree of transparency and reasonableness to ensure contribution rates are not excessively inflated. Risks can also be mitigated somewhat by pro-actively managing the DCA, which is possible with sufficient expertise and resources.

Administering a DCA involves many costs that may be incurred over an extended timeframe if the rate of development is slow. Allowance for administration costs has been made, as discussed in the preceding section.

While there are costs and risks associated with setting up and operating a DCA, more significant implications of not establishing a DCA could eventuate. Most significant would be the failure to secure funding for important infrastructure to service future community needs, the need to address landowner angst at uncertain development or compensation parameters or the rendering of development in parts of Precinct 3 unviable due to the lack of a facilitated, coordinated approach to infrastructure provision.

The City owns land in Precinct 3 (approximately 16ha in the sub-precinct 3F, which is being planned for development as a business park). While not relevant to the planning considerations that need to be made in respect to Amendment No. 110 and the associated draft DCP report, it should be noted that contribution requirements that will apply under the proposed DCA, will have financial implications for the development of the City's land. These implications have not been quantified given the provisional nature of the proposal and its irrelevance to the planning considerations required.

STATUTORY IMPLICATIONS

- *Town Planning Regulations 1967*
- *Planning and Development Act 2005*
- State Planning Policy 3.6 - Development Contributions for Infrastructure.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.1 Continued

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION

459 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council, pursuant to Regulation 17(1) of the *Town Planning Regulations 1967*, notes the submissions received in response to Amendment No. 110 to Town Planning Scheme No. 6 as contained within this report and in Appendices 13.5.1B and 13.5.1C.

CARRIED 7/0

FOR: Cr W Barrett, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION

460 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council, pursuant to Regulation 17(2)(a) of the *Town Planning Regulations 1967*, adopts Amendment No. 110 to Town Planning Scheme No. 6, subject to it being modified so that it simply proposes to insert a new Development Contribution Plan, as contained at Appendix 13.5.1F, as Attachment E within Schedule 12 of Town Planning Scheme No. 6.

CARRIED 7/0

FOR: Cr W Barrett, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION

461 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council forward the modified Amendment No. 110 document to the Western Australian Planning Commission for consideration.

CARRIED 7/0

FOR: Cr W Barrett, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (4 OF 4) AND COUNCIL RESOLUTION

462 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council require the draft Southern River Precinct 3 Development Contribution Plan report, as advertised for public comment with Amendment No. 110, to be revised to the satisfaction of the Director Planning and Sustainability to reflect the matters listed below and then referred to affected land owners for information and further comment prior to being considered for adoption:

1. Modification to the contribution requirements for the Passmore Street playing fields to apportion 50% (instead of 100%) of land acquisition, development and initial two-year maintenance costs to all land developable for residential purposes in Precinct 3.

Item 13.5.1 Continued

2. Modification to the contribution requirements for the Balannup Lake branch drain public open space to remove the requirement to apportion land acquisition, drainage upgrade and development costs to all land developable for residential purposes and instead address land and development contribution requirements as part of the Precinct 3A local public open space calculations and apportion the drain upgrade costs to the portion of Precincts 3A south of Holmes Street and to 3E on a shared (50%/50%) basis.
3. Modification to the contribution requirements for the cost of preparation of the Precinct 3A Outline Development Plan, such that the cost is apportioned to only the land covered by the plan (that is, land in Precinct 3A north of Holmes Street).
4. Recalculation of the net developable area based on the best available indications of likely land use structure in Precinct 3, including improved mapping detailing how it has been determined.
5. The input of formal valuation advice in relation to land acquisition costs, with an improved explanation of the two-tiered valuation approach.
6. Updated cost estimates for all common infrastructure works and public open space related costs, including revisions to land requirements resulting from changes to the alignment of Holmes Street and further planning that has refined public open space requirements.
7. Updated contribution rates to reflect the preceding points.
8. Completion of an independent review of all infrastructure cost estimates.
9. The outcome of the Minister for Planning's determination on the amendment.
10. An indicative program for the provision of common infrastructure works and public open space.
11. Minor text corrections and amended numbering and other references as required.

CARRIED 7/0**FOR:** *Cr W Barrett, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.***AGAINST:** *Nil.***Notation**

The Mayor, upon the return of Cr J Brown to the meeting at 9.02pm, advised that Council had endorsed the staff recommendations as contained in the agenda.

**13.5.2 AMENDMENT NO. 142 TO TOWN PLANNING SCHEME NO. 6 -
RESIDENTIAL DENSITY BONUS - CORNER LOTS - FINALISATION
(ITEM BROUGHT FORWARD - REFER TO ITEM 11)**

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the second report in these Minutes.

13.5.3 AMENDMENT NO. 140 TO TOWN PLANNING SCHEME NO. 6 - REZONING OF VARIOUS LOCAL OPEN SPACE RESERVES FOR RESIDENTIAL DEVELOPMENT

Author:	R Malin
Author's Declaration of Interest:	Nil.
Reference:	Nil.
Application No:	PF12/00020
Applicant:	City of Gosnells
Owner:	City of Gosnells
Location:	Site 1 Simms Park - Lot 2992 Miller Street, Maddington Site 2 Berry Court Reserve - Lot 2801 Berry Court, Maddington Site 3 Willow Way Reserve - Lot 2935 Willow Way and Lot 2999 Alcock Street, Maddington Site 4 Lowth Road Three Reserve - Lot 2020 Lowth Road, Beckenham
Zoning:	MRS: Urban
	TPS No. 6: Local Open Space
Review Rights:	Nil.
Area:	Site 1 2,340m ² Site 2 1,655m ² Site 3 5,999m ² Site 4 1,090m ²
Previous Ref:	OCM 14 December 2010 (Resolution 587)
Appendix:	13.5.3A Draft Amendment No. 140 Document

PURPOSE OF REPORT

For Council to consider initiating an amendment to Town Planning Scheme No. 6 (TPS 6) to rezone four land parcels currently reserved for Local Open Space (LOS) to the Residential zone.

BACKGROUND

On 14 December 2010 Council adopted a six-year Implementation Plan associated with the LOS Strategy.

The Plan provides direction for the planning, development and management of open space throughout the City, by setting out a series of actions aimed at addressing the Local Open Space Strategy's objectives. These include the consolidation, enlargement and improvement of strategic local parks and reserves and the proposed disposal of certain small, underutilised or inefficient sites.

A key principle of the Plan is that funds generated from the disposal of LOS sites will be used to purchase other land better suited for LOS or improve the standard of existing LOS in the same locality. For example, some of the funds may be used for POS improvement works such as the Mills Park redevelopment and other similar projects.

Item 13.5.3 Continued

LOS sites earmarked for disposal were identified through a review of all existing parks throughout the City. Some sites were found to be deficient in delivering a significant public recreation function for various reasons, including:

- Having a limited land area (generally below 4,000m²) and standard of facilities, offering little recreational utility
- Being within a 400m radius of a substantial and functional existing park that has been or is capable of being developed to an appropriate standard for recreational use
- Having poor passive surveillance from surrounding areas
- Having a limited catchment area, or being difficult to access.

Some of the identified disposal sites are reserved for LOS under TPS 6 and rezoning to the Residential zone is necessary to enable sale and ultimate development.

DISCUSSION**Proposal**

As the first of what will likely be several proposed amendments to be made to TPS 6 in relation to LOS disposal sites, it will be recommended that Council initiate the rezoning process for the following land from Local Open Space reserve to the Residential zone (with a range of density codings, as indicated below):

- Site 1 Simms Park Reserve - Lot 2992 Miller Street, Maddington (R20/30 and Water Course)
- Site 2 Berry Court Reserve - Lot 2801 Berry Court, Maddington (R30)
- Site 3 Willow Way Reserve - Lot 2935 Willow Way and Lot 2999 Alcock Street, Maddington (R30)
- Site 4 Lowth Road Three Reserve - Lot 2020 Lowth Road, Beckenham (R20/25).

A draft Scheme Amendment document, which includes zoning amendment maps and site and aerial photographs for each of the four sites, is contained in Appendix 13.5.3A.

A description of each site and its surrounding context and the rationale for the proposed residential density codings is provided in the following section.

Other LOS sites identified for disposal in the Implementation Plan will be the subject of separate amendment proposals in future as further work is completed in support of their proposed rezoning and development.

Site Description and Proposal Rationale**Site 1 - Simms Park**

Simms Park is a relatively small reserve (2,340m²), which is flat and has a low level of development. It has a small catchment area from where it attracts users and limited passive surveillance opportunities, given it is flanked by an open drain and the side fences of directly abutting residential properties.

Item 13.5.3 Continued

The reserve is located approximately 140m (walking distance) from the 5,571m² Penn Street Reserve, 245m from the 4,137m² Ashford Street Reserve and 325m from the 12,558m² Aldington Street Reserve. The three reserves provide a higher level of facilities than are in place at Simms Park and are identified for future improvement in the LOS Implementation Plan. A sufficient supply of LOS would still exist in the area, even with the closure of Simms Park.

There are scattered trees on the subject site, comprising of 11 River Redgum, three Sydney Bluegum and two Hills Fig, with a predominant canopy height of 20 to 25m. All species are native to Eastern Australia.

Immediately surrounding residential properties are coded Residential R17.5, however nearby land abutting Albany Highway is coded R20/R30.

A coding of R20/R30 is proposed for the subject site, which with its land area, regular shape and road frontage would readily provide for development of up to seven grouped dwellings.

Site 2 - Berry Court Reserve

Berry Court Reserve is a small reserve (1,655m²) located at the end of a cul-de-sac and flanked by the side or rear fences of several adjoining residential properties. There are scattered trees on the site, consisting of seven specimens of Marri ranging in height from 15m to 25m. The reserve has limited passive surveillance and sightlines given the form of the abutting residential development and a small catchment area.

The reserve is located approximately 230m (walking distance) from the 3,071m² Maple Street Reserve, 440m from the 21,050m² Mahogany Street Reserve and 620m from the extensive parkland at Harmony Fields. The three reserves provide a higher level of facilities and functions than is or could be developed at Berry Court Reserve and a sufficient supply of LOS would still exist in close proximity with its closure.

Abutting properties are generally coded Residential R17.5, though the subject site shares a frontage with an R30 site to a pedestrian access way that links between Berry Court and Westfield Street.

A similar coding of R30 is proposed for the subject site, which with its land area, could potentially accommodate the development of up to five grouped dwellings, however this may be constrained somewhat by the irregular shape of the lot.

Site 3 - Willow Way Reserve

Willow Way Reserve is located at the end of a cul-de-sac, with a frontage to Alcock Street.

While having a land area of 5,999m², which is of useable size and utility, particularly for passive recreation, it is only approximately 35m from Harmony Fields, which offers a substantially greater area that is better developed for a wide range of recreational pursuits.

Item 13.5.3 Continued

The reserve provides a pedestrian connection between Geebung Street and Harmony Fields and other community facilities, most notably Yule Brook College. A pedestrian connection could be maintained, even if the site were to be closed as a park and developed, by converting the Crown reserve that divides the subject land from the abutting residential properties into a pedestrian accessway.

The scattered trees on the site are predominantly Coral Tree and Swamp Mahogany (an eastern states species). The only tree of environmental significance within this reserve is one specimen of Swamp Paperbark, which is approximately 5m in height and beginning to show decline.

Immediately surrounding residential properties are coded Residential R17.5, however nearby land abutting Pitchford Avenue is coded R20/R30. A similar coding of R30 is proposed, as it is considered to be a suitable coding for the subject land, given its close proximity to the R20/R30 land and Harmony Fields, as well as the nearby Westfield Street activity centre, Yule Brook College and East Maddington Primary School.

The R30 density coding proposed for the subject site could potentially yield up to eighteen dwellings within a strata development scenario.

Site 4 - Lowth Road Three Reserve

Lowth Road Three Reserve is a small reserve (1,090m²) with non-reticulated grass, containing three specimens of Marri (ranging from 15m to 20m in height) and an aged swing-set. It is bound by the fences of several adjoining residential properties.

While recent development of the adjoining Lot 108 Lowth Road to the northern boundary of the subject site has incorporated visually-permeable fencing, the site generally has a poor level of passive surveillance and is too small to offer any significant recreational function.

Recreational needs of the catchment area can be accommodated by the nearby Mills Park, located approximately 375m away, Sydenham Street Reserve located approximately 300m away and Lowth Road One Reserve, located approximately 180m away.

Surrounding properties are coded Residential R20/R25 as a result of Amendment No. 111 to TPS 6, which was gazetted in October 2010. A similar density coding is proposed for the subject land, which will ensure uniformity with the relatively recent density changes applied to the immediate locality. This proposed density coding would create the potential for up to three dwellings within a strata development scenario.

Infrastructure

All required servicing infrastructure is understood to be available to enable future development of the subject land. Consultation with servicing agencies will occur through the amendment advertising process, where it is anticipated that any issues that may exist can be identified and addressed.

Consultation

While there is logic in consolidating recreational assets as set out in the LOS Strategy, it is recognised that some members of the community may have a personal attachment to one or more of the four land parcels proposed for rezoning and may wish to object to the proposal. The loss of mature trees may also raise concern among some local residents.

Item 13.5.3 Continued

If Council resolves to initiate the proposed Scheme Amendment, the proposal will be advertised for public comment prior to being given further consideration by Council. Consultation is planned to be undertaken through letters to owners of nearby properties, with invitations given for concerned residents to discuss the proposal with City staff.

In respect to the loss of trees, the importance trees have in terms of amenity, ecological value and the sense of place they provide for local residents is well recognised by the City. The City will offset these losses through bushland rehabilitation and planting locally endemic tree species in other nearby parkland areas. This will in time provide for a higher quality habitat for fauna, increase the plant diversity and populations of local tree and shrub species, along with increasing the amenity value to park users in these respective areas.

CONCLUSION

It will be recommended that Council adopt Amendment No.140 to TPS 6 and in doing so commence a process involving consultation and assessment prior to further consideration of the proposal.

FINANCIAL IMPLICATIONS

All costs associated with processing the Scheme Amendment (including the documentation and consultation) will be met by the operational budgets.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

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

463 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council, pursuant to Section 75 of the *Planning and Development Act 2005*, adopts Amendment No. 140 to Town Planning Scheme No. 6 for the purpose of advertising for public comment, which proposes to amend the Town Planning Scheme No. 6 by:

1. Rezoning Reserve 35093 being Lot 2992 Miller Street, Maddington from Local Open Space to Residential R20/30 and Water Course.

Item 13.5.3 Continued

2. Rezoning Lot 2801 Berry Court, Maddington, from Local Open Space to Residential R30.
3. Rezoning Reserve 34855, being Lot 2935 Willow Way and Lot 2999 Alcock Street, Maddington, from Local Open Space to Residential R30.
4. Rezoning Lot 2020 Lowth Road, Beckenham, from Local Open Space to Residential R20/25.
5. Amending the Scheme Map accordingly.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION**464 Moved Cr R Mitchell Seconded Cr R Hoffman**

That Council forward Amendment No. 140 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 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.5.4 DEVELOPMENT APPLICATION - INCREASE RECREATION - PRIVATE (GYMNASIUM) PATRONAGE - TENANCY 1, 404 (LOT 1008) RANFORD ROAD, CANNING VALE (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the third report in these Minutes.

13.5.5 DEVELOPMENT APPLICATION - CAR PARK LIGHTING FOR EXISTING PLACE OF WORSHIP - 78 (LOT 132) AUSTIN AVENUE, KENWICK

Author: R Munyard
Author's Declaration Nil.
of Interest:
Reference: 223367
Application No: DA13/00121
Applicant: Soma Uggalla
Owner: Sri Lankan Sinhalese Buddhist Society Inc.
Location: 78 (Lot 132) Austin Avenue, Kenwick
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 3,317m²
Previous Ref: 28 March 2000 (Resolution 164)
Appendix: 13.5.5A Site and Elevation Plans

PURPOSE OF REPORT

For Council to consider an application for planning approval for car park lighting in association with an existing Place of Worship at 78 (Lot 132) Austin Avenue, Kenwick as the proposal is outside the authority delegated to staff due to an objection received during the consultation period.

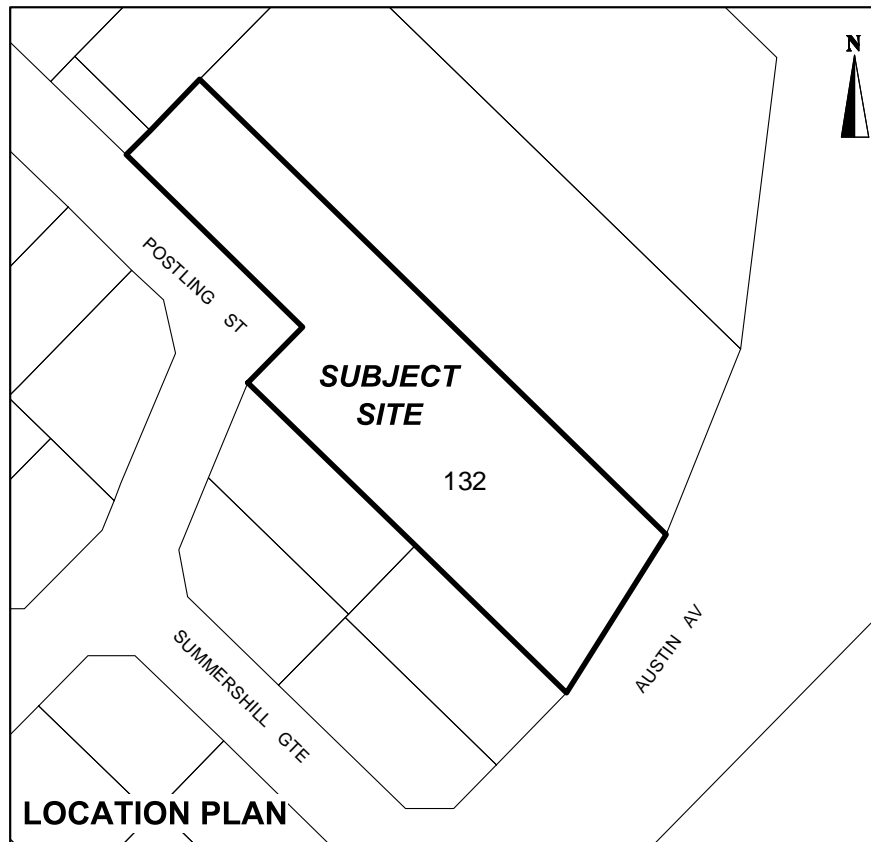
BACKGROUND**Site Description and Planning Framework**

The subject site contains a residence built at least 50 years ago and a place of worship which was approved in 2000. There is a carpark at the rear of the land containing 48 car bays. Access to the carpark is provided from Postling Street (which abuts the back of the land) and Austin Avenue (at the front).

The adjoining development on Postling Street is residential in nature and land on the opposite side of Austin Avenue is industrial in nature.

A map identifying the location of the subject site follows:

Item 13.5.5 Continued



Proposal

The application involves the following:

- The installation of three 6m high light poles (each fitted with four 120w LED flood light globes) within the carparking area at the rear of the subject site
- The lights will be focused downwards towards the car park surface to minimise any light spill
- The lights will operate at the following times:
 - On Wednesday, Saturday and Sunday evenings between 6:30pm and 9pm.
 - On the evening of the full moon day in May and June and also on 1 January between 6:30pm and 11pm, reoccurring yearly (for example three times per year).
 - Each night between the period of Christmas Eve and New Year's Eve between 6:30pm and 10pm, reoccurring yearly (for example eight consecutive nights).

The site and light pole elevation plans are contained as Appendix 13.5.5A.

Item 13.5.5 Continued

Consultation

The proposal was advertised for public comment to those lots considered to be potentially affected by the development. Three submissions were received during the advertising period, one objecting to the proposal and two raising no-objection. A summary of these submissions and comments thereon are tabled below:

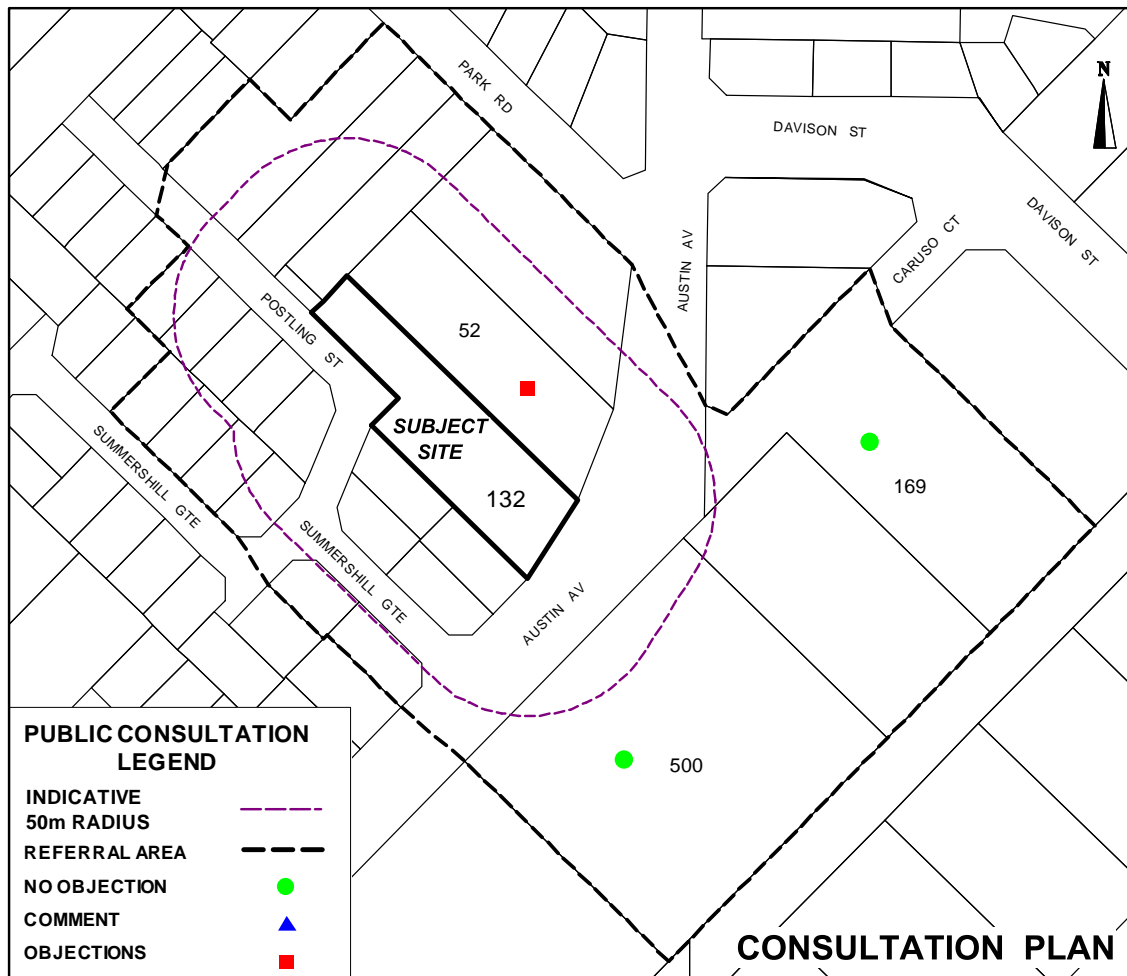
1.	Affected Property: 82 (Lot 52) Austin Avenue Maddington	Postal Address: PO Box 1527 WEST PERTH WA 6872
Summary of Submission		Comment
Objection to proposal.		
1.1	Residents, especially children, the elderly and shift workers will find it hard to sleep due to the illumination from the lights.	See Light Spill section of report.
1.2	The proposal will drive down the value of residents' land due to the light pollution.	This is not a valid planning consideration.
1.3	The proposal will affect the future development of the adjoining areas.	It is considered that the proposed lighting will not inhibit the development adjoining lots as any such development would be subject to a separate application being lodged.

2.	Affected Property: 41 (Lot 500) Austin Avenue Maddington	Postal Address: PO Box 266 MADDINGTON WA 6989
Summary of Submission		Comment
No objection to proposal.		Noted.

3.	Affected Property: 6 (Lot 169) Caruso Court Maddington	Postal Address: 6 Caruso Court MADDINGTON WA 6109
Summary of Submission		Comment
No objection to proposal.		Noted.

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

Item 13.5.5 Continued



The main issue raised in the objection relates to potential light spill onto surrounding properties. This is discussed in the following sections, along with any other applicable technical matters.

DISCUSSION

The concern was that the illumination emanating from the proposed lighting will cause disturbance to surrounding properties and negatively impact on the amenity of the locality.

Height of Light Poles

The proposal is for four 120w LED flood light globes installed atop each of the three 6m high support poles. It is noted that the surrounding land uses consist predominantly of single storey residences, which would have a typical overall height of approximately 5.3m. That being the case, the proposed 6m high poles are not considered to be excessively high and therefore will not have a detrimental impact on the visual amenity of the locality.

Item 13.5.5 Continued

Light Spill

The main concern with the subject proposal is for the potential for light to spill into neighbouring properties. In this regard, the applicant submitted a lighting strategy in support of the proposal, with that strategy demonstrating that all light will be adequately contained within the subject site and that the level and intensity of illumination will not negatively impact on surrounding properties. It is also noteworthy that any illumination is required to comply with the City's Animals, Environment and Nuisance Local Law 2009, which requires any emission of artificial light onto adjoining or nearby properties to be of a level of no more than 50 lux.

Operating Hours

The application stipulates that the lights will only be used during the following times:

- On Wednesday, Saturday and Sunday evenings between 6:30pm and 9pm.
- On the evening of the full moon day in May and June and also on 1 January between 6:30pm and 11pm, reoccurring yearly (for example. three times per year).
- Each night between the period of Christmas Eve and New Year's Eve between 6:30pm and 10pm, reoccurring yearly (for example. eight consecutive nights).

Based on the above, the lights will be in operation for a total of two and a half hours for three evenings during most weeks of the year. On special occasions, the lights will be in operation during the times and days as mentioned above, but in any event, would only be on for a maximim of 11 evenings in addition to the usual weekly operating times.

CONCLUSION

The proposal is supported for the following reasons:

- It is expected that any potential light spill can be adequately contained within the boundaries of the subject site, thereby addressing the concern raised in the sole objecting submission received
- It will improve pedestrian and motorist safety for users of the site and security for parked vehicles
- The proposal is considered reasonable in the context of Council's previous approval over the site.

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

FINANCIAL IMPLICATIONS

Nil.

Item 13.5.5 Continued

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- City of Gosnells Animals, Environment and Nuisance Local Law 2009.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

465 Moved Cr O Searle Seconded Cr J Brown

That Council approves the application for car park lighting at 8 (Lot 132) Austin Avenue, Kenwick, dated 22 April 2013 and the amended details received 20 September 2013, subject to the following condition:

1. The floodlights may only be illuminated during the following times:
 - i) On Wednesday, Saturday and Sunday evenings between 6:30pm and 9pm.
 - ii) On the evening of the full moon day in May and June and also on 1 January between 6:30pm and 11pm, reoccurring yearly (for example three times per year).
 - iii) Each night between the period of Christmas Eve and New Year's Eve between 6:30pm and 10pm, reoccurring yearly (for example eight consecutive nights).

CARRIED 8/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

**13.5.6 DEVELOPMENT APPLICATION - FAMILY DAY CARE - 9 (LOT 602)
WETLANDS WAY, SOUTHERN RIVER**

Author: B Fantela
Author's Declaration Nil.
of Interest:
Reference: 307298
Application No: DA13/00306
Applicant: R K Chhina
Owner: AS Aulakh and RK Chhina
Location: 9 (Lot 602) Wetlands Way, Southern River
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 582m²
Previous Ref: OCM 14 February 2012 (Resolution 33)
Appendix: Nil.

PURPOSE OF REPORT

For Council to consider an application for planning approval for a family day care at 9 (Lot 602) Wetlands Way, Southern River, as the proposal is outside the authority delegated to staff due to objections received during the consultation period and non-compliance with the applicable local planning policy.

BACKGROUND**Site History**

On 14 February 2012 Council resolved (Resolution 33) to approve an application for a family day care business on the site. The approval included the following conditions:

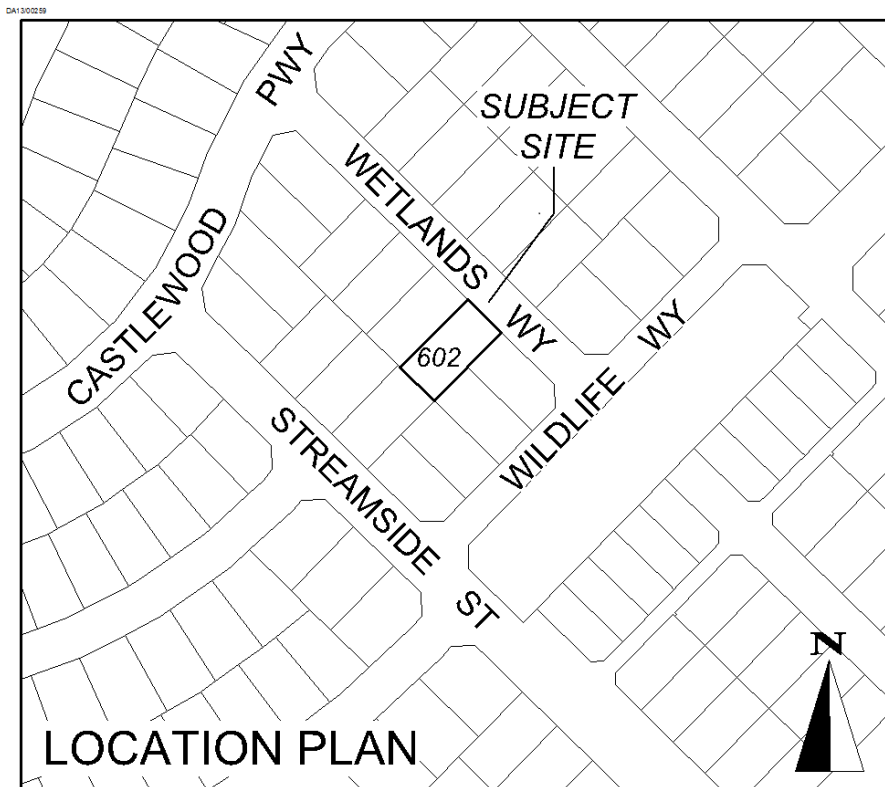
- "2. *The operation of the family day care, including the drop off and pick up of children shall only be permitted between 7:30am and 5pm, Monday to Friday.*
4. *No more than seven children under 12 years of age, including the applicant's own children are permitted to be cared for at any one time, in accordance with the Community Services (Child Care) Regulations 1988."*

Site Description and Planning Framework

The subject site accommodates an existing single house. Surrounding land uses comprise predominantly low density residential development.

A map identifying the location of the subject site follows.

Item 13.5.6 Continued



Proposal

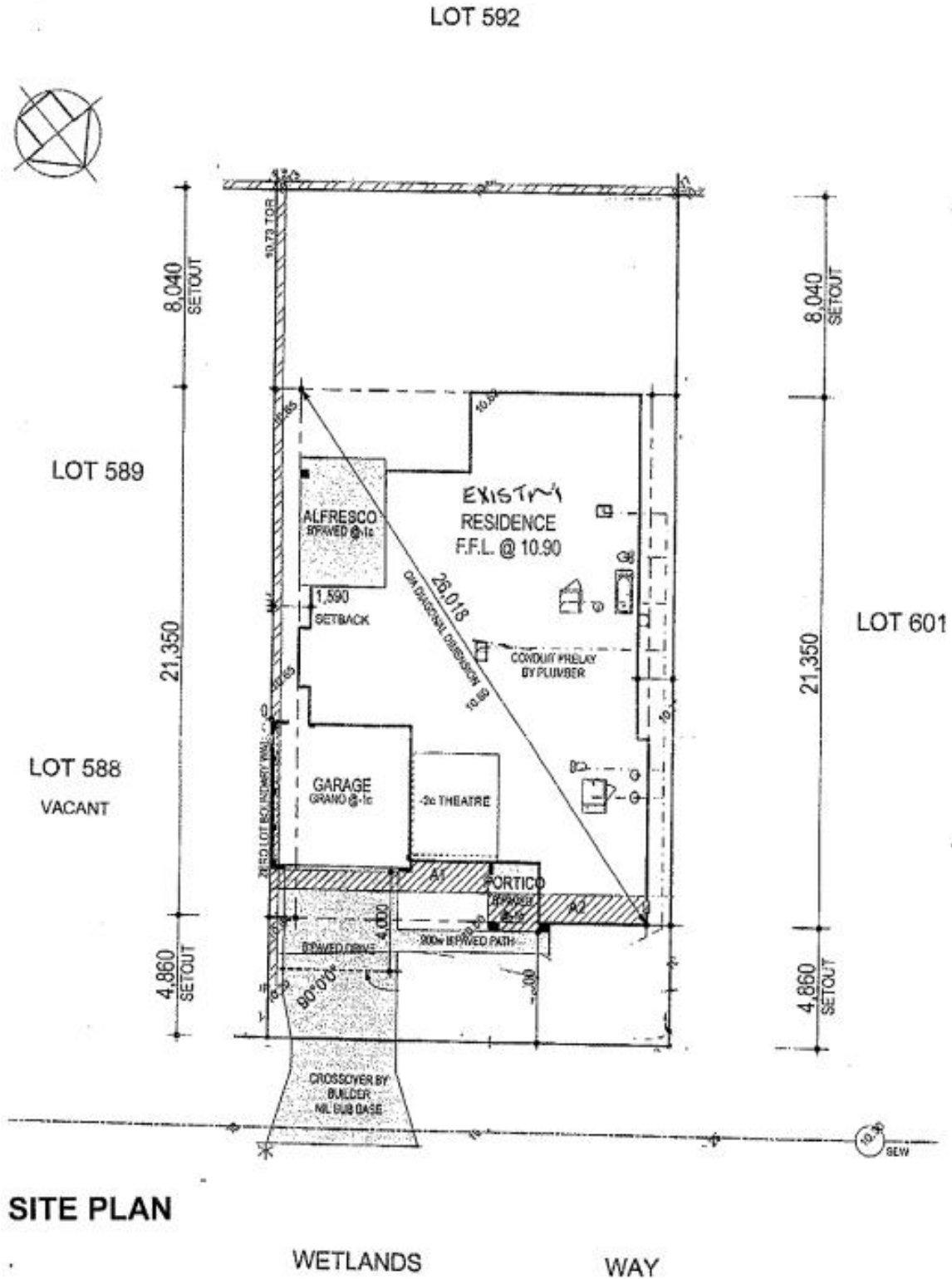
The current application involves the following:

- Operating hours of 24 hours per day, seven days per week
- A maximum of seven children, including the applicant's own child
- The provision of two car parking bays, contained on the existing driveway, within the front setback area
- The children will have access to living, dining and activity room areas, as well as an outdoor area as part of the current approval.

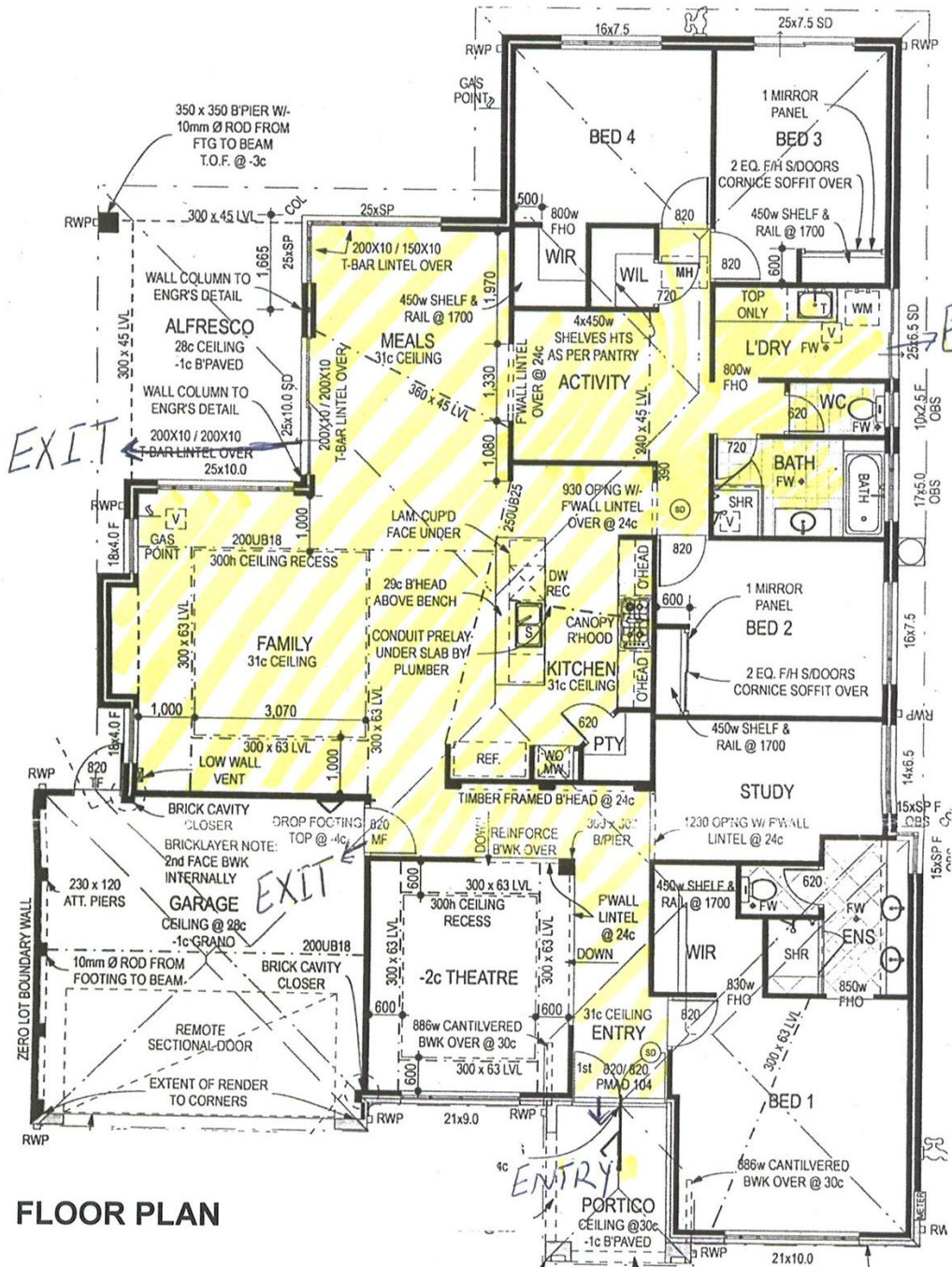
In effect, the applicant is simply seeking to extend the hours of operation, so as to operate 24 hours per day, seven days a week.

A site plan and floor plan follow.

Item 13.5.6 Continued



Item 13.5.6 Continued



FLOOR PLAN

Item 13.5.6 Continued

Consultation

The proposal was required to be advertised for public comment in accordance with Council Policy, during which time three submissions were received, two objecting to the proposal and one raising no-objection. A summary of these submissions and comments thereon are provided below:

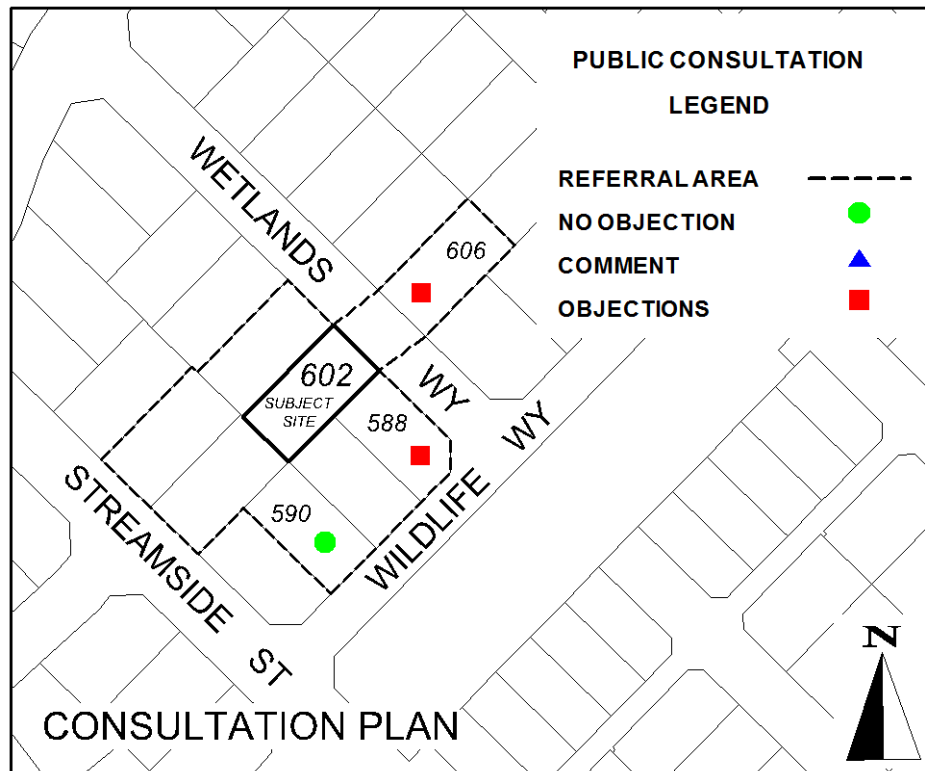
1.	Affected Property: 8 (Lot 588) Wildlife Way Southern River	Postal Address: 8 Wildlife Way Southern River WA 6110
Summary of Submission		Comment
Objection to proposal. Concerned about operating hours 24/7 as they are shift workers.		Noted. See Discussion section under Hours of Operation.

2.	Affected Property: 12 (Lot 606) Wetlands Way Southern River	Postal Address: 12 Wetlands Way Southern River WA 6110
Summary of Submission		Comment
Objection to proposal.		
2.1	The family day care already causes disruption and with longer hours will intensify existing impact.	Noted. See Discussion section under Hours of Operation.
2.2	The current operation has caused increased traffic in the area.	Noted. See Discussion section under Traffic.
2.3	The current operation is causing dogs to bark and wake children.	Noted, however, the existence of some noise within an established urban environment is not considered unacceptable.
2.4	Parents are parking with the engine running all the time while parked at the end of their driveway.	The City is unable to control driver behaviour. In any event, the proposal complies with the parking requirements of Council's Home Based Activities Policy.

3.	Affected Property: 4 (Lot 590) Wildlife Way Southern River	Postal Address: 4 Wildlife Way Southern River WA 6110
Summary of Submission		Comment
No objection to proposal.		Noted.

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

Item 13.5.6 Continued



The main issues raised in the submissions are as follows:

- Hours of operation, including the noise associated with those hours
- Traffic.

Each is discussed in the following sections, along with any other applicable technical matters.

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential Development under TPS 6 and designated R20 under the Southern River Precinct 2 Outline Development Plan. In accordance with TPS 6, a family day care is a "P" use in the Residential zone, meaning it is permitted, providing it complies with the relevant development standards and requirements of TPS 6.

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 of the proposal against LPP 2.5 follows.

Item 13.5.6 Continued

Policy Clause/Requirement	Assessment/Comment
5.1(c) All Home Based Activities may incorporate one advertising sign, no greater than 0.2m ² in area.	No signage has been proposed or approved.
5.2(a) The subject site shall have a minimum lot size of 450m ² .	The subject lot is 582m ² in area.
5.2(b) The family day care shall involve a maximum of seven children (including the applicant's children).	The proposal involves the care of seven children (including applicant's child), as already approved.
5.2(c) A minimum of two car parking bays are to be provided on site, in addition to the bays required in association with the dwelling on site.	The proposal involves the provision of two visitors' car bays in the existing driveway in addition to two bays for residential use, with all parking proposed to be contained on site.
5.2(d) A family day care shall only operate between 6am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays unless it can be demonstrated that the use will not impact on the amenity of surrounding properties.	The applicant has applied to operate 24 hours per day and seven days per week. The proposed hours do not comply with this element of the Policy.
5.2(e) Any outdoor play area is to be a minimum of 1.0m from lot boundaries. Play areas may be required to be separated from the boundary by a physical barrier.	No play area is shown on the submitted plans, however a condition could be imposed in the event of Council approval.

Amenity

The underlying objective of the Home Based Activities Policy is to provide some flexibility for residents to run certain businesses from home, subject to those proposals not causing adverse impacts on the surroundings by including aspects which would be better located in other zones within the City.

The main issue of concern arising from the assessment of the proposal against the provisions of the Home Based Activities policy relates to overnight stays and care for children 24 hours per day seven days per week.

The intent of the Policy to limit family day care operations to day-time hours from Monday and Saturday is to minimise the potential negative impact of an operation on the amenity of the surrounding area.

The proposal includes two key elements, as follows:

Operating on Sundays

It is possible that some residents may have a higher level of expectation for the amenity of their area particularly on a Sunday compared to other days of the week, though it is not clear whether this should translate to an absolute prohibition on Sunday care. The fact that the behaviour of different children and parents can be highly variable makes a judgement in this case largely subjective. It is considered prudent to maintain the Policy position on Sunday trading and therefore, if the application is to be

Item 13.5.6 Continued

approved, it will be recommended that a condition be imposed limiting the operation of the family day care business to Monday to Saturday.

Operating 24 hours per day

The act of staying overnight in itself could reasonably be considered as a passive activity, with the potential for disturbance, if any, generally being limited to when the child is dropped off and picked up. That being the case, if the application is approved, it will be recommended that a condition be imposed restricting the drop off and pick up of children so as to be consistent with Council's Home Based Activities Policy.

Traffic

The subject proposal involves the care of a maximum of seven children (including the applicant's own child), which is consistent with Council's previous approval for the site. If Council resolves to approve the application subject to the conditions as recommended above, there will be no material change to the traffic situation, as vehicles will only be visiting the site during the normal Policy hours.

CONCLUSION

The proposal is supported for the following reasons:

- Family day care is typical in residential zones and it is recognised that such facilities assist in providing an essential service to the local community
- The proposal is not expected to generate additional traffic that would detrimentally impact on the traffic and safety of the local area
- The overnight accommodation of children under 12 is not expected to contribute to noise or other interruptions to neighbourhood amenity.

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
- Local Planning Policy 2.5 - Home Based Activities
- Southern River Precinct 2 Outline Development Plan.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.6 Continued

STAFF RECOMMENDATION

Moved Cr O Searle Seconded Cr R Mitchell

That Council approves the application for a family day care (for extended operating hours) at 9 (Lot 602) Wetlands Way, Southern River, dated 21 August 2013, subject to the following conditions:

1. The family day care is limited to operate between Monday and Saturday, with the drop off and pick up of children being limited to between 6am and 7pm, Monday to Friday, and between 7am and 6pm on Saturdays. No trading being permitted after 6pm on Saturday, until Monday morning.
2. A minimum of two on-site car bays as indicated on the approved plans are to be provided for client use, with no parking by clients permitted on the road verge.
3. Employment of persons in the family day care other than the immediate family of the occupier is not permitted.
4. No more than seven children under 12 years of age, including the applicant's own child are permitted to be cared for at any one time.

Amendment

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

"That Council amend the staff recommendation by inserting an additional condition, which reads:

5. *The outdoor play area being located a minimum of 1.0m from all boundaries."*

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

"To affirm the need for the play area to be appropriately located, as was included in the original approval for the Family Day Care Activity, which was approved in February 2012".

Cr D Goode Seconded Cr R Hoffman's proposed amendment.

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

Item 13.5.6 Continued

Moved Cr R Hoffman Seconded Cr D Goode

That Council amend the staff recommendation by inserting an additional condition, which reads:

"5. The outdoor play area being located a minimum of 1.0m from all boundaries."

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

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

COUNCIL RESOLUTION

466 Moved Cr R Hoffman Seconded Cr D Goode

That Council approves the application for a family day care (for extended operating hours) at 9 (Lot 602) Wetlands Way, Southern River, dated 21 August 2013, subject to the following conditions:

1. The family day care is limited to operate between Monday and Saturday, with the drop off and pick up of children being limited to between 6am and 7pm, Monday to Friday, and between 7am and 6pm on Saturdays. No trading being permitted after 6pm on Saturday, until Monday morning.
2. A minimum of two on-site car bays as indicated on the approved plans are to be provided for client use, with no parking by clients permitted on the road verge.
3. Employment of persons in the family day care other than the immediate family of the occupier is not permitted.
4. No more than seven children under 12 years of age, including the applicant's own child are permitted to be cared for at any one time.
5. The outdoor play area located a minimum of 1.0m from all boundaries.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.5.7 DEVELOPMENT APPLICATION - PLACE OF WORSHIP - LOT 3403 SOUTHGATE ROAD, LANGFORD (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the fourth report in these Minutes.

13.5.8 DEVELOPMENT APPLICATION - FOUR MULTIPLE DWELLINGS AND ONE GROUPED DWELLING - 264 (LOT 196) SPENCER ROAD, THORNLIE

Author: A Thompson
Author's Declaration of Interest: Nil.
Reference: 201367
Application No: DA13/00240
Applicant: Developtions Pty Ltd
Owner: Chloe and Dean Thomas
Location: 264 (Lot 196) Spencer Road, Thornlie
Zoning: MRS: Urban
TPS No. 6: Residential R20/R30
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 867m²
Previous Ref: Nil.
Appendix: 13.5.8A Site, Floor, Drainage and Elevation Plans

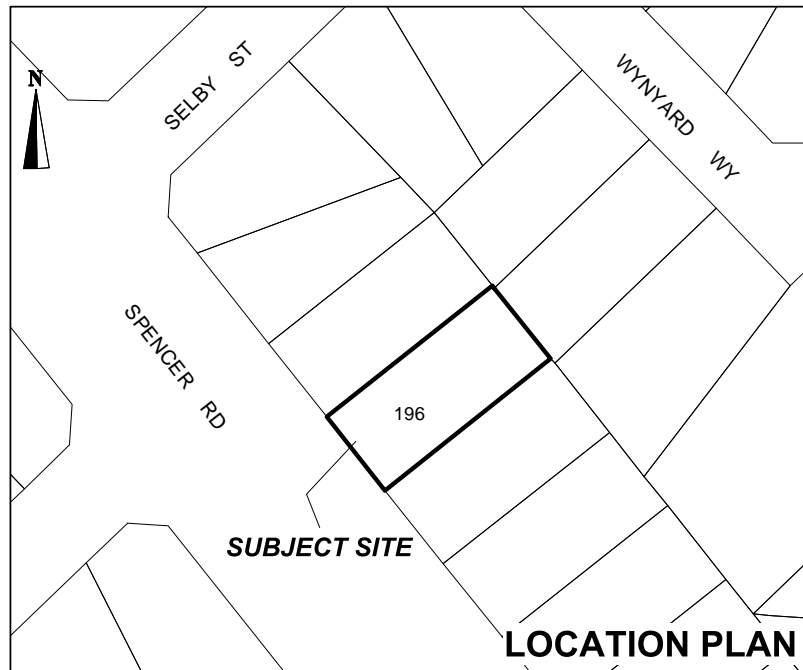
PURPOSE OF REPORT

For Council to consider an application for planning approval for four Multiple Dwellings and one Grouped Dwelling at 264 (Lot 196) Spencer Road, Thornlie as the proposal is outside the authority delegated to staff due to non-compliance with the Residential Design Codes (R-Codes).

BACKGROUND**Site Description**

The subject site currently contains a single dwelling, with the rear of the property cleared. The property is surrounded by existing low density residential development and is accessed from an access street servicing Spencer Road. The property is located approximately 600m from the Thornlie Train Station.

A map identifying the location of the subject site follows:

Item 13.5.8 Continued**Proposal**

The application involves the following:

- The retention of the existing dwelling at the front of the property as a grouped dwelling
- The construction of a two-storey building at the rear of the site containing four multiple dwellings
- Each multiple dwelling will contain two bedrooms and two bathrooms
- The provision of a common property driveway (to service both the grouped and multiple dwellings) running down the eastern side of the property.

The site, floor, drainage and elevation plans are contained as Appendix 13.5.8A

Consultation

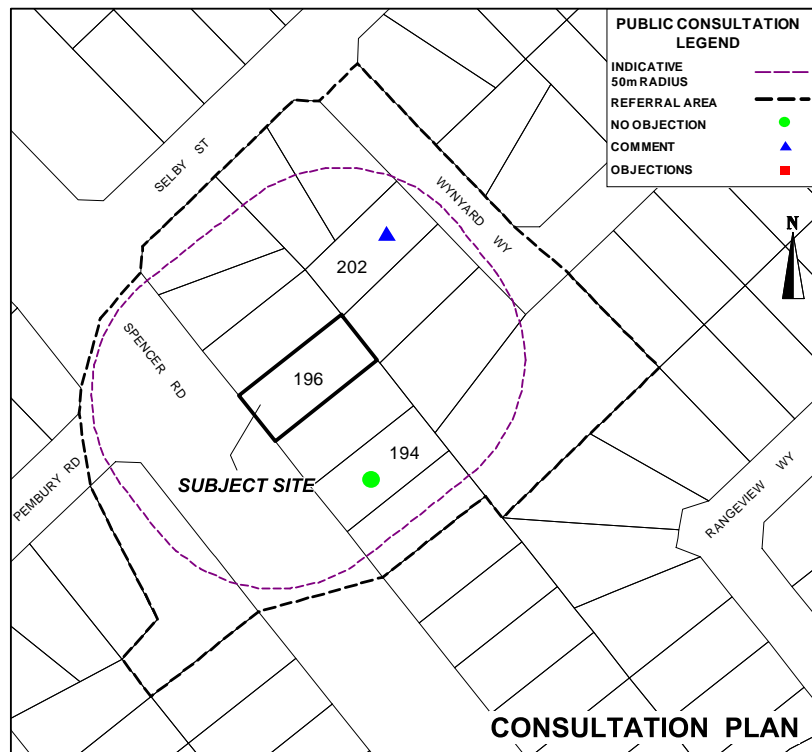
The proposal was advertised for public comment in accordance with TPS 6 requirements, during which time two submissions were received; one making comment and one raising no-objection. A summary of these submissions and comments thereon follows.

Item 13.5.8 Continued

1	Affected Property: 30 (Lot 202) Wynyard Way Thornlie	Postal Address: 30 Wynyard Way THORNIE WA 6108
Summary of Submission		Comment
<p>Comment on the proposal.</p> <p>1.1 No objection to the proposed development or the construction of two storey dwellings.</p> <p>1.2 Concern that the orientation of the building, having living areas facing towards the submitter's property, would cause overlooking and that the screening proposed is not effective in terms of restricting an outlook from the new residence.</p> <p>1.3 Recommend that the building be redesigned to remove these rooms from this side of the building to prevent any overlooking.</p>		<p>Noted.</p> <p>The proposal complies with the Residential Design Codes as it relates to Visual Privacy.</p> <p>See response to submission 1.2 above.</p>

2	Affected Property: 268 (Lot 194) Spencer Road Thornlie	Postal Address: 2 Panamuna Drive WILLETTON WA 6155
Summary of Submission		Comment
No objection to proposal.		Noted.

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



Item 13.5.8 Continued

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential R20/R30 under TPS 6. In accordance with TPS 6, a Multiple Dwelling is an "A" use in the Residential zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval following advertising.

Residential Design Codes (R-Codes)

The R-Codes include Deemed-to-Comply Criteria (prefixed by "C") and Design Principles (prefixed by "P"). Applications not complying with the Deemed-to-Comply Criteria can be assessed against relevant Design Principles.

On 23 July 2013, Council resolved (Resolution 318) to advertise a draft modified Local Planning Policy 1.1.1 - Residential Development (LPP 1.1.1), with that Policy responding to recent (2 August 2013) changes to the Residential Design Codes. The draft modified Policy prescribes:

- Standards used to determine whether certain Design Principles of the R-Codes are met (Column B)
- Standards of development the City considers to be unacceptable (Column C).

The subject proposal complies with all relevant Deemed-to-Comply provisions of the R-Codes or Column B Criteria of the draft modified LPP 1.1.1, with the exception of those detailed in the table below.

R-Code and Policy Provision		Assessment/Comment
1.	<p>6.1.1 Building Size</p> <p>C1 Development complies with the maximum plot ratio requirements set out in Table 4 (0.5).</p> <p>P1 Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.</p> <p>LPP 1.1.1</p> <p>Column B - Development deemed to comply with 6.1.1 Deemed-to-comply provision C1.</p> <p>Column C - Development deemed to not comply with 6.1.1 Deemed-to-Comply provision C1 (i.e. no variation permitted).</p>	<p>The application proposes a plot ratio area of 0.523 and therefore does not comply with the Deemed-to-Comply provisions.</p> <p>The subject property is zoned Residential R30, which allows for the development of Multiple Dwellings. The variation proposed is only minor and equates to 12.88m² of additional building area. The scale of development is considered to be appropriate for its location as the built form proposed by this application is a desirable form of development within walking distance to a train station.</p> <p>The proposal does not comply with Deemed-to-Comply provision 6.1.1 C1.</p> <p>The proposal does not comply with the Deemed-to-Comply provision 6.1.1 C1, and is therefore deemed unacceptable by virtue of Column C.</p>

As demonstrated above, the proposal is deemed unacceptable by virtue of Column C. In considering the matter, the following is relevant:

Item 13.5.8 Continued

- If the site was to be developed with grouped dwellings rather than multiple dwellings, a larger building could potentially be approved as the site cover could be increased because grouped dwellings are not subject to plot ratio requirements
- The variation is particularly minor
- The building has been designed so as to have a similar appearance to a two-storey dwelling, which is considered to be in keeping with the surrounding area.

Based on the above, and the fact that the proposal complies with the Design Principles of the R-Codes, a variation to the Policy is considered acceptable in this instance.

CONCLUSION

The proposal is supported for the following reasons:

- The development contributes to a greater diversity of housing options in the local area
- The site is appropriately located close to a train station
- The proposal is consistent with the R30 coding which is applicable to the site
- The proposal is, but for one element, generally compliant with the requirements of the R-Codes and where non-compliant, the variation is considered minor.

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
- Draft Modified Local Planning Policy 1.1.1 - Residential Development.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.8 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

467 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council approve the application for four Multiple Dwellings and one Grouped Dwelling at 264 (Lot 196) Spencer Road, Thornlie, dated 8 July 2013 subject to the following conditions:

1. 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 LPP 4.5 - Development - Landscaping, and approved by the City, prior to the lodgement of a Building Permit application.
2. 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.
3. The existing dwelling is to be upgraded externally to an equivalent maintenance standard to the rest of the development. A schedule of works for the existing dwelling being retained shall be submitted prior to the lodgement of a Building Permit application, with new works being completed within six months of the completion of the new dwellings.
4. A Waste Collection Management Strategy, which details the manner by which rubbish and recycling bins are to be collected from the site, is to be submitted to the satisfaction of the City, prior to the lodgement of the Building Permit application.
5. The drainage plan, endorsed by the City's Technical Services branch on 17 July 2013, contained as Appendix 13.5.8A, is to be implemented, and all required drainage infrastructure thereafter maintained, to the satisfaction of the City.
6. The common property accessway being constructed and drained at the developer's cost to the specifications and satisfaction of the City.
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. The site is to be connected to the reticulated sewerage system.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

**13.5.9 AMENDMENT NO. 126 TO TOWN PLANNING SCHEME NO. 6 -
MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT
1 (ITEM BROUGHT FORWARD - REFER TO ITEM 11)**

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2012 and is relocated under Item 11 "Items Brought Forward for the Convenience of those in the Public Gallery" as the fifth report in these Minutes.

13.5.10 AMENDMENT NO. 151 TO TOWN PLANNING SCHEME NO. 6 - LOTS 1 AND 2 WILDFIRE ROAD AND LOTS 81, 5044 AND 5045 KELVIN ROAD, MADDINGTON

Author: L Gibson
Author's Declaration of Interest: Nil.
Application No: PF13/00071
Applicant: City of Gosnells
Owner: Various
Location: Maddington Industrial Area
Zoning: MRS: Urban
TPS No. 6: General Industry and Local Open Space
Review Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission
Area: Approximately 4.3ha
Previous Ref: Nil.
Appendix: 13.5.10A Scheme Amendment Map

PURPOSE OF REPORT

For Council to consider initiating an amendment to Town Planning Scheme No. 6 (TPS 6), to realign the Local Open Space reservation that applies to Lots 1 and 2 Wildfire Road and Lots 81, 5044 and 5045 Kelvin Road, Maddington.

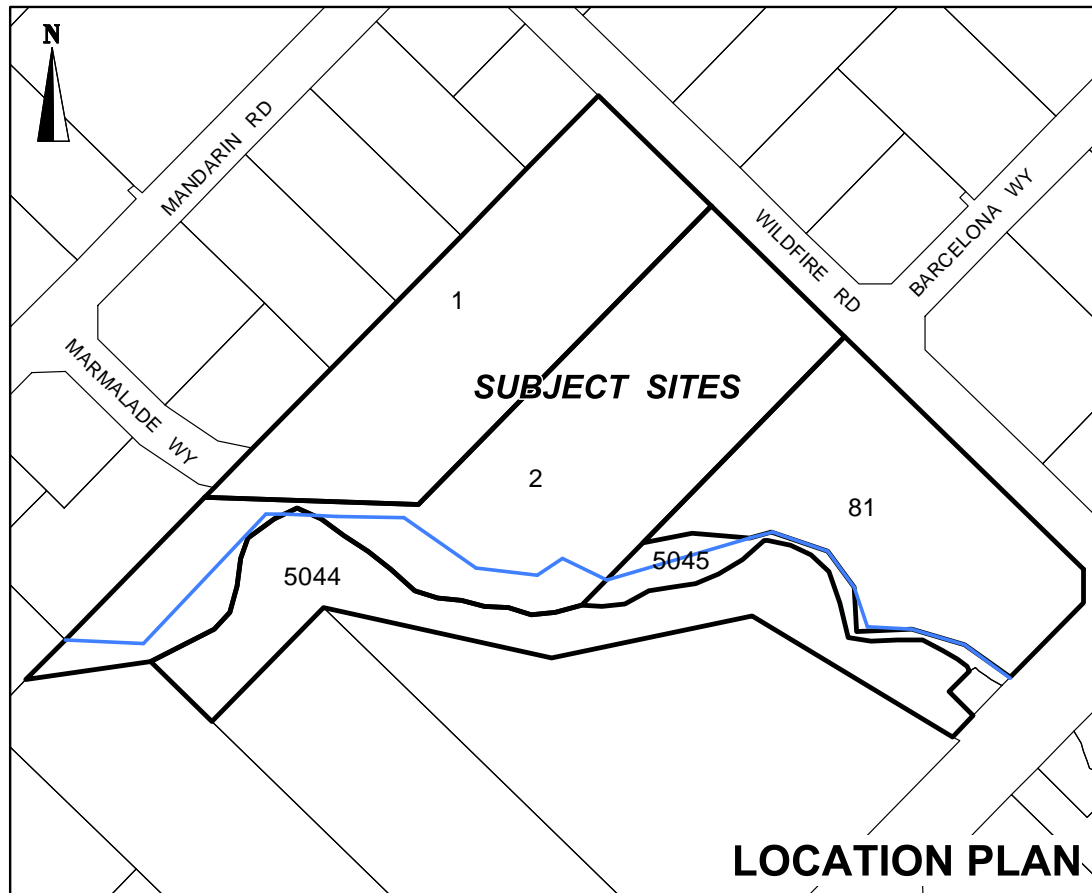
BACKGROUND**Site History**

Lots 2 and 81 have been subject to ongoing compliance action for a number of years, with that action specifically relating to the unauthorised use of the abutting Bickley Brook reserve. As a result of those proceedings, the owner of those lots engaged a consultant to prepare a Biophysical Assessment, with a view to delineating a foreshore area appropriate to the protection of waterway riparian values. That Assessment recommends a modified alignment for the Local Open Space associated with Bickley Brook. This report considers an amendment to TPS 6 in the context of that Assessment.

Site Description and Planning Framework

The subject land is generally bound by Wildfire Road, Kelvin Road and Bickley Brook, within the Maddington Industrial Area. The land accommodates typical industrial uses, and directly abuts Bickley Brook.

A plan identifying the location of the site follows:

Item 13.5.10 Continued

Proposal

The proposal involves realigning the Local Open Space reservation under TPS 6, which is associated with Bickley Brook, in the following manner:

- Zoning approximately 2,500m² of Local Open Space land as General Industry
- Reserving approximately 65m² of General Industry land as Local Open Space.

A copy of the draft TPS 6 amendment map is attached as Appendix 13.5.10A.

DISCUSSION

The proposed amendment reflects the recommendations of the submitted Biophysical Assessment. It will provide for the appropriate protection of Bickley Brook, but will also allow additional land to be developed for industrial purposes.

The proposed amendment will allow the City and the landowners to progress with other processes, including the ceding of land for public purposes, the provision of dividing fencing and the revegetation of land adjacent to the brook.

Item 13.5.10 Continued

CONCLUSION

The subject proposal will result in the Scheme more accurately delineating the land required to adequately protect the environmental value of Bickley Brook.

It will therefore be recommended that Council initiate Scheme Amendment No. 151 to TPS 6.

FINANCIAL IMPLICATIONS

All costs associated with the Scheme Amendment will be borne by the Planning Implementation branch.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

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

468 Moved Cr R Mitchell Seconded Cr O Searle

That Council, pursuant to Section 75 of the *Planning and Development Act 2005*, initiates an amendment to Town Planning Scheme No. 6 to realign the Local Open Space reservation that applies to Lots 1 and 2 Wildfire Road and Lots 81, 5044 and 5045 Kelvin Road, Maddington, in accordance with the Scheme Amendment Map contained as Appendix 13.5.10A.

CARRIED 8/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.*

AGAINST: *Nil.*

Item 13.5.10 Continued

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

469 Moved Cr R Mitchell Seconded Cr O Searle

That Council forwards Amendment No. 151 to Town Planning Scheme No. 6 to:

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

and subject to no objection being received from the Environmental Protection Authority, advertises the amendment for public comment for a period of 42 days to the satisfaction of the Director Planning and Sustainability.

CARRIED 8/0

FOR: Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, Cr O Searle and Cr D Griffiths.

AGAINST: Nil.

13.6 GOVERNANCE

13.6.1 ANNUAL REPORT 2012-2013

Author: M Hughes
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.6.1A 2012-13 Annual Report

PURPOSE OF REPORT

For Council to adopt the 2012-13 Annual Report for the City of Gosnells.

BACKGROUND

Section 5.53(1) of the *Local Government Act 1995 (Act)* requires that local governments develop and publish an annual report for each financial year. The content of the annual report is specified in s5.53(2). Section 5.54 of the Act requires that the local government accept the annual report for a financial year no later than 31 December after that financial year. Section 5.54 of the Act also specifies that an absolute majority is required.

Further, in accordance with Section 5.55, as soon as practical after the report has been accepted, the Chief Executive Officer is to give local public notice of its availability.

DISCUSSION

The Annual Report contained within Appendix 13.6.1A contains the statutory reports and financial statements for the City for the period 1 July 2012 to 30 June 2013. The Annual Report also contains information on the City's:

- 10 Year Community Plan
- Disability Access and Inclusion Plan
- Record Keeping Plan
- Freedom of Information activity.

FINANCIAL IMPLICATIONS

It will cost approximately \$2,000 to print the annual report and to advertise its availability in accordance with the requirements of the Act. It is proposed that this expenditure will be met from the Communications and Marketing Advertising and Promotions account, JL 95-94031-3210-000.

STATUTORY IMPLICATIONS

Sections 5.53 – 5.55 *Local Government Act 1995*
Section 29 (2) of the *Disability Services Act 1993*
Principle 6 of State Records Commission Standard 2 – Record Keeping Plans of the State Records Principles and Standards 2000
Part 5 of the *Local Government (Administration) Regulations 1996*

Item 13.6.1 Continued

Part 4 of the *Local Government (Financial Management) Regulations 1996*
Regulation 10 of the *Local Government (Audit) Regulations 1996*.

VOTING REQUIREMENTS

Absolute Majority required

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

470 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council accepts the City of Gosnells Annual Report for the 2012-2013 financial year as contained in Appendix 13.6.1A.

CARRIED 8/0

FOR: *Cr W Barrett, Cr J Brown, Cr D Goode, Cr R Hoffman, Cr R Mitchell, Cr G Scott, 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)

Nil.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURE

The Mayor declared the meeting closed at 9.08pm.