



ORDINARY COUNCIL MEETING
17 DECEMBER 2013

TABLE OF CONTENTS - MINUTES

Item	Report Title	Page No.
1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER	1
2.	RECORD OF ATTENDANCE	2
3.	DISCLOSURE OF INTEREST	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER	2
5.	REPORTS OF DELEGATES	3
6.	QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS	3
6.1	QUESTION TIME	4
6.2	PUBLIC STATEMENTS	14
7.	CONFIRMATION OF MINUTES	15
8.	RECEIVING OF PETITIONS AND PRESENTATIONS	16
8.1	REQUEST FOR NATIVE TREES ON TOWNCENTRE DRIVE, THORN LIE	16
9.	APPLICATIONS FOR LEAVE OF ABSENCE	16
10.	QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN	17
11.	ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY	17
13.4.5	REVIEW OF THE LOCAL OPEN SPACE STRATEGY	18
13.4.8	INSTALLATION OF BUS PRIORITY - ALBANY HIGHWAY / NICHOLSON ROAD INTERSECTION (SOUTHBOUND)	23
13.5.1	DEVELOPMENT APPLICATION - RESTAURANT AND OFFICE - 156 (LOT 736) CANNA DRIVE, CANNING VALE	26
13.5.3	AMENDMENT NO. 126 TO TOWN PLANNING SCHEME NO. 6 - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 1	31
13.5.9	AMENDMENT NO. 144 TO TOWN PLANNING SCHEME NO. 6 - REZONING LAND BOUND BY SEVENOAKS STREET, WILLIAM STREET, BICKLEY ROAD AND A DRAIN RESERVE, BECKENHAM FROM GENERAL INDUSTRY TO SPECIAL USE	36
13.5.10	LISSIMAN STREET PRECINCT IMPROVEMENT PLAN	51
13.6.3	APPOINTMENT OF DELEGATES TO THE CITY'S ROADWISE ADVISORY GROUP, HISTORY AND	

Item	Report Title	Page No.
	HERITAGE ADVISORY GROUP AND THE GOSNELLS DISTRICT NEIGHBOURHOOD WATCH ASSOCIATION.....	57
13.6.1	CITY OF GOSNELLS AMENDMENT LOCAL LAW 2014.....	62
13.6.2	AMENDMENTS TO EXISTING COMPLIANCE AND ENFORCEMENT POLICY AND PROPOSED NEW POLICIES.....	67
13.6.4	DEVELOPMENT APPLICATION - PATIO - 84 (LOT 242) WATERFOOT LOOP CANNING VALE	72
15.	URGENT BUSINESS	77
15.1	CENTRAL MADDINGTON OUTLINE DEVELOPMENT PLAN - DRAFT DEVELOPMENT CONTRIBUTION PLAN REPORT - OUTCOMES OF CONSULTATION.....	77
12.	REPORTS OF COMMITTEE MEETINGS	103
12.1	LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES - 20 NOVEMBER 2013.....	103
13.	REPORTS.....	105
13.1	CHIEF EXECUTIVE OFFICE	105
13.2	COMMUNITY ENGAGEMENT.....	105
13.3	CORPORATE SERVICES	105
13.3.1	FINANCIAL ACTIVITY STATEMENTS - NOVEMBER 2013.....	105
13.3.2	PAYMENT OF ACCOUNTS - NOVEMBER 2013	107
13.3.3	BUDGET VARIATIONS.....	108
13.3.4	RATING - VALUATION BASE.....	112
13.3.5	CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE AND REMUNERATION REVIEW.....	115
13.4	INFRASTRUCTURE	118
13.4.1	TENDER 26/2013 - DESIGN AND CONSTRUCTION OF OUTBUILDINGS, ORANGE GROVE.....	118
13.4.2	TENDER 27/2013 - INSTALLATION OF LIGHTING TO FIELD AND UNDERCOVER ARENA, ORANGE GROVE	122
13.4.3	TENDER 35/2013 - CONSTRUCTION OF STAGE 1 RESIDENTIAL SUBDIVISION SYDENHAM STREET, BECKENHAM.....	126
13.4.4	TENDER 39/2013 - ENVIRONMENTAL WEED SPRAYING.....	130
13.4.5	REVIEW OF THE LOCAL OPEN SPACE STRATEGY (ITEM BROUGHT FORWARD - REFER TO ITEM 11)	134

Item	Report Title	Page No.
13.4.6	ROADSIDE REMNANT NATIVE VEGETATION MANAGEMENT POLICY.....	135
13.4.7	ROAD RAIL INTERFACE AGREEMENTS	137
13.4.8	INSTALLATION OF BUS PRIORITY - ALBANY HIGHWAY / NICHOLSON ROAD INTERSECTION (SOUTHBOUND) (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	140
13.5	PLANNING AND SUSTAINABILITY.....	141
13.5.1	DEVELOPMENT APPLICATION - RESTAURANT AND OFFICE - 156 (LOT 736) CANNA DRIVE, CANNING VALE (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	141
13.5.2	DEVELOPMENT APPLICATION - EIGHT MULTIPLE DWELLINGS - LOT 9000 DOWITCHER LOOP, GOSNELLS.....	142
13.5.3	AMENDMENT NO. 126 TO TOWN PLANNING SCHEME NO. 6 - MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 1 (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	148
13.5.4	AMENDMENT NO. 150 TO TOWN PLANNING SCHEME NO. 6 - RECODING LAND BOUND BY ALBANY HIGHWAY, PECKHAM STREET, BROMLEY STREET AND HARRIS STREET, BECKENHAM FROM RESIDENTIAL R17.5 TO RESIDENTIAL R30.....	149
13.5.5	DEVELOPMENT APPLICATION - FAMILY DAY CARE - 11 (LOT 208) CARAKINE GROVE, THORNLIE	156
13.5.6	DEVELOPMENT APPLICATION - FAMILY DAY CARE - 16 (LOT 247) GAY STREET, HUNTINGDALE	163
13.5.7	DEVELOPMENT APPLICATION - 14 GROUPED DWELLINGS - 57 (LOT 72) HOLMES STREET, SOUTHERN RIVER	169
13.5.8	DEVELOPMENT APPLICATION - OUTBUILDING - 5 (LOT 300) FYSH PLACE, HUNTINGDALE.....	177
13.5.9	AMENDMENT NO. 144 TO TOWN PLANNING SCHEME NO. 6 - REZONING LAND BOUND BY SEVENOAKS STREET, WILLIAM STREET, BICKLEY ROAD AND A DRAIN RESERVE, BECKENHAM FROM GENERAL INDUSTRY TO SPECIAL USE (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	181
13.5.10	LISSIMAN STREET PRECINCT IMPROVEMENT PLAN (ITEM BROUGHT FORWARD - REFER TO ITEM 11)	182
13.5.11	DEVELOPMENT APPLICATION - ADDITIONS TO EDUCATIONAL ESTABLISHMENT - 19 (LOT 1570) FURLEY ROAD, SOUTHERN RIVER	183

Item	Report Title	Page No.
13.5.12	DEVELOPMENT APPLICATION - CHANGE OF USE TO WAREHOUSE AND STORAGE - 1700 (LOT 99) ALBANY HIGHWAY, KENWICK.....	189
13.5.13	DEVELOPMENT APPLICATION - INDUSTRY - SERVICE (FABRICATION OF TRANSPORTABLE DWELLINGS) - 225 (LOT 508) KELVIN ROAD, ORANGE GROVE.....	195
13.6	GOVERNANCE	205
13.6.1	CITY OF GOSNELLS AMENDMENT LOCAL LAW 2014 (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	205
13.6.2	AMENDMENTS TO EXISTING COMPLIANCE AND ENFORCEMENT POLICY AND PROPOSED NEW POLICIES (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	206
13.6.3	APPOINTMENT OF DELEGATES TO THE CITY'S ROADWISE ADVISORY GROUP, HISTORY AND HERITAGE ADVISORY GROUP AND THE GOSNELLS DISTRICT NEIGHBOURHOOD WATCH ASSOCIATION (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	207
13.6.4	DEVELOPMENT APPLICATION - PATIO - 84 (LOT 242) WATERFOOT LOOP CANNING VALE (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	208
14.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	209
15.	URGENT BUSINESS	209
15.1	CENTRAL MADDINGTON OUTLINE DEVELOPMENT PLAN - DRAFT DEVELOPMENT CONTRIBUTION PLAN REPORT - OUTCOMES OF CONSULTATION (ITEM BROUGHT FORWARD - REFER TO ITEM 11).....	209
16.	CONFIDENTIAL MATTERS	210
16.1	SELECTION OF THE 2013 PREMIER'S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARD RECIPIENTS.....	210
16.2	HISTORY AND HERITAGE AWARDS - CONSIDERATION AND APPROVAL OF AWARDS FOR 2013.....	213
16.3	CITY OF GOSNELLS PERFORMING ARTS ADVISORY GROUP - ENDORSEMENT OF MEMBERSHIP AND APPOINTMENT OF PRESIDING MEMBER	216
17.	CLOSURE.....	219

Minutes of the Ordinary Council Meeting held in the City of Gosnells Civic Centre Council Chambers, 2120 Albany Highway, Gosnells on Tuesday 17 December 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 G DEWHURST
CR D GOODE JP
CR R HOFFMAN
CR R LAWRENCE
CR O SEARLE JP
CR P YANG

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

68

2.1 APOLOGIES

Cr P Griffiths
Cr G Scott JP

2.2 LEAVE OF ABSENCE

Nil.

3. DISCLOSURE OF INTEREST

The Chief Executive Officer declared a Direct Financial Interest in Item 13.3.5, "Chief Executive Officer - Annual Performance and Remuneration Review".

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER

(without discussion)

Nil.

5. REPORTS OF DELEGATES

(without discussion)

Cr J Brown advised that during January the Armadale Kelmscott Hospital's Emergency Department will be undergoing a replacement of the vinyl. It is going to take between five and six weeks, resulting in many changes. The hospital staff have advised that the emergency department is still open but there will be delays.

Furthermore Cr Brown advised that today she judged the Christmas decorations in the wards at the hospital and all the wards looked fantastic.

Cr R Mitchell advised that on Saturday he attended the last function before the Christmas closure at the Police and Citizens Youth Club in Maddington. After Christmas the PCYC will be moving to a facility in Kenwick. Cr R Mitchell passed on thanks from the PCYC to City staff for all their assistance

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**26 November 2013 Ordinary Council Meeting:**

Mr Ken Farquhar of 10/11 Firetail Place, Kenwick asked the following question at the 26 November 2013 Ordinary Council Meeting:

Q1 In late November and early December 2012, I asked four questions relating to landscaping etc, and \$12,000 bond. Your reply was yes to these questions, are these questions still applicable?

Response: In reply to Mr Farquhar the Director Planning and Sustainability provided the following written response on 10 December 2013.

"At the 26 November 2013 Council meeting, you asked a question, which referred to four questions asked at previous Council meetings. These four questions are answered as follows:

Question 1: *Is it a condition of the City's planning approval for the New Age Recycling/SRF recycling site in Austin Avenue Kenwick that there is landscaping and reticulation of the development site?*

Response: *Yes. The approval requires both the preparation and the implementation of a satisfactory landscaping plan for the site.*

Question 2: *Does the City consider that the eight dead or dying trees planted along Austin Avenue frontage of the lot and apparent lack of reticulation satisfy this condition?*

Response: *No. The City will be pursuing this matter with the landowner.*

Question 3: *Did Ridan Pty Ltd lodge a \$12,000 landscaping bond with the City prior to building a licence being issued in respect to the premises occupied by SRF Recycling in Austin Avenue, Kenwick as required by the planning approval?*

Response: *Yes, a bond was lodged.*

Question 4: *Has this bond been refunded?*

Response: *No, the bond has not been refunded."*

6.1 QUESTION TIME

Question Time for the Public commenced at 7.35pm.

Ms Sina Panic of 31/33 Clifton Street, Maddington asked the following questions:

Q1 **Why do 500 owners have to pay over 70% costs for Public Open Space (POS) and Infrastructure that will benefit the majority of the ODP area not just their land? Yet the pony club with only 60 members gets upgraded at rate payers' expense. A fairer option would be for the City of Gosnells to subsidise 50% of the cost and obtain state funding for POS. It is the Western Australian Planning Commission that wants the extra POS.**

Response The Director Planning and Sustainability advised that in terms of the equality issues, the task of the arrangement is to provide infrastructure and open space which is of benefit to that broader community within the Maddington Central area. It is an area which desperately needs coordination.

The costs of doing the infrastructure upgrades have merely been applied across the area. What people are being asked to provide, from a mathematical point of view, is an equitable contribution based on the development benefit that they will gain. It is really the only applicable way that we can move forward and encourage the development and to get a new and improved urban form in the Maddington Central area.

Q2 If the Outline Development Plan goes ahead, when will the City of Gosnells do the work? Is there a time frame? It could take peoples' money and not do any of the work for the next 40 years. Land for road was taken from us 40 years ago and the road still has not been built.

Response The Director Planning and Sustainability advised that the works would be put into the area as the demand occurs and as the opportunity arises. From a simplistic point of view, what the City would try and do is to target those improvements in areas where people are developing their land. For example, if there were groups of people wanting to develop in one particular street that required upgrading developing, that would be an excellent place to target and apply the resources to deliver the improvements to the area.

Ms Tanya Appleby of 155 Reservoir Road, Orange Grove asked the following questions:

Q1 What consultation process does Boral need to have with the Orange Grove residents to tell us of their intentions of putting in an asphalt plant?

Response The Director Planning and Sustainability advised that there would be a need for consultation, which is triggered by an obligation for Boral to make an application under the Town Planning Scheme.

The Director Planning and Sustainability advised that the City received an incomplete application for an asphalt plant at the quarry last month and the City has requested further information because there was no environmental information to go with the application.

The City proposes to advertise a proposal for public comment but the City has not made a decision yet on how far this should go and for how long it should go for, though it won't be happening over the Christmas and New Year period.

In terms of determination requirements, the proposal is on land which is a regional reserve and the decision making power rests with the Western Australian Planning Commission (WAPC), not the City of Gosnells. Having said this, the City is a referral agency and it will be making a recommendation to the WAPC before the WAPC makes its decision.

What the City would anticipate is that after the City advertises and collects the public feedback about this proposal, this would then be included in a report to Council and would be considered at one of the February Council Meetings. From there the City would make a recommendation to the WAPC.

In the meantime the City is working with officers from the Department of Environment Regulation and the Department of Planning which supports the WAPC to ensure there is good communication amongst the officers.

Q2 Will Council consider the impact this will have on the Equestrian Centre being redeveloped to include riding for disabled, Orange Grove Pony Club, Orange Grove Adult Riders and Gosnells Pony Club?

Response The Director Planning and Sustainability advised that the compatibility between this and other surrounding land uses is going to be the key issue that the Council will consider.

Mr John Ferrier of 24 Stephen Street, Orange Grove asked the following questions:

Q1 If the proposed placement of the Boral Corporation's temporary asphalt plant, in the Stephen Street, Orange Grove, Hard Rock Quarry, is approved, by the City of Gosnells, how am I supposed to protect my family from the toxic carcinogenic (polycyclic aromatic hydrocarbon emissions)? I have a three year old daughter; do I lock her in the house and prevent her from using her outside play area? I request that you consider the impact this proposed facility will have on my family's quality of life and the amenity of the surrounding residents.

Response The Director Planning and Sustainability advised that the State Government will be determining the proposal, not the City. But if you wish to make submissions during the public comment period please feel free to do so. The City will include the comments in the comments in the consultation process.

Ms Deborah Tilbury of 68 Staniland Street, Orange Grove asked the following questions:

Q1 The City of Gosnells has a Foothills Rural Strategy in place, does this document have any credibility with the Council? Does an Asphalt Plant match the amenity of Orange Grove?

Response The Director Planning and Sustainability advised that there is a draft Foothills Rural Strategy and the review has recently been held up by the release of the State Government's dust guidelines. This is one of the documents that will be considered when the proposal is assessed.

Q2 It is expected that the proposed Asphalt Plant will draw objection from residents of Orange Grove. How will the City of Gosnells assist their rate payers to maintain our quality of life in an environment that is environmentally and healthy and safe for us to live?

Response The Director Planning and Sustainability advised that the City often employs public consultation to gauge public feedback on proposals when they're tasked to the Council for assessment, and this is what would happen in this case.

Ms Marciano of 131 Attfield Street, Maddington asked the following question:

Q1 I would like to know about compensation fees on lands with public open space, what is the process of the payment of compensation?

Response The Director Planning and Sustainability advised that the arrangement was voluntary and the trigger for being involved in the arrangement and making financial contributions is actually when land owners choose to develop their land. The potential costs of the arrangement are one of the issues that would be taken into account when land owners choose to develop their land.

Mr Robin Hicks of 33 Gosnells Road East, Orange Grove asked the following question:

Q1 I moved to this area to improve my quality of life, could you tell me how many extra trucks will be passing my home and the health hazards that will be associated with the bitumen contents of these trucks?

Response The Director Planning and Sustainability advised that the City has not yet assessed the proposal, as such the City cannot quantify any numbers. Dust and fumes are particularly difficult to quantify, but there may be some information in the application about truck movements and the like. The City will provide these details in the assessment.

Ms Fiona Gallon of 34 Staniland Street, Orange Grove asked the following questions:

Q1 What action will the City of Gosnells take to ensure that the roads and environment will safely cope with this increase in traffic?

Response The Director Planning and Sustainability advised that the Council's role is restricted to making a recommendation to the WAPC, and the nature of that recommendation will relate to the impact and the suitability of a proposal in the location that's included in the application. The Council's role is to fulfil this obligation and respond to the WAPC and it will be up to the WAPC to determine a decision from there.

Q2 What action will the City of Gosnells take to ensure that the residents of Orange Grove can safely go about their business on the roads in our suburb with no further disruption to our lives?

Response The Director Planning and Sustainability advised that the behaviour on the roads is the responsibility of individuals in line with common law. The City puts devices in the road to encourage people to do the right thing and this is all the City can do.

Ms Leonie Grigson on behalf of Tanya Street from 111 Grant Street, Orange Grove asked the following question:

Q1 As the Asphalt Plant would be on a general rural zoning and it is an industrial process and studies show that asphalt plants produce cancer causing toxic air pollutants such as arsenic, benzene, formaldehyde and cadmium. Other toxic chemicals are released into the air as the asphalt is loaded into trucks and hauled from the plant site, including volatile organic compounds, polycyclic aromatic hydrocarbons (PAHs) and very fine condensed particulates.

If we have problems with our health and our amenities who will be responsible for the additional hazards being placed on the community and how quickly would these be dealt with?

Response The Director Planning and Sustainability advised that the State Government has environmental agencies that are involved in the environmental assessment of this proposal.

The Director recommended that in addition to making any submissions to the City, if these submissions are on environmental grounds, that they are also submitted to the Department of Environment Regulation for their information.

Notation

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

COUNCIL RESOLUTION

510 Moved Cr G Dewhurst Seconded Cr J Brown

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

CARRIED 9/1

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Cr R Mitchell.

Ms Ebony Lynch of 18 Staniland Street, Orange Grove asked the following questions:

Q1 What compensation will the Council give to residents for the inconvenience of having an industrial plant in the middle of a residential area? Will our rates go down?

Response The Chief Executive Officer advised that the decision will be made by the WAPC, which is the State Government. The decision will not be made by the City of Gosnells, as such the community should express their concerns to the State Government through the WAPC.

Whatever the WAPC ultimately allows, the City will not decrease the rates. It is a decision from the WAPC whether or not they want the activity to go ahead. The City does not reduce rates on that basis.

Q2 Can Council guarantee that the emissions from the asphalt plant are not going to cause health issues? How will the Council deal with a situation when the environment conditions are not met?

Response The Chief Executive Officer advised that this is an issue for consideration by the State Government, as such the City cannot guarantee an individual's health if the State Government allow this activity to go ahead.

Ms Leonie Grigson of 9 Stephen Street, Orange Grove asked the following questions:

Q1 What consultation process will the City of Gosnells have to advise residents of Orange Grove to ensure all residents are aware of what is going on? Will the City of Gosnells be holding a public meeting?

Response The Director Planning and Sustainability advised that the missing information from the application was only submitted yesterday and has not been assessed in any detail to determine how wide and far the consultation period should go. The Council does have an adopted policy on consultation, about the radius of consultation for certain activities and at this stage all that can be said is that the City is making arrangements so that consultation does not occur over the Christmas and New Year period. The consultation period will probably be at least 21 days, but this is still to be confirmed.

The Mayor advised that a public meeting can be held should it be requested by the residents.

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

Q1 What is the current zoning of the Boral Quarry site in Orange Grove?

Response The Director Planning and Sustainability advised that he would take the question on notice and provide a response in writing.

Q2 Are the current activities on the Boral Quarry site compatible with its zoning?

Response The Director Planning and Sustainability advised that he would expect that it would be a non-conforming use or the approval could have been issued under an old approval that predates the planning controls of the area.

Ms Lynda Woodfin of 12 Victoria Court, Thornlie asked the following question:

Q1 Opposite my house in Dellavanzo Street is 1279m2 referred to as R 36569 – 4168. This is not shown as POS or LOS to be resumed. What will happen to this land or the money received for it?

Response The Director Planning and Sustainability advised that he would take the question on notice and provide a response in writing.

Mr Joseph Battaglia of 23 Contour Road, Roleystone asked the following questions:

Q1 What are the reasons for the unfair distribution of the common infrastructure works costs amongst landowners that will not gain any tangible benefit from these works?

Response The Director Planning and Sustainability advised that the proposed contributions are structured in a way that reflects the principle of trying to apply the costs equitably. The task is to improve the entire area to benefit the land owners and the arrangement is simply a mechanism to do that and distribute the costs equitably.

One of the models explored was the creation of 10 small precincts, each of which contained a portion of the roads within the total arrangement. It was found through analysis of the model that the costs are relatively similar to the approach of applying to the broader area. The City is conscious of the need to keep the arrangement as simple as possible, legible and easy to understand. In the absence of any other mechanisms it really is the only way to share costs equitably across the arrangement.

Q2 What are the reasons that Council has not included landowners that will not directly benefit from the construction of these new roads and associated infrastructure works into Precinct 2?

Response The Director Planning and Sustainability advised that the Precinct 2 landowners are those who are tasked with the need to build roads which are solely for the benefit of their own land holdings on very large lots within the area. They are quite different to the typical landowners within the scheme area who all may abut portions of new road and the like for shared benefit. This is the reason why Precinct 2 was separated out, so the owners of the land are totally responsible for their own road construction without impost on everyone else.

Mr Joe Parlapiano of Lot 736 Canna Drive, Canning Vale asked the following question:

Q1 Parking is an issue in the area, can Council consider a reduction in car bays for the restaurant development, Lot 736 Canna Drive, if we share bays with Lot 735 as discussed with owner of Lot 735 already?

Response The Director Planning and Sustainability advised that if the gentleman wished put forward a combined proposal with the neighbour, he could submit an application and this would be considered by Council.

Q2 Is there any reason why we have to put a residential upstairs? Can an exception be made?

Response The Director Planning and Sustainability advised that the area has been designed under the detailed area plan for commercial land uses downstairs and residential upstairs. The parking supply for the area was also couched that on the basis that those uses would combine. If you add further commercial floor space to it you actually add further pressure to parking supply in the area. This is not what was contemplated when the area was put together with the on-street parking bays and the other infrastructure in the area.

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

Q1 What medical qualifications, including qualifications in psychiatry does Councillor Scott hold?

Response The Chief Executive Officer advised that the City is unable to answer a question on a particular Councillor, they will have to be addressed to the individual Councillor.

Notation

Due to the Chief Executive Officer's response, Mr Leon Walker withdrew his other two questions as they were also in relation to Councillor Scott.

Ms Anne Webster of 50 White Road, Orange Grove asked the following question:

Q1 Has it been brought to the Council's attention that there has been an increase in traffic in Orange Grove?

Response The Director Infrastructure advised that he was not aware of any particular issues regarding trucks on the road. The City is certainly aware of the Boral Quarry and the trucks associated with that. But if any of the residents have any concerns they would like to put in writing to the City, the City will investigate and be able to undertake a traffic count in the area.

Ms Helen Saville on behalf of Mr Paul Fenton from 53 Hardinge Road, Orange Grove asked the following question:

Q1 What conditions are placed on Boral for them to operate in a semi-rural area, e.g. operating hours, type of business? Do they have to provide evidence of environmental monitoring to the Council or EPA. Does an Asphalt Plant fit into the current operating description?

Response The Director Planning and Sustainability advised that the asphalt proposal would be a completely new proposal. There are various environmental commitments, landscaping plans and the like which are adopted and evaluated by City Officer's. But these are separate to any new proposals for that site, and new proposals would be considered separately.

Ms Helen Saville of 53 Hardinge Road, Orange Grove asked the following questions:

Q1 Has the City of Gosnells suggested to Boral alternative sites within their Council boundaries and within industrial areas?

Response The Director Planning and Sustainability advised that he was not aware the City has done this.

Q2 Does the City of Gosnells have to contact 'sensitive land users' in the area to warn them than an Asphalt Plant will be built in their area?

Response The Director Planning and Sustainability advised that the City's planning scheme requires public consultation for certain types of proposals, and this is one of those proposals. Therefore the City will be writing to nearby land users.

Question Time for the Public concluded at 8.13pm.

6.2 PUBLIC STATEMENTS

Public Statement Time commenced at 8.13pm.

6.2.1 Mr David Read from TPG Town Planning, Urban Design and Heritage made a statement in relation to Item 13.5.9 "Amendment No. 144 to Town Planning Scheme No. 6 - Rezoning Land bound by Sevenoaks Street, William Street, Bickley Road and a Drain Reserve, Beckenham from General Industry to Special Use".

Mr Read expressed his thanks to the City's staff on their professional approach and efforts on the Amendment. Mr Read addressed several points relevant to the numerous benefits of such a proposal and was hopeful of receiving the Council's continual support on the project.

6.2.2 Mr Joseph Battaglia of 23 Contour Road, Roleystone made a statement in relation to Item 15.1 "Central Maddington Outline Development Plan - Draft Development Contribution Plan Report - Outcomes of Consultation":

Mr Battaglia proposed that the Council review the newly outlined distribution of common infrastructure works costs, and ensuring that they are borne by the landowners that will receive a tangible benefit from these works. Therefore all costs would be distributed in a fair, equitable and shared manner.

6.2.3 Ms Sina Panic of 31/33 Clifton Street, Maddington made a statement in relation to Item 15.1 "Central Maddington Outline Development Plan - Draft Development Contribution Plan Report - Outcomes of Consultation":

Ms Panic expressed her concerns about the current required contribution, stating it was too high and will not encourage development. Ms Panic stated that the City of Gosnells needs to look at reducing the costs even further.

6.2.4 Mr Joe Parlapiano of Lot 736 Canna Drive, Canning Vale made a statement in relation to Item 13.5.1 "Development Application - Restaurant and Office - 156 (Lot 736) Canna Drive, Canning Vale":

Mr Parlapiano requested that the Council consider the application for a restaurant in Canning Vale. In regards to the concerns regarding the parking Mr Parlapiano stated there is enough bays available, to not be an inconvenience to the community.

Notation

The Chief Executive Officer stated that two public statements that had been submitted prior to the commencement of the meeting, were regarding a topic that was not on the agenda. In accordance with the City's Standing Orders Local Law 2012 the Chief Executive Officer advised that these statements would not be allowed.

6.2.5 Mr Ian Tomic of 12 Waring Way, Kardinya made a statement in relation to Item 15.1 "Central Maddington Outline Development Plan - Draft Development Contribution Plan Report - Outcomes of Consultation":

Mr Tomic requested that the Council vote in favour of the current amended proposal tonight as it will bring new life into the current area that has been neglected for many years.

Public Statement Time concluded at 8.22pm.

7. CONFIRMATION OF MINUTES

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

511 Moved Cr R Hoffman Seconded Cr O Searle

That Council confirms the Minute in relation to Item 13.2.3 of the Ordinary Council Meeting held on 12 November 2013 noting that the following text has been added to that minute:

"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)."

CARRIED 10/0

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

AGAINST: *Nil.*

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION**512 Moved Cr R Hoffman Seconded Cr O Searle**

That the Minutes of the Ordinary Council Meeting held on 26 November 2013, as published and distributed be confirmed as an accurate record.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang 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.

8.1 REQUEST FOR NATIVE TREES ON TOWNCENTRE DRIVE, THORNLIE

Cr P Yang presented a petition initiated by Beverley Anne Rea of 70B Towncentre Drive, Thornlie containing 59 signatures. The petition stated:

"We the undersigned electors of the City of Gosnells request the City of Gosnells overturn the Council Resolution of 27 May 2008 and return to the plan to remove the London Plane trees on Towncentre Drive and replace them with native trees; for the following reasons:

Plane trees are inappropriately huge for this streetscape; their roots damage residential and street infrastructure and their leaf litter is disproportionate."

COUNCIL RESOLUTION**513 Moved Cr P Yang Seconded Cr O Searle**

That the petition initiated by Beverley Anne Rea of 70B Towncentre Drive, Thornlie containing 59 signatures be received and a report be prepared for Council's consideration.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

Clause 4.10 of the City of Gosnells Standing Orders Local Law 2012 states:

- (1) A Member seeking the Council's approval to take leave of absence shall give written notice to the CEO prior to the commencement of the meeting.
- (2) The notice referred to in subclause (1) shall include the period of leave of absence required and the reasons for seeking the leave".

Nil.

10. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

(without discussion)

Nil.

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

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

COUNCIL RESOLUTION**514 Moved Cr R Hoffman Seconded Cr R Lawrence**

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

- Item 13.4.5 Review of the Local Open Space Strategy;
- Item 13.4.8 Installation of Bus Priority - Albany Highway / Nicholson Road Intersection (Southbound);
- Item 13.5.1 Development Application - Restaurant and Office - 156 (Lot 736) Canna Drive, Canning Vale;
- Item 13.5.3 Amendment No. 126 to Town Planning Scheme No. 6 - Maddington Kenwick Strategic Employment Area Precinct 1;
- Item 13.5.9 Amendment No. 144 to Town Planning Scheme No. 6 - Rezoning Land bound by Sevenoaks Street, William Street, Bickley Road and a Drain Reserve, Beckenham from General Industry to Special Use;
- Item 13.5.10 Lissiman Street Precinct Improvement Plan;
- Item 13.6.3 Appointment of Delegates to the City's RoadWise Advisory Group, History and Heritage Advisory Group and the Gosnells District Neighbourhood Watch Association;
- Item 13.6.1 City of Gosnells Amendment Local Law 2014;
- Item 13.6.2 Amendments to Existing Compliance and Enforcement Policy and Proposed New Policies;
- Item 13.6.4 Development Application - Patio - 84 (Lot 242) Waterfoot Loop Canning Vale;
- Item 15.1 Central Maddington Outline Development Plan - Draft Development Contribution Plan Report - Outcomes of Consultation.

CARRIED 10/0

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

AGAINST: *Nil.*

13.4.5 REVIEW OF THE LOCAL OPEN SPACE STRATEGY

Author:	R Rowcroft
Author's Declaration of Interest:	Nil.
Previous Ref:	14 December 2010 (Resolution 587) 13 December 2011 (Resolutions 614, 615, 616) 18 December 2012 (Resolutions 631, 632)
Appendix:	13.4.5A Public Open Space Strategy

PURPOSE OF REPORT

For Council to endorse the amended Local Open Space Strategy and approve the retitled Public Open Space Strategy for public advertising.

BACKGROUND

The City of Gosnells (the City) recognises the many social, environmental, economic and health benefits of appropriately located, functional and attractive Public Open Space (POS). To ensure the future protection, provision and management of POS meets the ongoing needs of the community; the City developed a Local Open Space Strategy (the Strategy). The Strategy and subsequent six year Implementation Plan were endorsed by Council at the Ordinary Council Meeting on 14 December 2010 (Resolution 587).

The Strategy was established to guide and coordinate decisions relating to the distribution, functionality and standard of POS in the City. The implementation of the Strategy is expected to span 30 years. To assist in delivering this long term program the City recommended the preparation of five six-year implementation plans. The implementation plans are created based on the City's POS evaluation, community need and Council priorities.

Following, the City's extensive POS evaluation (the evaluation) recommendations were created for enhancement, acquisition and disposal of POS. These recommendations seek to rectify areas deficient in POS by identifying where and how land can be acquired, improve service levels through enhancement and dispose or partially dispose of land that is considered to be surplus or does not serve a community function. As above, these recommendations are then coupled with Council priorities and community need and listed in each six-year implementation plan.

It should be noted that the implementation plans will only list projects which can be managed by the City, within a specified timeframe. There are a number of projects that form part the execution of the Strategy (i.e., acquisition of land) that are currently omitted from this process. The majority of these unlisted projects are land-owner driven, with unspecified timeframes. The City currently responds to these projects on a case by case basis.

DISCUSSION

The City is now in the third year of the implementation of the POS Strategy and whilst the execution of the first Implementation Plan has been successful, a number of challenges have been encountered with the Strategy which has necessitated a review. These challenges include:

Item 13.4.5 Continued

1. The Strategy's overall vision and delivery

The City is informed by a number of key documents in the delivery of POS, namely the adopted Strategy, Implementation Plan and the City's Local Planning Policies.

For specific technical advice relating to projects that fall outside the above POS framework, the City is directed to the POS evaluation document. The evaluation document gives the City a holistic understanding of the POS to be acquired, enhanced and disposed of over the next 30 years. This information has enabled the City to accurately prioritise and manage projects, maintenance schedules and future budgets.

Challenges occur when the City recommends actions that are not explicitly outlined in the adopted POS framework. Buy-in from key stakeholders including state government agencies can be minimal, thus creating difficulties in acquiring meaningful outcomes for the community. Specific examples are below:

a) Acquisition of land via subdivision

As part of the evaluation, a number of sites were identified where the City will pursue a land contribution from subdivision. At present, the City's intention to acquire land, via subdivision, is not articulated in the City's adopted POS framework. Due to this omission, the City is finding it problematic to obtain or influence specific outcomes, as recommended in the evaluation document, without the provisional sign off from Council.

b) Disposal of POS

The evaluation identified a number of sites for disposal. The sites listed are small, vulnerable to anti-social behaviour with limited potential for community use. In most cases the City recommended disposal of these sites with the City acquiring more functional land either through subdivision or the structure planning process.

The challenge is that not all disposals recommended in the review have been included in the current Implementation Plan. Although this is for a number of sound reasons, including but not limited to; unspecified project timeframes and resourcing issues, the overall (30-year) vision is not readily available and or expressed to stakeholders wishing to know the City's plans for individual POS that is not included in the current Implementation Plan.

Stakeholders have reported the need for the overall POS vision to be available to the public for transparency reasons and to ensure everyone is working to the same plan.

As with the vision, the Strategy also needs to clearly illustrate the key methods of delivery.

Item 13.4.5 Continued

2. Ambiguous terminology

a) POS Classifications

The City's current POS classifications reflects the City's maintenance classification and is termed, B1, B2, B3, B4, B5, A1 and C1. It has been reported that these classifications are confusing to stakeholders. In reviewing the Strategy, the City took the opportunity to assess the POS classifications and as a subsequent task, the service levels provided under each category.

b) Local Open Space Strategy

During the course of implementation, the City has noted that stakeholders are confused by the title - Local Open Space Strategy. Traditionally a Strategy that aims to protect, preserve and improve the service levels of POS would be titled a Public Open Space Strategy.

To alleviate the confusion, the City is seeking an amendment to the title of the Strategy.

To overcome the challenges experienced and to ensure greater transparency to key stakeholders, the City is recommending the following amendments and inclusions to the Strategy:

1. Change in Title

A change in the name of the strategy from Local Open Space Strategy (LOSS) to Public Open Space Strategy (POSS) is recommended. This will eliminate the aforementioned confusion in the terminology and ensure consistency with industry standard terminology.

2. Inclusion of nine Strategy Directions

Listed below are nine Strategy Directions that clearly articulate how the City plans to deliver the Strategy:

- a) Designation of POS by Outline Development Plans
- b) Acquisition of POS via subdivision
- c) Cash-in-Lieu acquisition
- d) Acquisition of strategically important sites for POS
- e) Disposal of POS
- f) Strategic subdivision of underperforming areas of POS
- g) Enhancement of POS
- h) Improving access to existing areas of POS
- i) Assessment of Parks and Recreation land.

The above Strategy Directions outline the delivery methods the City will use to ensure the ongoing protection, provision and management of POS in the future.

*Item 13.4.5 Continued***3. Inclusion of Suburb Maps (30 Year Vision)**

The POS suburb maps provide stakeholders with a vision of what the City hopes to accomplish over the coming 30 years. Although the City's vision will be subject to change due to unforeseen circumstances and community input and expectations, it provides stakeholders with an up-to date transparent vision.

The suburb maps also allow the City to clearly demonstrate its intentions regarding land that is not currently under the City's direct control or management but is required for the future community provision.

4. POS Classifications and Service Levels

To ensure POS classifications are less ambiguous and more customer orientated, the City has developed a new classification system and associated service levels (see Appendix 13.4.5A). The City now classifies POS as local, neighbourhood, district, regional and conservation.

To enable the successful implementation of the Strategy, the City needs to have the ability to implement actions and or respond to reactive requests that do not form part of the current adopted POS framework.

The amendments and new approach to the Strategy allows the City total transparency with all stakeholders, particularly the community and state government agencies, in respect to how the City wishes to progress the acquisition, development and disposal of POS as part of the overall vision for the City.

Stakeholder / Community Consultation

It should be noted that the Strategy and associated appendices represent the City's 30 year vision. All activities (enhancement, disposal and acquisition) contained within the Strategy are subject to an individual consultation process at the time of implementation.

The purpose of advertising the City's vision in the Strategy is to ensure the intentions of the City are transparent and clearly articulated to all stakeholders.

The draft POS Strategy will be advertised through the following methods:

- Advertisements in the local newspapers
- Letters to relevant government agencies
- Displays at the Civic Centre, libraries and website.

FINANCIAL IMPLICATIONS

The cost of undertaking consultation on the draft Strategy can be met from the operational Local Open Space Strategy budget (24-93408-3383-000).

STATUTORY IMPLICATIONS

Nil.

Item 13.4.5 Continued

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

515 Moved Cr W Barrett Seconded Cr G Dewhurst

That Council endorses the draft Public Open Space Strategy, as contained in Appendix 13.4.5A for public comment for a period of not less than 42 days, with consultation to be undertaken through the following methods:

1. Advertisements in the local newspapers.
2. Letters to relevant government agencies.
3. Displays at the Civic Centre, libraries, Leisure World and website.

CARRIED 10/0

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

AGAINST: *Nil.*

13.4.8 INSTALLATION OF BUS PRIORITY - ALBANY HIGHWAY / NICHOLSON ROAD INTERSECTION (SOUTHBOUND)

Author: M Botte
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.4.8A Aerial Site Plan

PURPOSE OF REPORT

For Council to consider a Public Transport Authority (PTA) proposal for lane conversion and installation of a "bus only" priority turning lane at the Albany Highway / Nicholson Road intersection (southbound).

BACKGROUND

During the 2011/12 financial year the City of Gosnells and Main Roads Western Australia (MRWA) jointly investigated the future road network performance within the City's district and regional road network based on traffic and land use forecasts until 2031. This was done with the aim of identifying likely road capacity issues and to plan for future road upgrades.

Together with a range of concerns identified within the road network, this analysis recognised the need to undertake modifications to the intersection at Albany Highway / Nicholson Road in Cannington, to ensure the intersection will perform satisfactorily in the long term for all transport modes under future traffic volumes.

The existing intersection is currently an at-grade intersection that provides connection to a key river crossing over the Canning River (the nearest alternative regional road crossings being Leach Highway to the west and Roe Highway to the east) to a primary regional road (Albany Highway). As such the intersection experiences high Perth city-bound traffic volumes in the morning (AM) peak traffic period and the reverse conditions in the afternoon (PM) peak traffic period.

It was identified that the right turn from Albany Highway (west) on to Nicholson Road experiences a particularly high demand in the afternoon peak traffic, which currently causes delays and significant traffic queues of up to 260 metres. This situation results in unreliable journey times, and increased driver frustration together with stop-start conditions exacerbating the risk of rear end collisions.

The Public Transport Authority (PTA) has also investigated the intersection and identified the need for modifications, since buses are experiencing long delays in the afternoon peak traffic period. There are currently eight bus service routes using this intersection for the right turn movement.

Hence, in October 2012, after initial discussions with MRWA and the City of Gosnells, PTA assessed the feasibility of providing a bus priority lane at the intersection for this right turn movement. Its report indicated that provision of such a facility would reduce current delays for buses at this intersection.

Item 13.4.8 Continued

The City of Gosnells was subsequently approached separately by PTA with a proposal to modify the intersection of Albany Highway and Nicholson Road in Beckenham and a concept (see Appendix 13.4.8A) was derived to undertake these works.

This requires conversion of an existing all mode straight through traffic lane of Albany Highway (southbound) into a 24hr "bus only" lane (no time restriction) and complementary road widening and installation of a bus only lane on Nicholson Road (westbound) in order to provide a complete "bus only" priority turning lane for buses using this intersection.

The project would allow buses to enter an exclusive lane approximately 100m ahead of the intersection and to continue their travel through the intersection in a south-westerly direction from Albany Highway into Nicholson Road, prior to having to merge again with general traffic approximately 200m after the intersection.

The PTA has since awarded a contract for a detailed design of the proposal. For this reason, PTA is keen to pursue a formal agreement with the City of Gosnells for the installation of the bus priority lane at this location.

DISCUSSION

The benefits achieved by installing a dedicated bus queue jump lane for the right turn movement would result in time savings for buses only. However, implementing these works in isolation would not improve the significant delays currently being experienced by other road users.

Whilst MRWA and the City of Gosnells understand the need to shift the dependency on the private car to other, more environmentally friendly modes of transport, and encourage provision of efficient and reliable public transport, it is not considered to be the optimal solution for this intersection in the long term.

Related to this, it is essential to note that an integrated transport approach is about providing equitable service to all road users. Irrespective of how efficient and reliable public transport services can be, the sprawl of Perth as an urban area still has a significant portion of businesses and community members that have no option but to rely on the road network on a daily basis. This is particularly true for the commercial and industrial areas surrounding this intersection and the areas of Maddington, Langford, Canning Vale and Kenwick that this intersection services.

It is therefore considered essential that the ultimate treatment for this intersection remains flexible in order to reduce congestion and improve access for all modes of transport. For this reason it is recommended that any agreement entered into by the City of Gosnells and the PTA includes a clause that the proposed intersection modifications be reviewed on a regular basis (at PTA cost) and should there be a need to undertake further modifications in order to address the general congestion at this intersection for the benefit of all road users, PTA will not impede or prevent these modifications from occurring.

With Albany Highway being a main road, MRWA has provided its approval for the bus priority lane subject to traffic reviews being conducted at five-year intervals.

Item 13.4.8 Continued

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Local Government Act 1995, Sections 3.51 and 3.52

VOTING REQUIREMENTS

Absolute Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

516 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council approves the Public Transport Authority's proposal for the installation of a bus priority lane at the Albany Highway / Nicholson Road intersection in Beckenham, subject to a formal agreement requiring the Public Transport Authority to liaise with Main Roads WA to formally review the performance of the intersection at five-year intervals, and the final design plans being to the satisfaction of the Director Infrastructure.

CARRIED 10/0

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

AGAINST: *Nil.*

13.5.1 DEVELOPMENT APPLICATION - RESTAURANT AND OFFICE - 156 (LOT 736) CANNA DRIVE, CANNING VALE

Author: K Ivory
Author's Declaration Nil.
of Interest:
Reference: 307129
Application No: DA13/00353
Applicant: Glory Holdings WA Pty Ltd
Owner: Laura Parlapiano
Location: 156 (Lot 736) Canna Drive, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 479m²
Previous Ref: Nil.
Appendices: 13.5.1A Site, Floor and Elevation Plans
13.5.1B Detailed Area Plan

PURPOSE OF REPORT

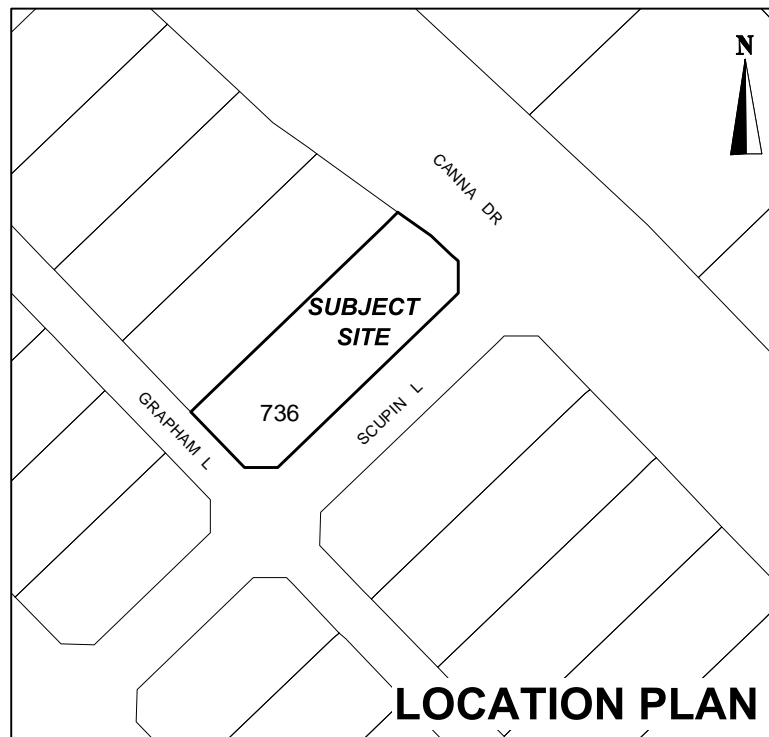
For Council to consider an application for planning approval for a Restaurant and Office at 156 (Lot 736) Canna Drive, Canning Vale as the proposal is outside the authority delegated to staff due to non-compliance with Town Planning Scheme No. 6 (TPS 6).

BACKGROUND**Site Description and Planning Framework**

The subject lot is located on Canna Drive, which is south of the intersection of Garden Street and Nicholson Road. The site is bound by Canna Drive, Scupin Lane (secondary street and main access) and Grapham Lane (rear laneway). Nearby land uses include medium density residential development to the south and east and commercial and light industrial uses to the west.

The subject site forms part of the Canning Vale Outline Development Plan (ODP) and is designated Mixed Use Centre. The site is also subject to an approved Detailed Area Plan (DAP), which designates the property as "Mixed Use with residential above; commercial/retail on ground floor".

A map identifying the location of the subject site follows:

Item 13.5.1 Continued**Proposal**

The application involves the following:

- The construction of a two-storey development incorporating a Restaurant on the ground floor and an Office unit on the upper floor
- Seven car parking bays and two motorcycle parking bays are proposed to the rear of the building which is accessed via Scupin Lane.

The site, floor and elevation plans are contained as Appendix 13.5.1A.

Consultation

The proposal was not required to be advertised for public consultation.

DISCUSSION**Town Planning Scheme No. 6**Land Use Permissibility

The subject site is zoned Residential Development under TPS 6 and designated Mixed Use Centre under the Canning Vale Outline Development Plan. In accordance with TPS 6, a Restaurant and an Office are "D" uses in the Residential Development zone, meaning that they are not permitted unless the local government has exercised its discretion by granting planning approval.

Item 13.5.1 Continued

Car Parking

The proposed development complies with all aspects of TPS 6 with the exception of car parking requirements. The following table details TPS 6 car parking requirements.

Use Class	Car Parking Standards (Scheme Requirements)	Car Parking Required (Scheme Requirements)
Commercial		
Restaurant	1 space for every 4 persons the building is designed to accommodate, plus 1 space for every staff member present at any one time.	The proposed restaurant can seat up to 80 people which generates a requirement for 20 car parking bays.
Office	1 space for every 30m ² net lettable area, Minimum 4 spaces per tenancy or office unit.	There is one office tenancy (178.8m ² NLA), therefore 6 car parking bays are required.
Total		26 car parking bays required.

The application proposes seven car parking bays and two motorcycle bays, resulting in a shortfall of 19 car parking bays.

There is scope to consider a variation to the parking requirements on the basis of the following provision of TPS 6 (Clause 5.13.4), which states:

"Where there are two separate and different developments with different hours of peak operation, but being located on the same lot or adjoining lots, the 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.

Where a proposed development is located adjacent to a constructed public car park, the Council may, where it is satisfied there would be no lowering of safety, convenience and amenity standards, reduce the amount of required onsite car parking for that development by the amount which it considers the public car park serves the development. Council may also require a cash-in-lieu payment to the value referred to in clause 5.13.2."

Clause 5.13.2 of TPS 6 provides for the City to accept a cash-in-lieu payment for the purposes of providing public car parking areas in the locality of the land the subject of a development proposal. The payment is equivalent to the cost of providing the required car parking plus the value of the area of land which would have been occupied by the spaces.

It should be noted that there is no suitable space nearby to construct additional car parking. In light of this, it is considered to be inappropriate to request that a cash-in-lieu payment be made if there is no viable option for the construction of public car parking spaces. Council must therefore consider whether a variation to the car parking standards is warranted or whether the proposal is inappropriate due to the car parking shortfall.

Item 13.5.1 Continued

In considering the proposed variation, the following is relevant:

- The proposed variation is equivalent to approximately 73%
- It is considered that at least to some degree, the proposed land uses will have an overlap of peak operating hours, which would undermine any potential shared car parking arrangement
- The car parking standards under TPS 6 are greater for an office than a residential land use. The DAP requires residential development to be provided on the first floor thereby allowing for a reduced car parking requirement. Having regard to the size of the subject lot, an exclusively commercial development could be considered as overdevelopment
- The City/Council has approved 12 applications for planning approval for development within the Canna Drive mixed use precinct; with 11 of the proposals complying with the prevailing car parking requirements and one proposal being granted a three bay variation. That variation was granted on the basis that the mix of residential and non-residential uses would have differing hours of peak operation
- In a practical sense, a variation of the magnitude proposed would likely place additional pressure on the car parking stock provided on other, nearby sites, ultimately lowering the convenience of users.

Based on the above, it will be recommended that Council not grant a variation to the stated car parking requirements.

Canning Vale Outline Development Plan

The subject site is designated as a Mixed Use Centre under the Canning Vale ODP. The Mixed Use Centres are intended to be commercial focal points in the area, supported by medium density housing generally within a 200m radius of the centre. The ODP intends for Mixed Use Centres to contain facilities for local businesses, leisure and community uses, the sale of convenience goods and services and housing.

Detailed Area Plan

Clause 6.1.1 of the Canning Vale ODP text requires that development on land shall be generally in accordance with an approved DAP.

A DAP was approved for the subject site in August 2011, which sets out the manner in which subdivision and development is to occur. The approved DAP is contained as Appendix 13.5.1B.

The adopted DAP designates the subject site as accommodating mixed use development, with residential above and commercial/retail uses on the ground floor. The subject application proposes to develop commercial tenancies on both floors and is therefore contrary to the adopted DAP. In this case it is clear that the parking shortfall is in fact partly caused by the proposed overdevelopment of the site for commercial purposes.

Item 13.5.1 Continued

CONCLUSION

The proposal is not supported for the following reasons:

- The proposal does not comply with the car parking requirements for Restaurant and Office use under TPS 6
- The proposed variation to the car parking standards would likely place additional pressure on the car parking stock provided on other, nearby sites, ultimately lowering the convenience of users
- The proposal is considered to represent overdevelopment of the lot
- The proposal does not accord with the approved DAP for the land.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Canning Vale Outline Development Plan
- Detailed Area Plan.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

517 Moved Cr G Dewhurst Seconded Cr W Barrett

That Council refuses the application for Restaurant and Office at 156 (Lot 736) Canna Drive, Canning Vale, dated 23 September 2013, for the following reasons:

1. The proposal does not comply with the car parking requirements of Town Planning Scheme No. 6.
2. The proposed variation to the car parking standards would likely place additional pressure on the car parking stock provided on other, nearby sites, ultimately lowering the convenience of users.
3. The proposal is considered to represent overdevelopment of the lot.
4. The proposal does not accord with the approved Detailed Area Plan for the land.

CARRIED 10/0

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

AGAINST: *Nil.*

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

Author: S O'Sullivan
Author's Declaration of Interest: Nil.
Reference: Nil.
Application No: PF12/00032
Applicant: City of Gosnells
Owner: Various
Location: Maddington Kenwick Strategic Employment Area Precinct 1
Zoning: MRS: Industrial
TPS No. 6: Rural
Review Rights: None. However, amendment determination by the WA Planning Commission/Minister for Planning.
Area: 125ha
Previous Ref: OCM 12 November 2013 (Resolution 439 and 440)
OCM 14 May 2013 (Resolutions 166-168)
OCM 23 October 2012 (Resolutions 514 and 515)
Appendix: Nil.

PURPOSE OF REPORT

For Council to consider revoking Resolution 439 of its meeting on 12 November 2013 and adopting a new resolution in its place.

BACKGROUND

On 12 November 2013 Council endorsed modifications to Amendment No. 126, as required by the Minister for Planning.

The amendment modifications involved the deletion of proposed Scheme Text provisions and a change to the Scheme Map intended to create a head of power to establish and administer a development contribution arrangement (DCA) for the shared provision of development infrastructure in Precinct 1 of the Maddington Kenwick Strategic Employment Area (MKSEA).

The Department of Planning subsequently advised that the adopted modifications should not have included the deletion of the proposed change to the Scheme Map.

DISCUSSION

It will be recommended that Council revokes Resolution 439 of its meeting on 12 November 2013, which read as follows:

"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:*

Item 13.5.3 Continued

3. *Amending the Scheme Text by inserting "Attachment J" into Schedule 12 of the Scheme as follows:*

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

ATTACHMENT J

Reference No.	DCP 10
<i>Area Name</i>	<i>DCA 10 (Maddington Kenwick Strategic Employment Area - Precinct 1)</i>
<i>Relationship to other planning instruments</i>	<i>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.</i>
<i>Infrastructure and administration items to be funded</i>	<i>General Administration and Studies Common infrastructure works to be determined at the time of preparation of the Development Contribution Plan Report.</i>
<i>Method for calculating contributions</i>	<i>As detailed in the Development Contribution Plan Report.</i>
<i>Period of operation</i>	<i>Five years from the date of Council's adoption of the Development Contribution Plan Report.</i>
<i>Priority and timing</i>	<i>As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.</i>
<i>Review process</i>	<i>Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.</i>

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

Further, it is proposed that Council adopts a fresh resolution that contains no reference to the deletion of the proposed Special Control Area - DCA 10 on the Scheme Map.

CONCLUSION

It will be recommended that Council revokes Resolution 439 of its meeting on 12 November 2013 and adopt a new resolution in its place, which makes no reference to deletion of a change to the Scheme Map.

FINANCIAL IMPLICATIONS

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

Item 13.5.3 Continued

STATUTORY IMPLICATIONS

- *Town Planning Regulations 1967 - Amendments to Local Planning Schemes*
- *Regulation 10 of the Local Government (Administration) Regulations 1996.*

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 Recommendations 2 and 3.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

518 Moved Cr W Barrett Seconded Cr J Brown, Cr R Hoffman and Cr R Lawrence

That Council revokes Resolution 439 of its meeting on 12 November 2013, which reads as follows:

"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

Reference No.	DCP 10
<i>Area Name</i>	<i>DCA 10 (Maddington Kenwick Strategic Employment Area - Precinct 1)</i>
<i>Relationship to other planning instruments</i>	<i>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.</i>
<i>Infrastructure and administration items to be funded</i>	<i>General Administration and Studies Common infrastructure works to be determined at the time of preparation of the Development Contribution Plan Report.</i>
<i>Method for calculating contributions</i>	<i>As detailed in the Development Contribution Plan Report.</i>

Item 13.5.3 Continued

Reference No.	DCP 10
<i>Period of operation</i>	<i>Five years from the date of Council's adoption of the Development Contribution Plan Report.</i>
<i>Priority and timing</i>	<i>As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.</i>
<i>Review process</i>	<i>Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.</i>

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

CARRIED BY ABSOLUTE MAJORITY 10/0

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

AGAINST: *Nil.*

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

519 Moved Cr W Barrett Seconded Cr J Brown

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

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	General Administration and Studies 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.

Item 13.5.3 Continued

Reference No.	DCP 10
Period of operation	Five years from the date of Council's adoption of the Development Contribution Plan Report.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

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

520 Moved Cr W Barrett Seconded Cr J Brown

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

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

**13.5.9 AMENDMENT NO. 144 TO TOWN PLANNING SCHEME NO. 6 -
REZONING LAND BOUND BY SEVENOAKS STREET, WILLIAM STREET,
BICKLEY ROAD AND A DRAIN RESERVE, BECKENHAM FROM
GENERAL INDUSTRY TO SPECIAL USE**

Author: L Langford
Author's Declaration Nil.
of Interest:
Reference: Various.
Application No: PF13/00013
Applicant: TPG Town Planning, Urban Design and Heritage
Owner: Various
Location: Various
Zoning: MRS: Urban
TPS No. 6: General Industry
Review Rights: Nil, however, final determination is with the Minister for Planning.
Area: 7.51ha
Previous Ref: OCM 25 June 2013 (Resolutions 252-254)
Appendices: 13.5.9A Scheme Amendment Map
13.5.9B Indicative Development Concept Plan
13.5.9C Precinct Development Concept Plan
13.5.9D Schedule of Submissions

PURPOSE OF REPORT

For Council to consider final adoption of Amendment 144 to Town Planning Scheme No. 6 (TPS 6) which proposes to rezone various lots bound by Sevenoaks Street, Bickley Road, William Street and a drain reserve, Beckenham, from General Industry to Special Use.

BACKGROUND

On 25 June 2013 Council resolved (Resolution 252) to initiate an amendment to TPS 6 to rezone various lots bound by Sevenoaks Street, Bickley Road, William Street and a drain reserve, Beckenham, from General Industry to Special Use. A copy of the amendment map is contained as Appendix 13.5.9A.

Site Description and Planning Framework

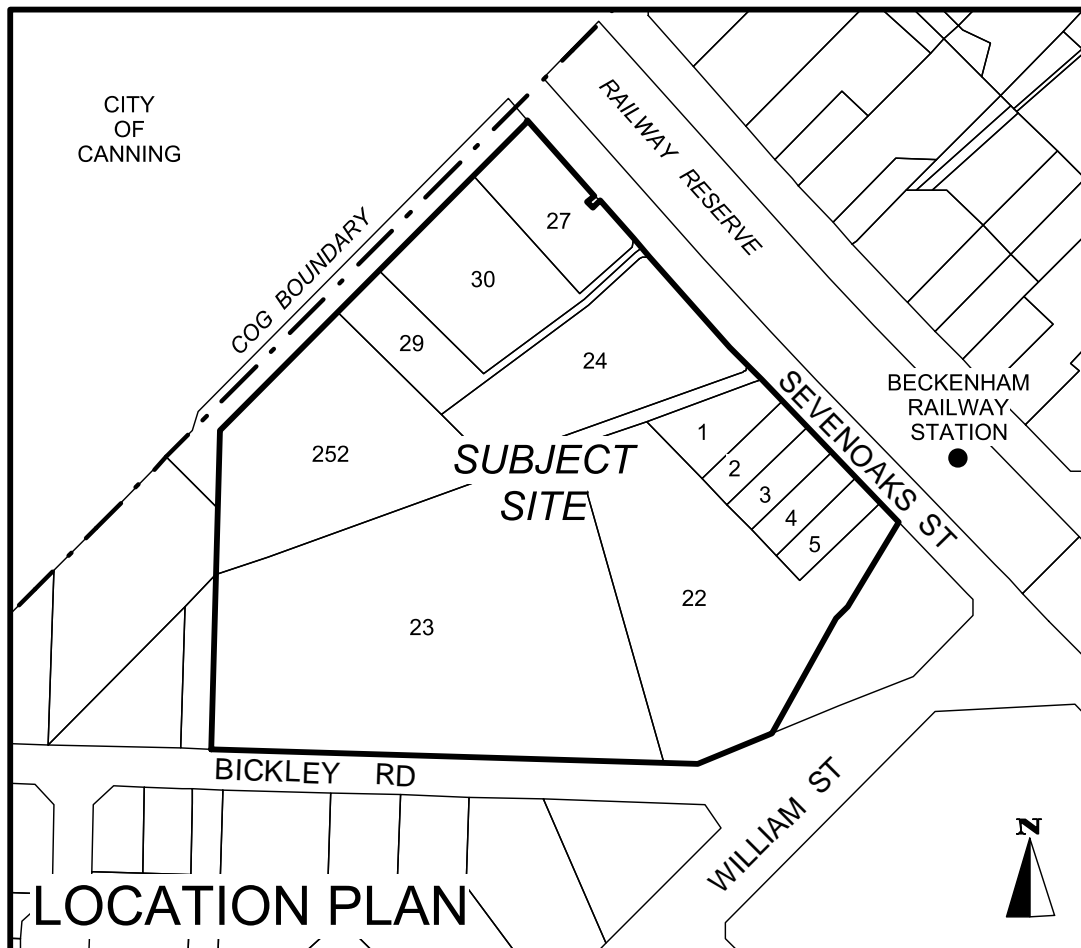
The subject site has a land area of approximately 7.51ha. The site is adjacent to Beckenham Train Station and the existing land uses in the area include, but are not limited to, motor vehicle wrecking, warehouses and a scrap metal yard. A 4ha portion of the area is currently unoccupied but was previously owned and operated by Boral Bricks for the purpose of brick manufacturing, storage and distribution.

The site and surrounding land is zoned Urban under the provisions of the Metropolitan Region Scheme (MRS) and General Industry under TPS 6. Land directly to the south-east is zoned Mixed Business and land to the north-east, on the opposite side of the railway line, is zoned Residential R20/R60. William Street and Sevenoaks Street are both reserved as Other Regional Roads under the MRS.

Item 13.5.9 Continued

The site is located approximately 15km from the Perth Central Business District (CBD), 500m from Albany Highway, which forms a major transport route for the south-east corridor, and is within 1km of Westfield Carousel Shopping Centre. The Beckenham Railway Station abuts the eastern end of the subject area.

A plan identifying the location of the site follows:



Proposal

The applicant, who is representing the land owners of the 4.1ha site being 90 (Lot 22) and 68 (Lot 23) Bickley Road, and 397 (Lot 4) Sevenoaks Street, has provided a development concept plan for that land and the overall precinct, as contained as Appendices 13.5.9B and 13.5.9C respectively.

In terms of the concept plan for Lots 22 and 23 (being the larger of the three sites), whilst it is indicative and would not be binding, it shows the development of 11 mixed use or purely residential or commercial buildings ranging from one to six storeys. Overall, the concept plan shows a possible dwelling yield of 634 dwellings and 3,000m² of commercial floorspace.

The concept represents a genuine Transit Oriented Development (TOD) proposal, and will substantially contribute to the creation of a new community hub in the location.

Item 13.5.9 Continued

The proposed Scheme Amendment involves rezoning the subject site from General Industry to Special Use and inserting the following into Schedule 4 - Special Use Zones of the Scheme Text:

No.	Description of Land	Special Use	Conditions
4.	90 (Lot 22) and 68 (Lot 23) Bickley Road; and 391 (Lot 1), 393 (Lot 2), 395 (Lot 3), 397 (Lot 4), 399 (Lot 5), 383 (Lot 24), 377 (Lot 29), 375 (Lot 30), 373 (Lot 27) and 389 (Lot 252) Sevenoaks Street, Beckenham	<p>1. "P" uses -</p> <p>Aged or Dependent Persons' Dwelling; Consulting Rooms; Grouped Dwelling; Multiple Dwelling; Office; Single Dwelling;</p> <p>2. "D" uses -</p> <p>Child Care Premises; Cinema/Theatre; Civic Use; Club Premises; Community Purpose; Convenience Store; Educational Establishment; Exhibition Centre; Family Day Care; Fast Food Outlet; Home Business; Home Occupation; Home Office; Lunch Bar; Medical Centre; Place of Worship; Recreation - Private; Residential Building; Restaurant; Shop; Showroom;</p> <p>3. "A" uses -</p> <p>Amusement Parlour; Betting Agency; Hotel; Liquor Store; Motel; Night Club; Tavern;</p>	<p>1. For lots greater than 3,000m², residential development is permitted at the R160 code in accordance with the Residential Design Codes.</p> <p>2. For lots less than 3,000m², residential development is permitted at the R100 code in accordance with the Residential Design Codes.</p> <p>3. All residential development shall achieve a minimum density of R60.</p> <p>4. A detailed area plan shall be approved for lots greater than 3,000m² before recommending subdivision approval or issuing planning approval for the development or the use of that land.</p> <p>5. Commercial and non-residential development may provide parking at a rate of 1 bay per 50m² net lettable area, with a minimum of 4 bays per tenancy, unless otherwise approved by Council.</p> <p>6. Commercial and non-residential development shall provide bicycle parking at a rate of 1 bay for every 100m² net lettable area.</p> <p>7. All development comprising retail floorspace shall be supported by a retail needs assessment.</p> <p>8. Environmental investigations are to be undertaken prior to the issue of planning approval in accordance with the requirements of the relevant environmental agency.</p>

Item 13.5.9 Continued

No.	Description of Land	Special Use	Conditions
			<p>9. Where a development application involves noise sensitive land uses (such as residential uses) that are to be located adjacent to or within close proximity of an existing noise generating activity (such as an existing industrial use or a train line), it shall be accompanied by an Acoustic Report prepared by a suitably qualified Acoustic Consultant, which addresses how noise impacts will be mitigated to achieve an acceptable level of amenity, as outlined by any relevant noise regulation or policy.</p> <p>10. A drainage strategy, including geotechnical information, shall accompany any built form development application or detailed area plan, to the City's satisfaction.</p>

Consultation

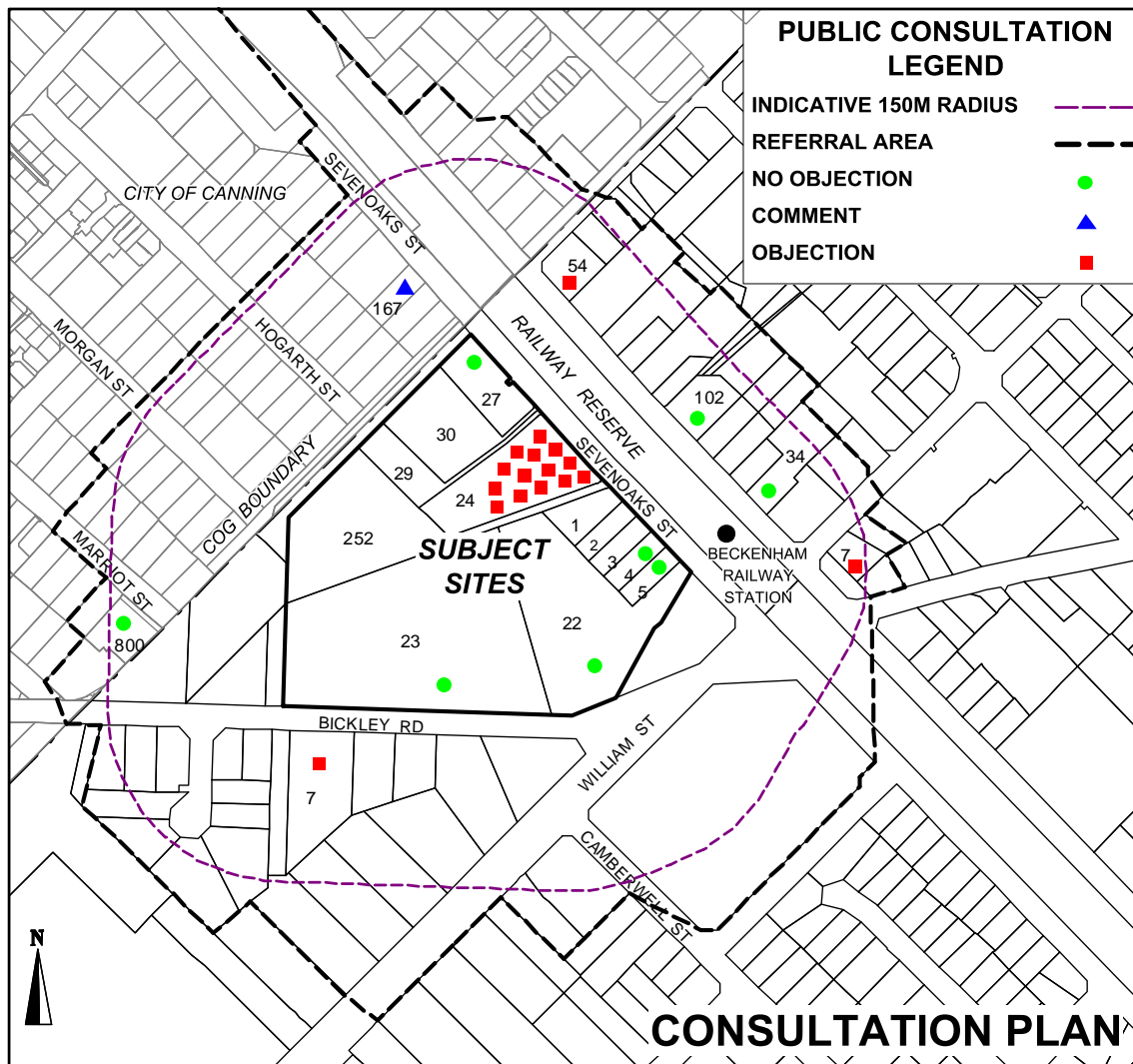
In accordance with Council's resolutions of 25 June 2013, Amendment No. 144 was referred to the Environmental Protection Authority (EPA) for comment. The EPA determined that no environment assessment was required. The amendment was then advertised for public comment for a period of 42 days, being from 19 September 2013 to 31 October 2013, by way of:

- Letters being sent to 117 land owners and 60 occupiers within the amendment area and within a 150m radius of the amendment area
- Letters to relevant government agencies
- An advertisement placed in the Examiner newspaper
- Advertising on the City's website
- Public displays at the City's Civic Centre and libraries.

The City received 21 submissions during the advertising period, with nine being received from government agencies and 12 from land owners. Of the 12 submissions received from land owners, five objected to the proposal, one provided comment and six raised no-objection.

A map identifying the extent of the consultation area and the origin of the submission follows. It should be noted that in one instance an objector represents 13 properties within the consultation area, and in another instance a non-objector represents three properties within the consultation area.

Item 13.5.9 Continued



A summary of the submissions received and comments thereon are included in the Schedule of Submissions contained as Appendix 13.5.9D. The main issues raised in the submissions are as follows:

- The appropriateness of the land uses provided for by the amendment
- The impact that the rezoning will have on existing businesses within the amendment area
- The absence of wider planning to facilitate the redevelopment of the precinct in an orderly and proper manner
- Traffic and the ability of the local road network to accommodate additional traffic increases
- The impact that a future grade separation for William Street over the railway line would have on access within the area.

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

Item 13.5.9 Continued

DISCUSSION

Appropriateness of the Zoning

In considering the appropriateness of the proposed zoning for the site, Council should have regard to the following:

- The opportunities presented through the proposal in providing for sustainable TOD
- The appropriateness of a Special Use zoning and the land uses proposed
- The appropriateness of the R160 and R100 residential codings for the site
- The compatibility of the zoning with nearby industrial uses
- The loss of industrial land
- The impact that the amendment would have on existing industrial businesses.

These matters are discussed below.

Opportunity for Transit Oriented Development

The application presents as a highly significant proposal for the Beckenham area, insofar as it provides for significant redevelopment opportunities adjacent to Beckenham Train Station.

It should be noted that in recent times there has been a directive from the State Government to plan areas in such a way that would:

- Reduce the overall need to travel
- Support the use of public transport, cycling and walking for access to services, facilities and employment
- Promote a more energy efficient urban form.

It is widely accepted that higher residential densities and mixed use developments in the walkable catchments of transit facilities have the potential to reduce car dependence, increase accessibility for those without access to private cars and therefore reduce congestion on the road network and the demand for further road infrastructure and provide quality and diverse affordable forms of housing.

In terms of the subject proposal, it is considered that intensive residential and commercial uses could provide a desirable form of development for the locality which satisfies the principles of TOD. More specifically, based on the site's attributes, it is considered that the development of the site could achieve the following:

- Due to the site containing sufficiently large parcels, including a 4.1ha site in single ownership, future development can be appropriately designed and framed in the context of the surrounding area
- Increase patronage of the rail services due to proximity to Beckenham Rail Station
- Encourage walking and cycling as a viable transport modal choice which could have positive environmental and social outcomes

Item 13.5.9 Continued

- Increased support for existing and future local commercial activities, particularly retained nearby premises, by increasing their residential catchment
- Improve the amenity of the area through new buildings and public spaces.

For reference, examples of TOD within the Perth Metropolitan area include Subi Centro (Subiaco) and Cockburn Central.

Special Use Zoning

The proposal is seeking to have the site rezoned to Special Use with associated provisions included in Schedule 4 of TPS 6. It is considered that a Special Use zoning is acceptable as there is no appropriate zoning under TPS 6 which would reflect the creation of a mixed use TOD area and such zoning provides the ability to customise the statutory provisions for the area to ensure a desired outcome.

Schedule 4 - Land Uses

A submission raised concerns with regards to the appropriateness of the 'A' uses proposed in the Special Use table. These uses are those which are not permitted unless the local government has exercised its discretion by granting planning approval, after advertising in accordance with the requirements of the Scheme. The land uses proposed in the Special Use table include Amusement Parlour, Betting Agency, Hotel, Liquor Store, Motel, Night Club and Tavern.

The contents of the submission relate to the potential for these land uses to impact on the amenity of nearby residential areas by virtue of noise and the hours of operation which are typical of these land uses. In considering this concern, it should be noted that the nearest residential area is located approximately 80m from the amendment area, on the opposite side of the railway line. It is considered that there will be an adequate separation distance from existing residential areas and therefore the impact of such land uses will be minimal.

In terms of the impact that such uses may have on future residential development within the amendment area, it is considered that it is not unreasonable to expect a different level of amenity in high density, mixed use environments. In any event, a condition is proposed in Schedule 4 of TPS 6 which would require sensitive land uses to be designed such that they are protected from adverse noise. Furthermore, all uses which have the potential to generate adverse noise would be required to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

Schedule 4 - Conditions

A number of conditions are proposed as part of Schedule 4 to TPS 6. The following table outlines these conditions and the rationale behind each aspect of the proposal.

Schedule 4 Condition		Rationale
1.	For lots greater than 3,000m ² , residential development is permitted at the R160 code in accordance with the Residential Design Codes.	Larger lots have a greater ability to provide for a more consolidated and integrated form of development. Given that R160 provides for intensive residential development, it is considered that better built form outcomes could be achieved on lots which are greater than 3,000m ² .

Item 13.5.9 Continued

Schedule 4 Condition		Rationale
		This would also provide an incentive for land owners of smaller land parcels to undertake coordinated development.
2.	For lots less than 3,000m ² , residential development is permitted at the R100 code in accordance with the Residential Design Codes.	See above.
3.	All residential development shall achieve a minimum density of R60.	Given that the site is within close proximity to Beckenham Rail Station, it is considered necessary in achieving TOD principles that development meets a minimum density of R60.
4.	A detailed area plan shall be required for lots greater than 3,000m ² before recommending subdivision approval or issuing planning approval for the development or the use of that land.	For large lots which provide the opportunity for large scale development to occur, it is considered that any such development should be appropriately planned for through the provision of a detailed area plan (DAP). A DAP will address the interface of the site with any noise generating activity, position land uses and their extent, allocate retail floor space and specify built form parameters. It is considered that a DAP is a fundamental tool that should be used to ensure a desired built form outcome.
5.	Commercial and non-residential development shall provide parking at a rate of 1 bay per 50m ² net lettable area, with a minimum of 4 bays per tenancy, unless otherwise approved by Council.	Given that the site is adjacent to Beckenham Train Station some relaxation on car parking standards should be allowed for commercial and non-residential development. It should be noted that this would be consistent with the approach taken for residential development under the R-Codes, as well as in both the Gosnells and Maddington Town Centres.
6.	Commercial and non-residential development shall provide bicycle parking at a rate of 1 bay for every 100m ² net lettable area.	TPS 6 does not specifically require all developments to provide bicycle parking nor does it stipulate any standards to be used. Given that the area would encourage other modes of transport as part of the TOD principles, it is considered appropriate to ensure that facilities are provided which would support cycling as an alternative transport mode.
7.	All development comprising retail floorspace shall be supported by a retail needs assessment.	The subject area is not within a defined activity centre in the City's Draft Activity Centres Planning Strategy. This Strategy does however identify that there is some potential for a centre to occur around Beckenham Train Station in the future.
		For any new centres, the Strategy recommends an outcomes-focussed approach where emphasis is placed on the sustainability of the centre and state-of-the-art urban design principles, rather than controls historically used to restrict the amount of allowable retail floorspace. The Strategy recommends that a retail needs assessment is undertaken to justify the establishment of a centre in this location and determine an appropriate amount of retail floorspace which should be allowed. As such, it is considered to be appropriate to introduce this as a Scheme requirement for any future retail

Item 13.5.9 Continued

Schedule 4 Condition		Rationale
		development in this area.
8.	Environmental investigations are to be undertaken prior to the issue of planning approval or subdivision clearance in accordance with the requirements of the relevant environmental agency.	Given that the area is currently zoned for industrial purposes some environmental investigations may be required prior to the site being developed or subdivided for residential or commercial purposes.
9.	Where a development application involves noise sensitive land uses (such as residential uses) that are to be located adjacent to or within close proximity of an existing noise generating activity (such as an existing industrial use or a train line), it shall be accompanied by an Acoustic Report prepared by a suitably qualified Acoustic Consultant, which addresses how noise impacts will be mitigated to achieve an acceptable level of amenity, as outlined by any relevant noise regulation or policy.	<p>The amendment may result in the introduction of sensitive land uses, which could be impacted by industrial noise until such time that those industrial uses cease operating. The subject site is also located within close proximity to the Armadale train line which has the potential to generate noise.</p> <p>It is considered appropriate to require sensitive land uses to be designed such that they are protected from adverse noise and achieve an acceptable level of amenity.</p> <p>This condition would require an acoustic report to be prepared by a suitably qualified consultant which demonstrates that sensitive land uses will exist with an appropriate level of amenity.</p>
10.	A drainage strategy, including geotechnical information, shall accompany any built form development application or detailed area plan, to the City's satisfaction.	It is considered that a requirement should be introduced stating that any development application (excluding changes of use) or detailed area plans must be accompanied by a drainage strategy which sets out the drainage design for the development of a site.

Suitability of the R160 and R100 Residential Density

The amendment is proposing to designate the site with an R-Coding of R160 for lots greater than 3,000m² and R100 for lots less than 3,000m² in area, with both R-Codings providing for multiple dwelling development. The differences between the two R-Codings are summarised in the below table, including reference for comparison purposes to the R60 coding for multiple dwellings:

R-Code Provision	R60	R100	R160
Plot Ratio	0.7	1.25	2
<i>Building Area per 1,000m²</i>	700m ²	1,250m ²	2,000m ²
Building Height			
<i>Top of external wall</i>	9m	12m	15m
<i>Top of external wall (concealed roof)</i>	10	13m	16m
<i>Top of pitched roof</i>	12	15m	18m
<i>Approximately Number of Building Storeys (excluding commercial and other non-residential)</i>	2-3 storeys	4-5 storeys	5-6 storeys

Currently, there is no land within the City coded R100 or R160, with the highest density coding available being R80. It is recognised that the likely resulting form of development would be inconsistent with the prevailing scale of development in the City, however despite this, the following should be noted:

Item 13.5.9 Continued

- The subject land lies within the closest part of the City to the central Perth area, is adjacent to a train station and is located within close proximity to a major regional centre (Westfield Carousel Shopping Centre)
- Whilst this form of development does not currently exist in the City, it would form a defined precinct that is not characterised by any existing residential amenity which would otherwise form a consideration for such a proposal
- For a TOD to be successful, it relies upon a concentration of people to support the nearby services, including businesses and transport. The higher densities will facilitate that concentration of people.
- A higher density will provide a commercial incentive for investment in the area, which is more likely to result in an attractive built form
- Higher density development provides the opportunity to develop multiple dwellings which would contribute to a greater diversity of housing options in the local area.

For the reasons mentioned above, it is considered fundamental to the success of the precinct to allow for high density development. As such, the proposed R-Coding of R100 and R160 are supported.

Compatibility with Nearby Industrial Development

The subject site is surrounded by land zoned industrial under TPS 6. Any residential development or other sensitive land uses on the site have the potential to conflict with existing industrial activities on nearby properties. In this regard, it is noted that:

- Detrimental amenity impacts can potentially be managed by appropriate built form and layout design of the residential or sensitive land use components of the proposal
- The potential for nuisance from industrial development should be apparent to prospective purchasers who can inform themselves as to whether to invest in such an environment. This would become evident through the placement of a notification on the certificate of title advising of the potential nuisance
- As mentioned previously, it is proposed to place a condition into Schedule 4 of TPS 6 which would require sensitive land uses to be designed such that they are protected from adverse noise and provided with an acceptable level of amenity.

Notwithstanding the above, it is considered that the development has the potential to encourage other similarly zoned properties in the area to commence a transformative process from industrial to urban land uses.

Loss of Industrial Land

A submission has objected to the proposal on the basis that the area should remain zoned for industrial purposes. In considering this, it should be noted that the Western Australian Planning Commission's (WAPC) strategic guidance has a general presumption against the loss of industrial zoned land to other uses, generally for economic reasons. Despite this guidance, the land is zoned Urban under the MRS (rather than Industrial) and the WAPC's strategic guidance for urban growth in Perth (Directions 2031 and Beyond) emphasises accommodating much of the Metropolitan

Item 13.5.9 Continued

area's growth through infill development in areas which are well served by public transport and other facilities. Whilst the proposed amendment does represent somewhat of a policy conflict, it is considered necessary to facilitate the highest and best use of the subject land.

It should be noted that work is underway to provide land nearby for industrial development in Maddington and Kenwick, which should offset the loss of the subject land as an industrial precinct. Ultimately, given the strategic location of the subject site, the replacement of industrial land uses with more intensive urban development that is consistent with State planning objectives is considered desirable.

Impact of Existing Land Uses

Two submissions have raised concerns about the impact the rezoning would have on the ability for existing businesses to continue operating in the future. The origin of the submissions specifically relates to Lot 24 Sevenoaks Street, which currently contains 16 Warehouse units, one of which is approved for Motor Vehicle Repair. The land uses Warehouse and Motor Vehicle Repair are not proposed to be permissible uses under Schedule 4.

In considering the concerns, it should be noted that if the amendment were to be approved, all existing land uses which would not otherwise be permissible under the new zoning, would be deemed to have non-conforming use rights under Clause 4.8 of TPS 6. Non-conforming use rights effectively allow for the continued use of land for the purpose for which it was being lawfully used for immediately prior to the gazettal of the amendment.

Clause 4.9 of the Scheme provides the ability for the City to alter or extend a non-conforming use, or change the use of the land from one non-conforming use to another non-conforming use where the use is considered to be less detrimental to the amenity of the locality than the previous use. Non-conforming use rights expire where the use is discontinued for a period of six months.

Redevelopment Process

A submission suggests that the proposed scheme amendment is premature, and contends that the amendment has not been prepared on an established vision, developed in consultation with the community and key stakeholders, and based on a detailed analysis of infrastructure requirements and market demand assessment. It is also suggested that once a vision has been established, an Outline Development Plan (ODP) should follow which would stipulate, amongst other matters, the spatial layout for the development of the precinct (that is distribution of land uses, water management requirements, traffic upgrade considerations).

It should be noted that the WAPC's Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development (DC 1.6) suggests that comprehensive planning should be undertaken in order to maximise the potential of transit oriented precincts. The City has undertaken such planning tasks surrounding the train stations and activity centres in the areas of Kenwick, Maddington and Gosnells.

Item 13.5.9 Continued

In 2000, the State Government undertook a study which investigated the integration of land uses, transport and urban form at Queens Park, Cannington and Beckenham Railway Stations. This study recognised the potential to redevelop industrial land south of the Beckenham railway station, and recommended that TPS 6 be amended to promote more compatible land uses within the precinct such as residential and office, and thus encourage the existing General Industry area to relocate from the area over time.

The City had yet to undertake the task of rezoning the industrial area as recommended by the study, but has implemented recommendations from the City's Local Housing Strategy by recoding existing residential areas within close proximity to the train station to a higher coding. This has resulted in a number of large scale residential proposals in Camberwell Street, as well as the corners of William Street, Streatham Street and Bickley Road (former Salvation Army site). This is in addition to the upgrade of the Beckenham railway station that is currently being undertaken by the State Government.

The proposed scheme amendment is supported as a mechanism to facilitate the redevelopment of land within this precinct for the following reasons:

- The amendment is generally consistent with the recommendations made by the study of Beckenham railway station undertaken in 2000
- The site contains sufficiently large parcels of land, including a 4.1ha site in single ownership representing 54% of the total precinct area, and as such it is considered that any future development can be appropriately designed and framed in the context of the surrounding area
- The amendment is considered to provide sufficient flexibility for a variety of appropriate land uses to be established which accord with the strategic location of the site
- The relevant matters which would be dealt with through an ODP could be managed by the proposed Schedule 4 conditions and the development and subdivision processes.

Road Network and Traffic

The amendment area is bound by Sevenoaks Street, Bickley Road and William Street, however none of the lots within the amendment area have access to William Street. Both Sevenoaks Street and Bickley Road are classified as 'Local Distributor Roads' and William Street is classified as a 'District Distributor B Road' under the Perth Metropolitan Functional Road Hierarchy. Both Sevenoaks Street and William Street are reserved as 'Other Regional Roads' under the MRS, with William Street being required to be widened to accommodate the grade separation of the road where it crosses the railway line.

William Street Grade Separation

The application was referred to Main Roads WA (MRWA) and the Public Transport Authority (PTA) for comment with the following advice being received.

1. The grade separation of the existing level rail crossing may have additional land implications (in addition to what is currently reserved under the MRS) along Sevenoaks Street and William Street.

Item 13.5.9 Continued

2. With the proposed grade separation of the railway line and William Street, no direct access could be achieved onto William Street and Sevenoaks Street at this location. Hence, an access strategy needs to be developed to provide for the redevelopment of this site via an internal road network.

With regard to point 1 above, should additional land be required for the widening of Sevenoaks Street or William Street, such land would need to be identified through an MRS amendment process. At this stage, there are no proposals to widen the 'Other Regional Road' reservations beyond what is currently reserved.

In relation to point 2, MRWA has been unable to provide information (that is, plans) which justifies the requirement to restrict access to Sevenoaks Street. Instead, MRWA has indicated that due to uncertainties with the design of the grade separation, it would be preferable in the meantime, for Sevenoaks Street to have access restrictions. Section 28A of the *Main Roads Act 1930* provides the Commissioner with the power to place access restrictions over land. As such, it is considered that if and when it is decided that a grade separation is required, the Commissioner of MRWA should undertake to restrict access where required. Ultimately, access restrictions should not form part of this amendment proposal.

Traffic Implications

A submission raised a concern with the potential for the proposed rezoning to lead to a worsening of the traffic problems in the area, particularly at the Sevenoaks Street/William Street intersection. To address potential concerns, the applicant submitted a Transport Statement, with the following comments made:

- There are existing issues with the Bickley Road/William Street intersection due to delays to right turning vehicles from Bickley Road. Consideration should be given to signalling this intersection before increasing the traffic flows further by introducing development
- The Sevenoaks Street/William Street intersection currently operates satisfactorily, and will continue to do so in the future when development occurs
- The William Street/Railway Parade intersection currently operates satisfactorily, however the level of service is expected to deteriorate and traffic queuing will occur as rail movements increase over time, resulting in extended periods where the boom gates will be down. Any development will exacerbate this situation. The future grade separation over the rail line may provide a suitable solution in improving the service of this intersection
- The Albany Highway/William Street intersection is already congested with delays on Kenwick Link and William Street. The traffic flows at this intersection are not expected to increase by more than 10% with the development in place and thus the impact of the development on this intersection is expected to be acceptable.

It should be noted that the intersections which currently, or are forecast, to operate below the optimum level of service, are a result of the existing design or future traffic generation from the growth of the wider area. The proposed amendment is expected to exacerbate some of these issues, however it is considered that it should not be solely accountable for addressing inevitable problems.

Item 13.5.9 Continued

In terms of the likely delays which will be caused by the railway line and associated boom gates, it is considered that eventually it will be necessary for a grade separation to be constructed so that rail movements can be increased without disrupting the existing traffic environment.

Proposed Modification

It is considered that the following additional land uses should be included into Schedule 4 as 'D' uses:

- Telecommunications Infrastructure
- Veterinary Centre.

In terms of the land use 'Telecommunications Infrastructure', given that the area would potentially allow for six-storey residential buildings, the site may well be suited for telecommunication infrastructure to be placed on top of buildings to avoid the need to build a large monopole.

In terms of a 'Veterinary Centre' land use, it is considered to be low impact and would generally conform to commercial and residential areas without concern.

Readvertising the proposed modification for public comment is not considered necessary given the minor nature of the changes.

CONCLUSION

It will be recommended that Council adopt Amendment No. 144 to TPS 6 and recommend to the WAPC that the amendment be approved.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- *Town Planning Regulations 1967*
- Development Control Policy 1.6 - Planning to Support Transit Use and Transit Oriented Development.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.9 Continued

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION

521 Moved Cr R Mitchell Seconded Cr J Brown

That Council pursuant to Section 17(1) of the *Town Planning Regulations 1967* notes the submissions received in respect of Amendment No. 144 to Town Planning Scheme No. 6 and endorse the responses to those submissions, as contained in Appendix 13.5.9D.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION

522 Moved Cr R Mitchell Seconded Cr J Brown

That Council pursuant to Section 17(2) of the *Town Planning Regulations 1967* adopts Amendment No. 144 to Town Planning Scheme No. 6, with the following modifications:

1. The inclusion of the land uses 'Telecommunications Infrastructure' and 'Veterinary Centre' as 'D' uses within the Schedule 4 Special Use Table.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION

523 Moved Cr R Mitchell Seconded Cr J Brown

That Council forwards Amendment No. 144 to Town Planning Scheme No. 6 to the Western Australian Planning Commission with a recommendation that the amendment be approved by the Minister for Planning.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (4 OF 4) AND COUNCIL RESOLUTION

524 Moved Cr R Mitchell Seconded Cr J Brown

That Council informs those persons who made a submission on Amendment No. 144 to Town Planning Scheme No. 6 of its decision.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.5.10 LISSIMAN STREET PRECINCT IMPROVEMENT PLAN

Author: A Denford
Author's Declaration Nil.
of Interest:
Reference: Nil.
Zoning: MRS: Urban
TPS No. 6: District Centre (Gosnells Town Centre - Special Control Area)
Area: 3.79ha
Appendix: 13.5.10A Draft Lissiman Street Precinct Improvement Plan

PURPOSE OF REPORT

For Council to consider the Draft Lissiman Street Precinct Improvement Plan comprising the area bound by Lissiman Street, Albany Highway, Fremantle Road and Dorothy Street and endorses it prior to its submission to the Western Australian Planning Commission (WAPC).

BACKGROUND

In 1998, as a result of detailed research identifying strong community support, the City initiated a revitalisation scheme for the Gosnells Town Centre (GTC). The following year the City produced "The Revitalisation of the Gosnells Town Centre" document which was a concept plan of action for the GTC.

Since 1999, the urban structure of the GTC has been substantially changed with the introduction of an east-west thoroughfare to improve access within the precinct. 'Main Street' was constructed through the Lissiman Street Precinct with an accompanying level crossing to facilitate stronger linkages between Albany Highway and the GTC's primary residential catchment to the west.

The City of Gosnells, in partnership with both the state and federal governments has invested approximately \$30 million in the GTC that include the relocation of the Gosnells Train Station, public thoroughfare upgrades, significant streetscape improvements and the installation of public artworks.

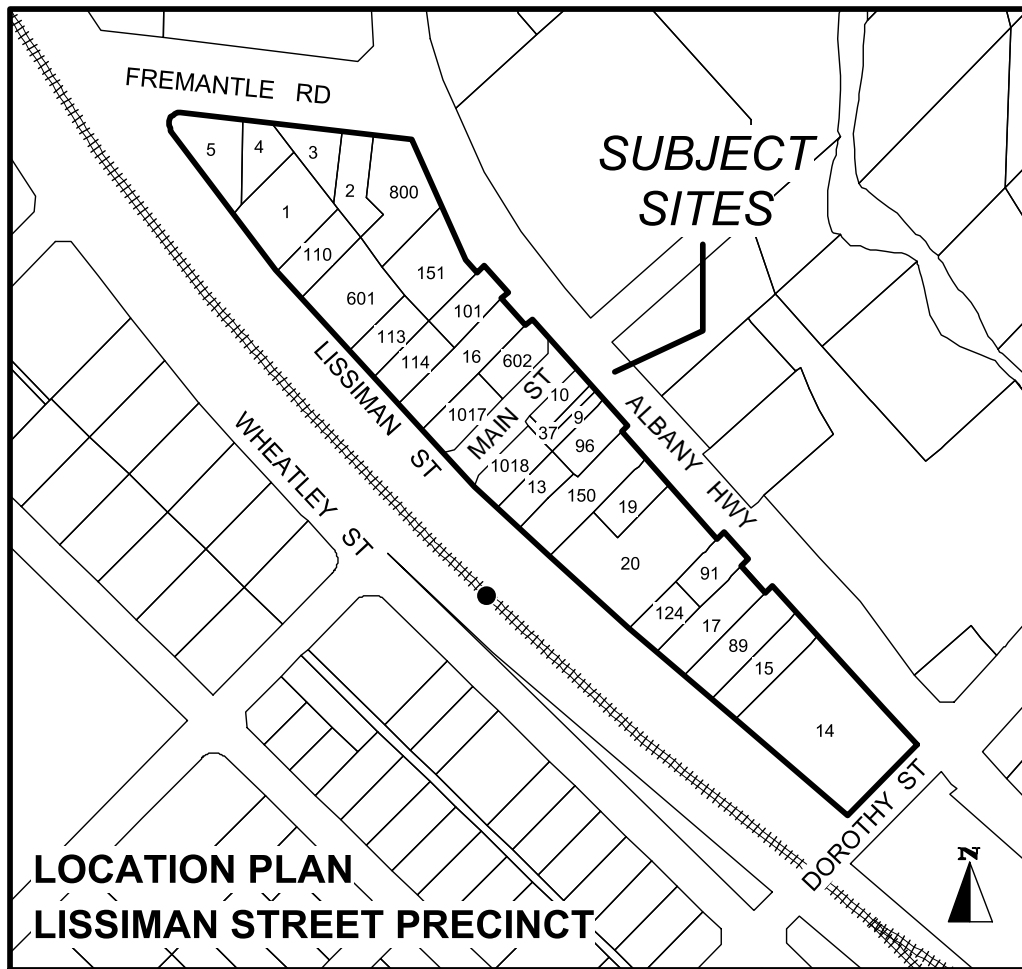
As the Lissiman Street Precinct is situated adjacent to the Gosnells Train Station it occupies an area of significant importance in terms of the ongoing GTC revitalisation scheme.

Site Description

The Lissiman Street Precinct is bound by Lissiman Street to the west, Albany Highway to the east, Fremantle Road to the north and Dorothy Street to the south. The Lissiman Street Precinct is approximately 3.79ha in area, comprises 29 parcels of land and is situated adjacent to the Gosnells Train Station.

A map identifying the Lissiman Street Precinct Improvement Plan area follows.

Item 13.5.10 Continued



Lissiman Street Precinct Landowners

The following table show the property details for all landholdings within the Lissiman Street Precinct Improvement Plan area.

Property Address	Area (m ²)
10 (Lot 5) Fremantle Road	966
8 (Lot 4) Fremantle Road	807
6 (Lot 3) Fremantle Road	802
4 (Lot 2) Fremantle Road	1,012
2155 (Lot 800) Albany Highway	1,967
2167 (Lot 151) Albany Highway	1,713
2173 (Lot 101) Albany Highway	875
2175 (Lot 16) Albany Highway	1,666
2179 (Lot 602) Albany Highway	837
104 (Lot 1017) Lissiman Street	902
100 (Lot 114) Lissiman Street	893
98 (Lot 113) Lissiman Street	882
94 (Lot 601) Lissiman Street	1,821
92 (Lot 110) Lissiman Street	962
88 (Lot 1) Lissiman Street	1,953
2189 (Lot 10) Albany Highway	436

Item 13.5.10 Continued

Property Address	Area (m ²)
2193 (Lot 9) Albany Highway	271
2199 (Lot 96) Albany Highway	825
2201 (Lot 150) Albany Highway	1,704
2205 (Lot 19) Albany Highway	823
2209 (Lot 20) Albany Highway	3,642
2219 (Lot 91) Albany Highway	773
2223 (Lot 17) Albany Highway	1,350
2227 (Lot 89) Albany Highway	1,391
2231 (Lot 15) Albany Highway	1,206
2251 (Lot 14) Albany Highway	4,998
Lot 124 Lissiman Street	732
110 (Lot 13) Lissiman Street	710
108 (Lot 1018) Lissiman Street	893

DISCUSSION

Local Planning Policy 5.2 - Gosnells Town Centre Development

The Lissiman Street Precinct is subject to the provisions of the City's Local Planning Policy 5.2 Gosnells Town Centre Development (LPP 5.2) which seeks to consolidate and enhance built form and complement the civic improvements.

The policy provides a set of objectives, controls and examples of appropriate building forms intended to facilitate appropriate development outcomes. Coupled with the introduction of design guidelines, a genuine attempt has been made to restore the GTC to a pedestrian-friendly environment characterised by a high quality public realm and development of suitable scale and form. Furthermore, LPP 5.2 provides development incentives to encourage outcomes consistent with the City's vision.

Transit Oriented Development (TOD)

A critical element of the GTC revitalisation program was the relocation of the Gosnells Train Station to the 'Main Street' level crossing adjacent to the Lissiman Street Precinct. In doing so, a genuine opportunity was created to develop a vibrant, compact and liveable community based on Transit Oriented Development (TOD) principles.

TOD principles are now a core strategic focus in urban planning and the need for close land-use and public transport integration is recognised throughout the world. Building urban centres linked to transit enables cities to respond to the simultaneous need to be focussed into activity centres to achieve greater viability of services and to shift away from the Central Business District dominant structure for employment.

Unlike other key public transport nodes within the metropolitan area, the Gosnells Train Station and its surrounds are ideally suited to incorporate TOD principles and to realise the broader strategic objectives for the south-east metropolitan corridor as outlined in the State Government's planning strategy *Directions 2031*.

Item 13.5.10 Continued

Existing Situation

Notwithstanding, several landowners within the Lissiman Street Precinct appear reluctant to take advantage of the development opportunities created by the City and have allowed their properties to deteriorate to an unacceptable condition. As a consequence, the overall character of much of the Lissiman Street Precinct has declined to a point where it is now having a detrimental impact on the physical and social amenity of the entire town centre.

As part of an ongoing process to address these concerns, the City has issued a number of 'Directions Orders' to landowners within the Lissiman Street Precinct in recent years due to the buildings being in derelict condition. The Orders require the landowner to undertake improvements and perform ongoing building maintenance to ensure a satisfactory level of safety and aesthetics is achieved.

While these operational measures are necessary they do not represent a vision for the area or a long-term solution to these issues if landowners remain reluctant to redevelop.

In October 2011 the City formally requested the State Government to include the Lissiman Street Precinct within the control of the Metropolitan Redevelopment Authority (MRA) which was to commence as a new entity on 1 January 2012. The subject area was considered too small to be annexed by the MRA, however, the (then) Director General of the Department of Planning suggested an Improvement Plan would be an appropriate statutory mechanism to achieve the stated objectives and vision for the GTC. The Minister for Planning gave approval to initiate the Lissiman Street Precinct Improvement Plan in February 2013.

Improvement Plans

Improvement plans are strategic instruments used to facilitate the development of land in areas identified by the WAPC as requiring special planning. Under section 119 of the *Planning and Development Act 2005*, (the Act) the WAPC is authorised to recommend to the Minister for Planning that an Improvement Plan should be prepared for the purpose of advancing the planning, development and use of any land within the Perth metropolitan region. The Improvement Plan provisions of the Act provide for the WAPC, with the approval of the Governor, to:

- Plan, replan, design, redesign, consolidate, re-subdivide, clear, develop, reconstruct or rehabilitate land held by it under the Act or enter into agreement with any owner of land not held by it within the Improvement Plan area
- Provide for the land to be used for such purposes as may be appropriate or necessary
- Make necessary changes to land acquired or held by it under the Act
- Manage the tenure or ownership of the land or any improvements to that land held by it under the Act or enter into agreement with other owners of land within the Improvement Plan area for the same purposes
- Enter into agreement for the purchase, surrender, exchange, vesting, allocation or other disposal of land, including the adjustment of boundaries
- Recover costs in implementing the agreement with any owner of land within the Improvement Plan area

Item 13.5.10 Continued

- Do any act, matter or thing for the purpose of carrying out any agreement entered into with other land owners.

While the provisions of the Act only permit the WAPC to acquire land within an Improvement Plan area, it is usual practice for the WAPC to delegate this authority to the relevant local government.

Consultation

The Improvement Plan assessment process stipulates that the WAPC is required to undertake formal consultation with all such public authorities and persons likely to be affected by the Improvement Plan and to ensure the WAPC's obligations under sections 83 and 122B(3A) have been satisfied before the scheme is provided to the Minister for approval under section 87.

The process requires approval to be secured from the Director General, the WAPC and the Minister prior to the commencement of the 42 day advertising period. The Department of Planning has stated it is its preference for the consultation process to be administered by the City and it is anticipated the advertising period will commence in February 2014 once the Department has secured the necessary consents.

CONCLUSION

In light of the information outlined in this report it is considered appropriate for the City to advocate the involvement of the WAPC to initiate an Improvement Plan over the Lissiman Street Precinct to provide the necessary assistance to achieve the community's vision for the GTC, potentially through land acquisition, and the subsequent coordination of redevelopment in this key strategic area.

FINANCIAL IMPLICATIONS

If the process requires the City to compulsorily acquire landholdings under the provisions of the Lissiman Street Precinct Improvement Plan, the City is able to utilise existing reserve funds and would also explore avenues to secure grants or develop joint funding arrangements with other government agencies or private developers.

Legal advice has also been received which confirms the City's purchase of land is an authorised investment under the *Local Government Act 1995*.

STATUTORY IMPLICATIONS

Part 8 of the *Planning and Development Act 2005*.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.10 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

525 Moved Cr J Brown Seconded Cr R Mitchell

That Council endorses the Draft Lissiman Street Precinct Improvement Plan as contained in Appendix 13.5.10A and submit the document to the Western Australian Planning Commission (WAPC).

CARRIED 11/0

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

AGAINST: *Nil.*

13.6.3 APPOINTMENT OF DELEGATES TO THE CITY'S ROADWISE ADVISORY GROUP, HISTORY AND HERITAGE ADVISORY GROUP AND THE GOSNELLS DISTRICT NEIGHBOURHOOD WATCH ASSOCIATION

Author: K Farrow

Author's Declaration Nil.

of Interest:

Previous Ref: SCM 21 October 2013 (Resolution 393 and 394)

Appendix: 13.6.3A Policy 5.4.43 - Advisory Group - Establishment and Operation

PURPOSE OF REPORT

To appoint a Council delegate to the:

- City of Gosnells RoadWise Advisory Group
- Gosnells District Neighbourhood Watch Association.

For Council to appoint Presiding Members of the City of Gosnells RoadWise Advisory Group and the History and Heritage Advisory Group.

BACKGROUND

Advisory groups are comprised of Council delegates and stakeholders to consider and provide feedback to the City on particular matters. The City's advisory groups include the City's RoadWise Advisory Group and the History and Heritage Advisory Group, which are operated in accordance with Council Policy 5.4.43 'Advisory Group – Establishment and Operation' (attached as Appendix 13.6.3A).

The City also appoints Council delegates to represent the City on a range of groups and committees run by external organisations, including the Gosnells District Neighbourhood Watch Association.

Following the City of Gosnells Local Government Election, a special meeting of Council was held on 21 October 2013 to appoint Councillors to various advisory groups and committees.

At that meeting, Council resolved (Resolutions 393 and 394) to appoint Councillor George Scott to the City's RoadWise Advisory Group, History and Heritage Advisory Group and to the Gosnells District Neighbourhood Watch Association.

However, Councillor Scott has recently advised that he is unable to continue as Council's delegate on those Groups due to work commitments.

Council is therefore requested to appoint a Council delegate to the City of Gosnells RoadWise Advisory Group and the Gosnells District Neighbourhood Watch Association.

In relation to the History and Heritage Advisory Group, the terms of reference for this group include provision for Council to appoint up to two Councillors as delegates. At its Special Council Meeting held on 21 October 2013, Council resolved to appoint three Councillors as delegates to the History and Heritage Advisory Group. Therefore, despite Councillor Scott's resignation from this Group, Council still has two Councillors appointed as delegates on the History and Heritage Advisory Group. As such, it is

Item 13.6.3 Continued

proposed that Council does not appoint a Councillor to replace Councillor Scott on this Group.

In addition, at the Ordinary Council Meeting held on 12 November 2013, Council resolved to appoint Councillor David Goode as the Presiding Member of the City of Gosnells History and Heritage Advisory Group. However, at the History and Heritage Advisory Group meeting held on 5 December 2013, Councillor Goode advised that he would resign from the position of Presiding Member to enable Dr Gill McDonald to fill the role. Dr McDonald accepted the nomination and the Advisory Group agreed to recommend to Council that Dr McDonald be appointed Presiding Member of the History and Heritage Advisory Group.

DISCUSSION**RoadWise Advisory Group**Précis of Objectives

The RoadWise Advisory Group has been established to:

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

Meeting Frequency

Meetings of the RoadWise Advisory Group are held on the first Wednesday of each month, commencing at 5.30pm.

Membership

- Up to four Councillors (plus a deputy delegate)
- One WALGA RoadWise Representative
- Up to six representatives of groups such as:
 - WA Police
 - Main Roads WA
 - Service Clubs
 - Youth Advisory Committee
 - Emergency Services
 - Associations (Road User or Road Safety Group representative)
- Up to four community representatives.

Council Delegates Terms of Office Due to Expire at the 2015 Election

Item 13.6.3 Continued

Cr Russell Lawrence
Vacant

(Deputy Delegate: Nil)

It should be noted that at its meeting held on 12 November 2013, Council appointed Councillor Scott as the Presiding Member of the City of Gosnells RoadWise Advisory Group. It is recommended that Council appoints a new Presiding Member for the Group.

Gosnells District Neighbourhood Watch Association

Précis of Objectives

Neighbourhood Watch is a self-help crime prevention program, providing information and resources on crime prevention to the community.

Meeting Frequency

Meetings of the Gosnells District Neighbourhood Watch Association are held on the second Wednesday of each month, commencing at 7.30pm at the Maddington Shopping Centre.

Council Delegates Terms of Office Due to Expire at the 2015 Election

Vacant

(Deputy Delegate: Cr David Goode)

FINANCIAL IMPLICATIONS

Financial implications relate to the payment of travel claims for Councillors attending meetings of Advisory Groups to which they have been appointed as a Delegate. Funds have been allocated in the 2013/14 budget to cover these costs.

STATUTORY IMPLICATIONS

There are no relevant statutory obligations for the appointment of Councillors to advisory groups, however, Council Policy 5.4.43 'Advisory Groups – Establishment and Operations' is relevant.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.6.3 Continued

Notation

Nominations received for Staff Recommendation (1 of 4) were:

Cr R Hoffman nominated Cr W Barrett.

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION

526 Moved Cr J Brown Seconded Cr R Mitchell

That Council appoints Councillor W Barrett to the City of Gosnells RoadWise Advisory Group for the period concluding on 17 October 2015.

CARRIED 10/0

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

AGAINST: *Nil.*

Notation

Nominations received for Staff Recommendation (2 of 4) were:

- *Cr R Lawrence nominated Cr W Barrett.*

STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION

527 Moved Cr J Brown Seconded Cr R Mitchell

That Council appoints Councillor W Barrett as the Presiding Member of the City of Gosnells RoadWise Advisory Group for the period concluding on 17 October 2015.

CARRIED 10/0

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

AGAINST: *Nil.*

Notation

Nominations received for Staff Recommendation (3 of 4) were:

- *Cr O Searle nominated Cr R Mitchell.*

STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION

528 Moved Cr J Brown Seconded Cr R Mitchell

That Council appoints Councillor R Mitchell as its delegate on the City of Gosnells District Neighbourhood Watch Association for the period concluding on 17 October 2015.

CARRIED 10/0

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

AGAINST: *Nil.*

Item 13.6.3 Continued

STAFF RECOMMENDATION (4 OF 4) AND COUNCIL RESOLUTION

529 Moved Cr J Brown Seconded Cr R Mitchell

That Council appoints Dr Gill McDonald as the Presiding Member of the City of Gosnells History and Heritage Advisory Group for the period concluding on 17 October 2015.

CARRIED 10/0

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

AGAINST: *Nil.*

13.6.1 CITY OF GOSNELLS AMENDMENT LOCAL LAW 2014

Author: G Bradbrook
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.6.1A Proposed City of Gosnells Amendment Local Law 2014

PURPOSE OF REPORT

For Council to give notice in accordance with Section 3.12(3) of the *Local Government Act 1995* of a proposal to make the City of Gosnells Amendment Local Law 2014.

BACKGROUND

Over the past six months a number of provisions contained within the City's existing local laws have been identified as requiring amendment. The local laws affected are the *City of Gosnells Parking Local Law 2012*, *City of Gosnells Thoroughfares and Public Places Local Law 2012*, *City of Gosnells Animals, Environment and Nuisance Local Law 2009* and the *City of Gosnells Local Government Property Local Law 2009*.

In order to amend a local law, a local government is required to make an amendment local law which is essentially a new local law. In making a new local law, a local government is required to follow the procedure prescribed in Section 3.12 of the *Local Government Act 1995* (Act). The first stage of this process requires Council to give Statewide public notice of a proposal to make a local law and provide a period of at least six weeks for public submissions on the proposal. The City is also required to provide a copy of the proposed local law to the Minister responsible for administering the Act under which the local law is proposed to be made.

DISCUSSION

The proposed City of Gosnells Amendment Local Law 2014 (local law) would amend the following local laws:

- City of Gosnells Parking Local Law 2012
- City of Gosnells Thoroughfares and Public Places Local Law 2012
- City of Gosnells Animals, Environment and Nuisance Local Law 2009
- City of Gosnells Local Government Property Local Law 2009.

A copy of the proposed local law is attached as Appendix 13.6.1A. The effect of the local law on each of the City's existing local laws proposed to be amended is detailed below.

Item 13.6.1 Continued

City of Gosnells Parking Local Law 2012

Proposed amendments to the *City of Gosnells Parking Local Law 2012* would:

- (a) Prohibit a person from parking on a thoroughfare for a period exceeding 24 hours unless the vehicle is parked on a verge with the consent of the owner or occupier of the premises abutting the section of the verge on which the vehicle is parked.

A similar provision was included in Council's previous parking local law, however, it was removed when Council made its current parking local law in 2012.

The removal of this provision has resulted in the City only being able to remove vehicles from thoroughfares where the vehicle is obstructing the use of a public place. This means that a vehicle may be parked on a thoroughfare for any period of time and provided that it is not obstructing the use of a public place, the City has no power to have it removed. The City regularly receives requests from residents and local Police to remove vehicles from thoroughfares where they have been parked for longer than 24 hours; however, the City currently has no powers to act on these requests.

- (b) Prohibit trucks from being parked on a verge.

Currently the City is reliant on a truck meeting the definition of a commercial vehicle in order to prevent trucks from being parked on a verge. This has proven to be problematic in the past where the owner of a truck has been able to argue that their vehicle is not used for commercial purposes and therefore is not a commercial vehicle as that term is defined in the local law.

To overcome this issue, a definition of "truck" will be included in the amendment local law, with the local law to prohibit a person from parking a truck on a verge.

- (c) Prohibit vehicles from being parked such that any portion of the vehicle obstructs a footpath.

The *City of Gosnells Parking Local Law 2012* prohibits a person from parking on a footpath; however, it is somewhat ambiguous in relation to whether a person may park in such a way that their vehicle obstructs a footpath without actually being parked on the path. For example, a person may park their vehicle such that the front or rear of the vehicle is over a footpath without the vehicle being parked on the footpath.

The proposed amendment to the local law will prohibit a person from parking such that any portion of the vehicle is on, or over, a footpath.

- (d) Prohibit a person from parking a vehicle in front of a path in a position that obstructs access to that path.

In situations where a path crosses a road, currently a person may park on a thoroughfare directly adjacent to the point where the path intersects the road, thereby obstructing access to the path. This is an issue which adversely affects people with disability in particular and should be rectified.

Item 13.6.1 Continued

- (e) Prohibit a person from parking a heavy or long vehicle on a carriageway for more than two hours in any 24 hour period unless the vehicle is being used to pick up or set down goods.

The Parking Local Law currently prohibits heavy or long vehicles from being parked on a carriageway in a built up area for a period exceeding two hours. However, the relevant clause of the local law does not preclude a person from parking the vehicle for two hours then removing it from the carriageway for a short period before returning and parking the vehicle in the same location for a further period of two hours. The City receives occasional complaints in relation to such behaviour which can be resolved through proposed amendments to the Parking Local Law.

City of Gosnells Thoroughfares and Public Places Local Law 2012

Proposed amendments to the *City of Gosnells Thoroughfares and Public Places Local Law 2012* would:

- (a) Expand the range of permissible verge treatments to include brick paving and compacted limestone.

The City's Thoroughfares and Public Places Local Law prescribes that permissible verge treatments are lawn, garden or acceptable materials. Acceptable materials are currently defined as organic mulch, woodchips and artificial lawn. It is proposed that the definition of acceptable materials be amended to include brick paving and compacted limestone.

- (b) Require a person to prevent their animal(s) from being on a thoroughfare or public place unless the animal is being led, ridden or driven.

The City has experienced difficulty in enforcing clause 4.2 of Council's Thoroughfares and Public Places Local Law which is intended (*inter alia*) to prevent an animal from being on a thoroughfare or public place unless it is being led, ridden or driven. As the clause is currently worded, the City would need to be able to prove that a person allowed their animal to be in a public place in order to take action against the owner of the animal.

"Allowing" an animal to be on a thoroughfare or public place implies some form of action taken by the owner of the animal that has enabled the animal to be on the thoroughfare or public place. The existing clause limits the City's ability to deal with situations where animals have escaped from their enclosures and wandered onto roads and public places.

It is intended that this clause be amended to reflect its true intention and place an obligation on the owner of an animal to prevent that animal from being on a thoroughfare or public place unless the animal is being led, ridden or driven, and to prevent an animal that has a contagious or infectious disease from being in a public place.

Item 13.6.1 Continued

City of Gosnells Animals, Environment and Nuisance Local Law 2009

Consistent with proposed amendments to the *City of Gosnells Thoroughfares and Public Places Local Law 2012* to place an obligation on the owner of an animal to prevent that animal from being on a thoroughfare or public place, it is intended that the *City of Gosnells Animals, Environment and Nuisance Local Law 2009* be amended by inserting a new clause requiring the owner of a farm animal to keep that animal in an enclosure capable of preventing the animal's escape.

The proposed provision is similar to that contained in the *Dog Regulations 2013* in relation to keeping dogs.

City of Gosnells Local Government Property Local Law 2009

It is proposed that clause 1.10 of Schedule 2 of the *City of Gosnells Local Government Property Local Law 2009* relating to playing or practising golf on the City's reserves be amended.

Rather than allowing a person to play or practice golf on City reserves if the person has a permit for that purpose, the amended wording would prohibit a person from playing or practising golf on local government property except on local government property specifically set aside for that purpose.

FINANCIAL IMPLICATIONS

There will be minor costs incurred in giving public notice of the proposed City of Gosnells Amendment Local Law 2014, however these costs can be accommodated within Council's approved budget.

STATUTORY IMPLICATIONS

Section 3.12 of the *Local Government Act 1995*

VOTING REQUIREMENTS

Simple Majority required.

Notation

8.42pm *Cr R Hoffman left the meeting.*

Item 13.6.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

530 Moved Cr R Mitchell Seconded Cr W Barrett

That Council authorises the Chief Executive Officer to give notice that Council proposes to make the City of Gosnells Amendment Local Law 2014, the purpose and effect of which are to:

Purpose: Amend the *City of Gosnells Parking Local Law 2012*, the *City of Gosnells Thoroughfares and Public Places Local Law 2012*, the *City of Gosnells Animals, Environment and Nuisance Local Law 2009* and the *City of Gosnells Local Government Property Local Law 2009*.

Effect: To clarify clauses contained within the City's existing local laws.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.6.2 AMENDMENTS TO EXISTING COMPLIANCE AND ENFORCEMENT POLICY AND PROPOSED NEW POLICIES

Author:	G Bradbrook
Author's Declaration of Interest:	Nil.
Previous Ref:	OCM 12/6/12 Resolution 251 OCM 28/8/12 Resolution 415 OCM 13/8/13 Resolution 352
Appendix:	13.6.2A Compliance and Enforcement Policy with proposed amendments 13.6.2B Proposed Policy - Provision of Parking at Train Stations 13.6.2C Proposed Policy - City of Gosnells Use of Closed Circuit Television Systems

PURPOSE OF REPORT

For Council to adopt amendments to existing Policy 5.4.41 - Compliance and Enforcement Policy and adopt two new policies titled "Provision of Parking at Train Stations" and "City of Gosnells Use of Closed Circuit Television Systems".

BACKGROUND**Policy 5.4.41 - Compliance and Enforcement Policy**

Council adopted its Compliance and Enforcement Policy at its meeting held on 12 June 2012 in order to establish a uniform approach to compliance and enforcement across the organisation. The policy is currently working well, however, it is considered that it can be enhanced to include provisions relating to seeking injunctions in instances of serious and ongoing non-compliance with legislation, and the completion of rectification works following successful prosecutions.

Proposed Policy - Provision of Parking at Train Stations

In response to a Notice of Motion moved by the Mayor at the Ordinary Council Meeting held on 9 July 2013, Council resolved to request the Chief Executive Officer to prepare a report in relation to parking in Lissiman Street, Gosnells that detailed how compliance in time restricted parking bays is monitored and enforced. In accordance with this resolution, a report was presented to the Ordinary Council Meeting held on 13 August 2013 where Council made the following resolution (Resolution 352):

"That Council supports the development of a policy that clearly establishes the Council's expectations, including responsibilities, for the provision of parking at train stations in the City to enable consistent advocacy to Government for the provision of adequate parking to meet current and future needs."

In accordance with this resolution, a draft policy titled "Provision of Parking at Train Stations" has been prepared and is presented to Council for consideration.

Item 13.6.2 Continued

City of Gosnells Use of Closed Circuit Television Systems

The City currently does not have a policy articulating the purposes for which it may use Closed Circuit Television (CCTV) or how information captured through such systems is to be managed. The proposed policy addresses these issues.

In accordance with Council Policy 5.4.5 - Council Policy Management, each of the policies referred to above was distributed to Councillors on 1 November 2013 for comment for a period of 21 days. Feedback on the policies was received from two Councillors, one indicating no objection to the policies and one querying whether the proposed policy in relation to the City's use of CCTV was consistent with similar policies of other local governments in terms of cooperation with Police.

DISCUSSION

Policy 5.4.41 - Compliance and Enforcement Policy

It is considered that Policy 5.4.41 - Compliance and Enforcement Policy could be enhanced through the inclusion of two additional clauses in relation to seeking injunctions and rectification works.

The *Planning and Development Act 2005* empowers local governments to seek injunctions preventing a person from continuing development in contravention of the *Planning and Development Act 2005*, an interim development order, a planning scheme or conditions of development approval.

It is proposed that a new clause be included in Policy 5.4.41 that enables the City to seek injunctions in instances of serious non-compliance with legislation and where efforts to resolve that non-compliance have been ineffective. The proposed clause is detailed below:

"7. INJUNCTIONS

In instances of serious non-compliance with legislation and where efforts to resolve that non-compliance have proven ineffective, the City may seek an injunction requiring a person not to breach, or to cease breaching, a statute. Decisions on whether to seek an injunction shall be made at the discretion of the Chief Executive Officer."

In addition to the above amendment, examples exist where the City has prosecuted a person for non-compliance with legislation, yet despite that person being convicted and fined, the compliance issue continues. Some legislation including the *Planning and Development Act 2005* and the *Building Act 2011* include provisions that allow a local government to undertake work to bring land into compliance and to recover the cost of that work from the owner of the land.

Ultimately, the goal of the City's compliance activities is to ensure that people use their land in accordance with applicable regulations. Whilst the City may prosecute land owners who fail to bring their land into compliance when directed to do so, where a person is convicted of an offence in relation to activity on their land, if the person continues the activities on the land for which the prosecution was commenced, then the City's compliance goals have not been achieved.

Item 13.6.2 Continued

In order to achieve compliance after a successful prosecution, it is proposed that a new provision be included in the policy that clearly articulates when the City may undertake work on private land in order to bring land into compliance. The proposed clause is detailed below:

9. **RECTIFICATION WORKS**

9.1 *Where the City successfully prosecutes an offender, the City may complete the rectification works to ascertain compliance if the:*

(i) *person responsible for the non-compliance has not completed the required work within a specified timeframe; and*

(ii) *relevant legislation enables the City to complete the rectification work.*

9.2 *Where the City completes rectification work to ascertain compliance, the City will seek to recover its costs in a court of competent jurisdiction.*

9.3 *Where a Court order has been issued in favour of the City in relation to the completion of rectification works, the City will lodge a caveat over the land to which the costs relate. Such caveat shall only be withdrawn where the City has received payment of its costs in accordance with the Court order.*

Proposed Policy - Provision of Parking at Train Stations

This policy attempts to articulate Council's position in relation to the provision of parking at train stations. The policy acknowledges that the provision of parking for rail commuters is a responsibility of the State Government rather than local governments.

Further, the policy establishes that the City will actively discourage rail commuters from parking in streets surrounding train stations and in car parks provided by the City that are in close proximity to train stations. This is to assist in ensuring that parking is available for people patronising local businesses and to prevent rail commuter parking from adversely impacting on the amenity of people living close to train stations.

It is likely that parking in car parks provided by the City in close proximity to train stations and parking in streets surrounding train stations will become a more significant issue for the City when paid parking at train station car parks (as previously announced by the State Government) commences in July 2014. Should Council adopt the policy as proposed, a plan detailing how parking restrictions could be implemented and enforced will be prepared and presented to Council for consideration in the New Year.

Proposed Policy - City of Gosnells Use of Closed Circuit Television Systems

This policy provides the rationale for the City's use of CCTV systems and what the City hopes to achieve through their use. The policy clarifies Council's expectations of the Chief Executive Officer in relation to the development of procedures to ensure that CCTV systems are used ethically and lawfully, and outlines how the City will deal with requests for access to data captured through the City's CCTV network.

Item 13.6.2 Continued

Adoption of the policy will assist the City with applications for funding from external agencies to expand its CCTV network if required, as external agencies will generally require the City to demonstrate that it has appropriate systems and processes in place in order to prevent the misuse of information captured by CCTV cameras and safeguard the privacy of individuals whose images may be recorded.

During the Elected Member consultation period in relation to this policy, one Elected Member queried whether the manner in which the City is proposing to deal with requests for CCTV footage from Police was consistent with the way in which other local governments deal with such requests. In developing the policy the City reviewed similar policies of other metropolitan local governments, all of which include provisions that ensure Police are provided with access to CCTV footage where that footage is required to assist with the investigation of a crime.

FINANCIAL IMPLICATIONS

There are no direct costs associated with adopting amendments to Policy 5.4.41 - Compliance and Enforcement Policy or the two proposed policies. However, where the City progresses to applying for an injunction or undertakes rectification works on private property to bring a property into compliance in accordance with proposed amendments to the Compliance and Enforcement Policy, costs would be incurred. It is not possible to quantify these costs as they will be dependent upon the circumstances applicable to each case.

In relation to the proposed policy titled "Provision of Parking at Train Stations", should Council resolve to adopt the policy as recommended, an implementation plan will be developed and this will include costs associated with implementing and enforcing any parking restrictions that may be considered necessary to give effect to the policy.

STATUTORY IMPLICATIONS

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes that it is the role of Council to determine the local government's policies.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION**531 Moved Cr J Brown Seconded Cr P Yang**

That Council adopts amendments to Policy 5.4.41 - Compliance and Enforcement Policy as detailed in Appendix 13.6.2A.

CARRIED 10/0

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

AGAINST: *Nil.*

Item 13.6.2 Continued

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

532 Moved Cr J Brown Seconded Cr P Yang

That Council adopts the policy titled "Provision of Parking at Train Stations" as detailed in Appendix 13.6.2B.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION

533 Moved Cr J Brown Seconded Cr P Yang

That Council adopts the policy titled "City of Gosnells Use of Closed Circuit Television Systems" as detailed in Appendix 13.6.2C.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

**13.6.4 DEVELOPMENT APPLICATION - PATIO - 84 (LOT 242) WATERFOOT LOOP
CANNING VALE**

Author: G Neil
Author's Declaration Nil.
of Interest:
Reference: 304005
Application No: DA13/10455
Applicant: One Stop Patio Shop
Owner: Darren Slade
Location: 84 (Lot 242) Waterfoot Loop, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential R20
Review Rights: Yes. State Administrative Tribunal against any discretionary decisions of Council.
Area: 27.5m2 (patio), 640m2 (lot)
Previous Ref: Nil.
Appendix: 13.6.4A Proposed Site Plan
13.6.4B Proposed Elevations

PURPOSE OF REPORT

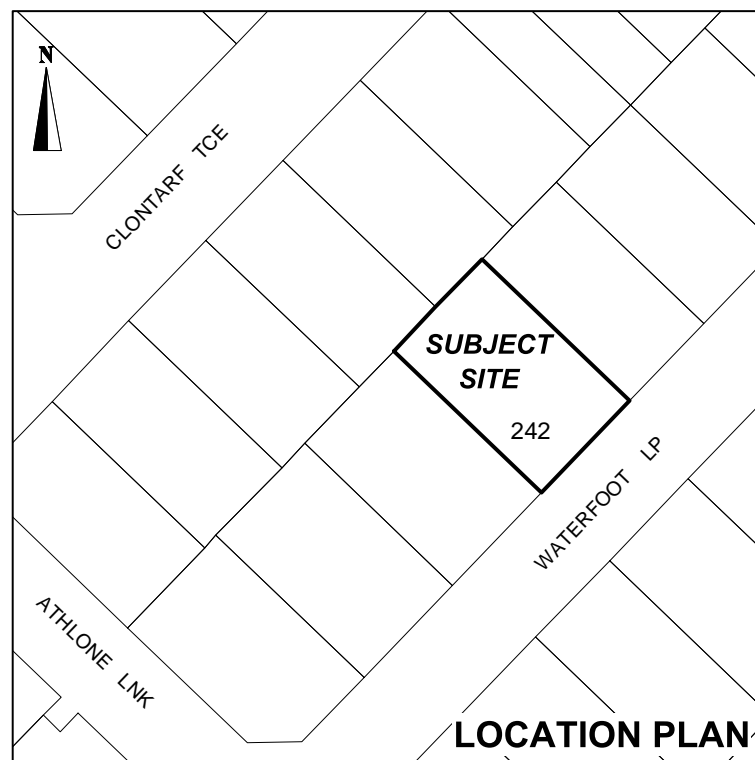
For Council to consider an application for planning approval for a patio at 84 (Lot 242) Waterfoot Loop, Canning Vale as the proposal is outside the authority delegated to staff due to:

- Non-compliance with the City's Local Planning Policy 1.1.1 Residential Development
- Objections being received from the adjoining land owner.

BACKGROUND**Site Description and Planning Framework**

A plan showing the location of the subject site is shown below.

Item 13.6.4 Continued



The subject property is a 640m² lot zoned R20 under Town Planning Scheme No.6 (TPS6). It contains one single storey residential dwelling.

Proposal

The application involves the construction of a gabled patio with a reduced setback of 0.5 metres from the single column to the lot boundary. It will be located on the north-eastern side of the lot behind the existing garage.

The patio will be 5 metres long and 5.5 metres wide at the gabled end, which will be perpendicular to the affected boundary. The roof will be 2.4 metres high at the gutter-line and the highest point of the gabled ridge will be 3.4 metres. The patio will be constructed of a steel frame with Flatdeck "Paperbark" coloured Colorbond.

A site plan and elevations of the proposal are included in Appendices 13.6.4A and 13.6.4B respectively.

Consultation

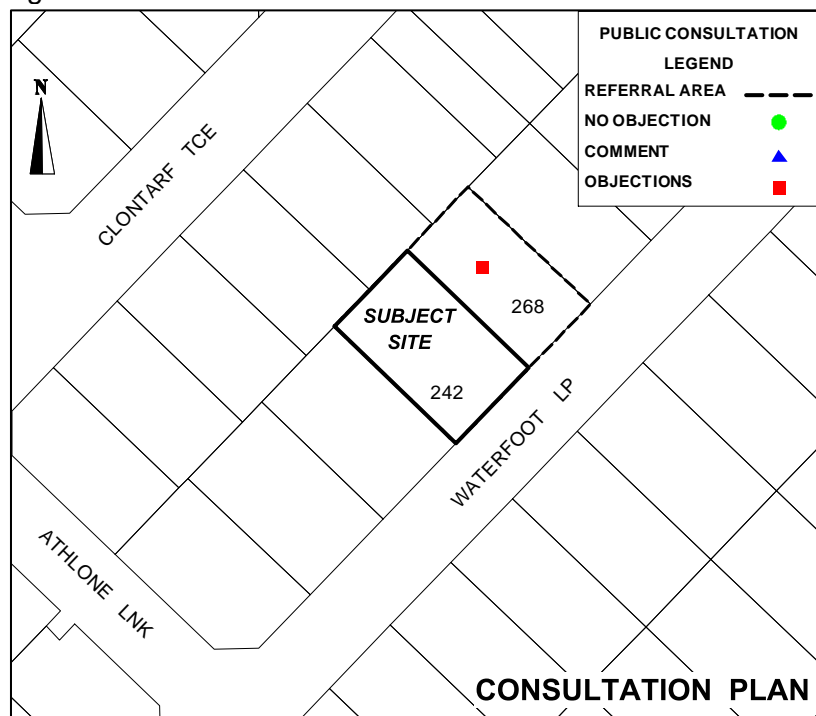
The proposal was advertised to the affected property owner for comment for 14 days in accordance with Council Policy requirements, during which time a submission was received objecting to the proposal.

A summary of this submission is provided below:

- The proposed patio will block off natural light into the living areas of the adjoining property
- The proposed patio should be setback 1 metre from the boundary.

Item 13.6.4 Continued

A map identifying the location of the submission follows:



DISCUSSION

Residential Design Codes (R-Codes)

The proposal has been assessed against the R-Codes and complies with all relevant deemed-to-comply provisions with the exception of Part 5.1.3 – Lot Boundary Setbacks.

Part 5.1.3 of the R-Codes provides for buildings to be setback a minimum of 1 metre from side and rear boundaries. In this instance, the patio column and roof line are setback 500mm from the side boundary.

Local Planning Policy 1.1.1 – Residential Development (LPP 1.1.1)

Applications that do not meet the deemed-to-comply provisions are assessed against the design principles of that section. Assessment is guided by the City’s LPP 1.1.1 which prescribes standards to be met in order to be considered compliant with the design principles.

The design principles of Part 5.1.3, P3.1 require buildings to be setback from lot boundaries so as to:

- Reduce impacts of building bulk on adjoining properties
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

Item 13.6.4 Continued

The proposal has been assessed against the standards set by LPP 1.1.1 and complies with the majority in that:

- The patio will not result in any overshadowing to the adjoining property
- The patio does not face an adjoining property outdoor living area
- The column is adjacent to a major opening being a bedroom window. Considering the minor impact of the patio column when compared to the impact of the dividing fence, that the bedroom window is some 2 metres away from the column and the patio roof complies in every other way, it is considered that there is no adverse impact on the adjoining property
- The development complies with the Deemed-to-comply provisions in 5.1.4 (Open space), 5.1.6 (Building height), 5.4.1 (Visual privacy) and 5.4.2 (Solar access for adjoining lots).

CONCLUSION

The proposal is supported for the following reasons:

- The proposal will have minimal visual impact on the adjoining property
- The proposal will not overshadow the neighbouring property when assessed in accordance with the Residential Design Codes due to the site orientation.

It is therefore recommended that the proposal be approved.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Residential Design Codes
- Local Planning Policy for Residential Development (LPP 1.1.1).

VOTING REQUIREMENTS

Simple Majority required.

Notation

8.43pm *Cr R Hoffman returned to the meeting.*

Item 13.6.4 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

534 Moved Cr W Barrett Seconded Cr R Lawrence

That Council approves the application dated 25 September 2013 for a patio at 84 (Lot 242) Waterfoot Loop, Canning Vale.

CARRIED 10/0

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

AGAINST: *Nil.*

15. URGENT BUSINESS
(by permission of Council)

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

535 Moved Cr R Mitchell Seconded Cr R Lawrence

That Council, in light of the consent of the Presiding Member, grant permission to present an item of Urgent Business to the minutes relating to - Central Maddington Outline Development Plan - Draft Development Contribution Plan Report - Outcomes of Consultation, to this Ordinary Council Meeting in accordance with Clause 4.14 of the City of Gosnells Standing Orders Local Law 2012.

CARRIED 10/0

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

AGAINST: *Nil.*

15.1 CENTRAL MADDINGTON OUTLINE DEVELOPMENT PLAN - DRAFT DEVELOPMENT CONTRIBUTION PLAN REPORT - OUTCOMES OF CONSULTATION

Author: S O'Sullivan

Author's Declaration Nil.

of Interest:

Application No: PF13/00028

Previous Ref: OCM 9 July 2013 (Resolution 302)

Appendices:

15.1A	Central Maddington Outline Development Plan
15.1B	Draft Development Contribution Plan report (as advertised for public comment)
15.1C	Question and Answer Information Brochure
15.1D	Land Owner Survey Form
15.1E	Schedule of Submitters' Properties
15.1F	Schedule of Submitters' Concerns
15.1G	Consultation Map
15.1H	Schedule of Government and Servicing Authority Submissions
15.1I	Roads/Precincts Plan
15.1J	Draft Development Contribution Plan report (as proposed to be modified following consultation)

PURPOSE OF REPORT

For Council to consider the outcomes of consultation on a draft Development Contribution Plan (DCP) report associated with the Central Maddington Outline Development Plan (ODP).

Item 15.1 Continued

BACKGROUND

The ODP (see Appendix 15.1A) was approved by Council and the Western Australian Planning Commission (WAPC) in December 2011 to provide a framework for redevelopment of the ODP area.

The ODP provides a spatial plan for residential development at a range of densities, new road connections, public open space (POS) consolidation and various other infrastructure improvements.

The ODP is a unique project in the City. Although many other outline development plans and development contribution arrangements have been administered by the City in the past, most have occurred in greenfield situations, where large parcels of land held by a small number of owners have typically been assembled to achieve coordinated development. For the Central Maddington ODP area, the scenario is far more complex due to the high level of fragmentation of land ownership and the extent and pattern of existing development.

A funding mechanism is required to coordinate and facilitate infrastructure improvements given that there are approximately 500 individual land owners in the ODP area.

The City commissioned technical analysis of the land to identify infrastructure needs and associated costs, with the objective being to provide a contemporary standard of infrastructure for the area. This led to the production of a draft DCP report, which sets out the intended operation of the development contribution arrangement (DCA) for the ODP area, as contained in Appendix 15.1B.

The draft DCP report details the extent and estimated costs of required common infrastructure works (CIW) and POS and the method by which costs will be apportioned to land owners as contributions to be made at the time of subdividing or developing their land.

The draft DCP identifies the following CIW:

- Land acquisition for selected roads
- Construction of new roads and drainage
- Construction of shared paths
- Traffic infrastructure improvements
- Construction of sewer mains
- Construction of water mains
- Upgrade of existing stormwater drainage
- Installation of low voltage underground power and street lighting
- Installation of telecommunications
- Public open space development
- Administration of the DCA.

The total cost of providing these CIW has been estimated at \$31,056,275.

Item 15.1 Continued

The draft DCP also sets out that contributions are to be collected to acquire approximately 5.7ha of land for POS with the objective of equalising the cost of assembling land for POS among land owners in the DCA. This cost has been estimated at \$20,150,000.

Contribution rates for developing land owners have been calculated by apportioning the total CIW and POS costs to land in the ODP area that is anticipated to be developed, with adjustments made using a sliding scale based on the variable residential density codings that apply to land under the ODP. This has allowed rates to be set on a cost per/m² of land basis.

The following contribution rates for CIW apply:

- R20 - \$222,769/ha (\$22.28/m²)
- R30 - \$334,153/ha (\$33.41/m²)
- R40 - \$445,538/ha (\$44.55/m²)
- R80 - \$891,076/ha (\$89.11/m²).

The following contribution rates for POS apply:

- R20 - \$160,596/ha (\$15.90/m²)
- R30 - \$240,894/ha (\$24.09/m²)
- R40 - \$321,192/ha (\$32.12/m²)
- R80 - \$642,384/ha (\$64.24/m²).

Many complex considerations were made in preparing the draft DCP report, including:

- The planning policy context
- Cost estimates and allowances
- Land valuation
- Existing POS within the ODP area
- Previous POS contributions collected from historic subdivision in the ODP area
- Options for contribution calculations.

The draft DCP report provides more detail on the various considerations made and how they have translated into the proposed contribution requirements.

On 9 July 2013 Council resolved (Resolution 302) to advertise the draft DCP report for public comment.

Consultation commenced on 16 July 2013 and concluded on 26 August 2013 and occurred through the following means:

- Letters sent to all owners of land within the ODP area, which included an information brochure (as contained in Appendix 15.1C), a land owner survey (as contained in Appendix 15.1D) and a submission form
- Letters sent to various government and servicing authorities

Item 15.1 Continued

- Advertisements in the two local newspapers circulating in the ODP area
- Public displays of the draft DCP report at the City's Civic Centre and libraries and on the City's website.

There were 115 land owner submissions lodged, comprising 74 objections, 27 non-objections and 14 submissions providing comment. Four government and servicing authority submissions were received. A list of submitters' properties, a schedule of submitters' concerns and responses, a consultation map and a schedule of government and servicing authority submissions are contained in Appendices 15.1E, 15.1F, 15.1G and 15.1H respectively.

A 91-signature petition was also submitted during the consultation period, which read as follows:

"We the undersigned electors of the City of Gosnells request that the City of Gosnells Development Contribution Arrangement figure for the Central Maddington ODP be brought down by at least 50% based on the draft document 09.07.13 and all new roads removed and less POS for the following reasons - \$ cost is too high and everyone should not have to pay for a few peoples new roads."

The petition was presented to Council's meeting on 13 August 2013. The petition convener was subsequently advised that the expressed concerns would be addressed as part of this report.

The land owner survey was undertaken to ascertain owners' intentions in respect to the development of their land, with the aim of helping plan for the timely and coordinated provision of the new infrastructure that is proposed to be funded by the DCA. There were 81 survey forms returned, representing a 16.27% response rate.

DISCUSSION

The consultation process and land owner survey gave rise to a significant amount of comment and feedback.

Consultation

A considerable level of objection has been raised through submissions made during the consultation period on the draft DCP report. Concerns with various elements of the proposed DCA have been expressed, with the following being the main sentiments:

- Contributions rates are too high and will impact on the financial viability of development and should be reduced
- The requirement to contribute to the cost of roads and related infrastructure that may be distant from certain land owners' properties is not equitable
- Scaled contribution fees, based on development potential, are unfair
- Other areas of the City receive road and park improvements without land owner contributions being made
- The proposed infrastructure and POS upgrades will benefit a broader area than is covered by the ODP

Item 15.1 Continued

- Consideration should be given to a precinct-based approach to the apportionment of infrastructure and POS costs
- City-owned land required for POS should be gifted to the DCA, rather than compensated for from contributions
- Allowance for the cost of administration of the DCA appears excessive
- Owners of land that had POS contributions made previously through earlier subdivision should not be required to provide additional POS contributions upon redevelopment
- The compensatory approach relating to land acquisition for new roads and POS is objected to by both those who are required to make contributions and those who consider they should be better compensated than is proposed
- Less POS and fewer new roads should be created to reduce costs
- The proposed contribution requirements in relation to underground power are inequitable.

Discussion on these matters is provided under the headings that follow.

Financial Concerns

The financial impact of proposed contribution requirements and approaches to compensation under the draft DCP report underpin most submissions of objection, in addition to the petition lodged during the consultation period.

The main sentiment expressed is that contribution rates are too high and will negatively affect the viability of developing land and potentially stifle development.

Many submissions also raised concern relating to a perception of a lack of equity and fairness with how the proposed DCA is to operate, with a range of alternative approaches suggested.

Some land owners expressed the view that the planned infrastructure upgrades will benefit the broader Maddington area and the costs should therefore be met by a broader area, rather than just by developers in the ODP area as is proposed. By contrast, some land owners feel that the infrastructure upgrades will benefit specific properties and costs should not be shared on as broad a basis as is proposed.

The proposed requirement to compensate land owners for the loss of land for roads and POS also attracted contrasting views between those who would have a contribution obligation and others who feel the proposed compensatory arrangements are insufficient, which exemplify how difficult it is to achieve a workable, fair and equitable approach to infrastructure provision.

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

The proposed contribution rates are significant, due to the high costs involved in constructing infrastructure and acquiring land for public purposes in an infill development context, exacerbated by relatively low land values and potentially narrow development profit margins.

Item 15.1 Continued

The impact of development contributions on the viability of development was 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.

Potential measures to reduce contribution rates are explored further in the discussion that follows.

Need for Infrastructure

Many submissions raised concerns about the ODP and its planned infrastructure arrangements and have advocated a reduced amount and standard of provision of new roads and POS.

The draft DCP report reflects a funding scenario to implement the road and POS requirements indicated on the approved ODP. The ODP was adopted by Council and the WAPC in 2011 following extensive stakeholder consultation and review. If the suggestions for a reduced level of infrastructure and POS were to be entertained, a major review of the ODP would need to be undertaken and considered by Council and the WAPC.

Reducing the amount of new roads or allowing them to be constructed to a lower standard would be contrary to the principles of State Government and Council planning strategies and policies that promote accessibility, attractive streetscapes and quality public realm.

In respect to POS, Council has required that sufficient provision of POS occur to cater for community recreation needs, particularly given the higher residential densities proposed and the likely increased population and smaller property sizes that would result from implementation of the ODP. Council sought to ensure as close to 10% of the ODP area as possible was set aside for POS, consistent with WAPC policy. Reduction of the amount of POS would be contrary to the principles of WAPC and Council planning strategies and policies that require sufficient space for public recreation. It would also potentially deprive the existing and future community in the ODP area from access to an important resource.

If Council wants to reduce costs by removing roads and POS from the ODP, then it should not adopt the draft DCP report at this time and instead defer any further consideration of proposed contribution arrangements pending a major review of the ODP.

The implications would likely include:

- A 12 to 18 month timeframe to undertake a review and finalise any resulting ODP modification, which would be problematic in terms of the development and subdivision applications that have already been approved in the ODP area with conditions relating to contribution obligations and how they should be addressed, in addition to potentially delaying future proposals from being favourably considered pending a review being completed
- Reduced development costs, but also a potentially poorer quality and less functional development outcome.

Item 15.1 Continued

Therefore a review of the ODP is not recommended.

New Roads

Approximately 6,200m of new roads and associated services are proposed to be constructed in the ODP area. The draft DCP report proposes that construction costs be met from contributions to be collected from land owners in the ODP area at the time of subdivision or development, with the following cost allowances made:

- Road and drainage works (including earthworks, surfacing, kerbing, footpaths, drains) - \$9,597,600
- Sewer mains - \$1,235,000
- Water mains - \$496,000
- Underground power and street lighting - \$1,240,000
- Telecommunications - \$310,000.

These road-related infrastructure elements have an estimated cost of \$12,878,600 (exclusive of administration and project management costs).

Construction of roads and services will not be possible without access to the land upon which the new roads are to be built. The draft DCP report recognises the following challenges:

- Some properties are significantly more affected than others in relation to the amount of land required for a new road and the proportion it bears to the total property area. In some instances, the land required for a new road significantly reduces the property's development potential, whereas in other circumstances the impact is relatively less
- WAPC policy usually requires new roads created as part of the subdivision of land to be given up free of cost, without payment of any compensation. The application of this approach to the DCA would be inequitable, given that the requirement for land for new roads varies significantly from property to property. A means to equalise the cost of acquiring land for new roads is therefore required
- Devising a fair, equitable and workable approach is complex, with a variety of possible options, including:
 - Compensation being paid to all owners of land required for new roads using funds collected from developer contributions in the ODP area (at a cost of approximately \$31.01 million to the DCA for the 8.03ha of land required)
 - No compensation being paid to owners required to provide land for new roads (at no cost to the DCA, but impacting negatively on the affected land owners)
 - A balanced option involving compensation being paid to those land owners who are required to provide a substantial proportion of their property for new roads using funds collected from developer contributions in the ODP area.

Item 15.1 Continued

The draft DCP report recognises that there are pros and cons with each option, but concluded that the balanced option was the most appropriate alternative in the circumstances. This approach makes allowance to fund either all or a 50% portion of the cost of acquiring certain land (all or portion of 19 identified properties) to facilitate the construction of new roads and share the cost of doing so among DCA land owners in an equitable manner. This approach is based on the following considerations:

- Any owner required to provide up to 25% of the area of an individual property for a new road will receive no compensation for doing so
- Any owner required to provide between 25% and 40% of the area of an individual property for a new road will receive compensation for 50% of the value of the land provided
- Any owner required to provide between 40% and 100% of the area of an individual property for a new road will receive compensation for 100% of the value of the land provided
- Any land required for POS under the ODP is deducted from the area of the property for the purposes of calculating the proportion to be given up for the new roads
- Compensation is to be paid in accordance with the adopted land valuation basis applicable at the time the land is to be formally transferred
- Compensation will not be paid to an owner who subdivides land in a manner that results in a property being created with more than 25% of the area of the new lot being required for a new road
- The contribution arrangement will not retrospectively fund compensation payable to land owners within the DCA who may have previously provided land for new roads at the time of subdivision in the past.

Collectively, compensation will be paid for approximately 2.48ha of land for new roads, with the cost to be met by all land owners developing land for residential purposes within the DCA. The cost is estimated to be \$6,059,925.

The following concerns have been expressed in submissions in respect to the road-related elements of the draft DCP report:

- Land owners who are not directly affected by the alignment of new roads should not be required to make contributions towards the cost of these roads and the associated services.
- Compensation should be paid for all road land and not just selected properties (as meeting the criteria outlined above).
- Some owners feel it is unfair that they are required to contribute to the cost of road construction and acquisition of other land for road purposes, but will receive no compensation themselves.
- Decommissioning of overhead powerlines and replacement with underground services in existing streets in the ODP area is not proposed to be funded by the DCA, yet it is proposed that the owners of land abutting existing streets must contribute to the cost of providing underground power as part of the construction of new roads yet will see no similar service upgrade in their street.

Item 15.1 Continued

- Some owners feel that it is unfair that commercial zoned land is proposed to be exempt from the requirement to contribute to road and associated servicing costs.
- Some owners advocate that fewer new roads be built to reduce contribution costs, or that costs to land owners be substantially reduced through funding from other sources.

The concerns in relation to financial implications of road and related servicing infrastructure contributions are acknowledged and are discussed further under the headings of Potential Council Subsidy of Infrastructure and POS Costs and Precinct-based Approach to Apportionment of Infrastructure and POS Costs.

Public Open Space

The provision of POS is a key component of the ODP. Approximately 7.5 ha of land is identified for various POS purposes, including recreation, conservation and drainage.

Land requirements for POS are not evenly distributed across the ODP area, as some owners will be required to provide a substantial proportion of their land for POS, whereas many others will not.

A key objective of the DCA is to equalise the cost of assembling land required for POS among the collective of ODP land owners. This will involve collecting contributions from owners who are able develop their land in accordance with the ODP to fund compensation payable to owners who are required provide land for POS.

The State Government has policies and practices that guide the City's approach to land valuation, compensation and POS contribution calculations in its operation of a DCA.

The draft DCP report sets out the following in respect to POS:

- Contributions for much of the land to be developed for residential purposes in the ODP are to fund the acquisition of 5.7 ha of the 7.5 ha land required for POS by the ODP. Acquisition costs have been estimated at \$20,150,000, based on an assumed land value of \$3,500,000/ha (or \$350/m²)
- POS contribution requirements can be met through the provision of land identified on the ODP for POS, a cash contribution in accordance with the defined contribution rates or a combination of these methods. Similar to CIW costs, contribution rates have been calculated by allocating a proportionate share of the total cost of POS to the total area of land within each density code shown on the ODP, to reflect the variability in development potential from R20 to R80
- Acquisition of the balance 1.8 ha of POS will be achieved by two means:
 - A 0.9ha Conservation Category Wetland (CCW) is to be set aside without payment of compensation from contributions, consistent with WAPC policy
 - 0.9ha is to be acquiring using funds generated from the disposal of several small existing POS reserves located within the DCA that were provided in the past through previous land subdivisions undertaken. These reserves are too small to function well for recreational use and

Item 15.1 Continued

suffer from poor surveillance and low amenity, hence their identification for disposal and redevelopment

- Land exempt from a requirement to make a contribution to POS includes:
 - Land required for various public purposes, including the Maddington Primary School, land reserved under the Metropolitan Region Scheme for Parks and Recreation along the Canning River foreshore and regional roads (Albany Highway, Kelvin Road and Olga Road) and land identified for local POS under the ODP
 - Land zoned for commercial purposes, which includes properties designated Highway Commercial and Mixed Business on the ODP, as the WAPC exempts commercial land from requirements to contribute land for POS
 - Land that has already been substantially developed, as it is not envisaged for redevelopment in the foreseeable future and therefore is unlikely to make a POS contribution
 - Land that has previously been subdivided and has provided an historical POS contribution at the time of subdivision
- A contribution is also required to undertake a basic level of work to develop the POS to a useable standard. However this cost is separate to the land cost and is allowed for in CIW cost estimates.

The following concerns have been expressed in submissions in respect to the POS-related elements of the draft DCP report:

- The primary concern relates to the financial impact of contribution requirements on land owners and the viability of developing their properties. Submissions have advocated that Council reduce the amount of new POS that is required in order to reduce contribution costs
- Owners suggest that it is unfair that they must pay contributions for POS for land already owned by the City (Weston Street Reserve - 4,646m² and Clifton Street Reserve - 3,614m²), which represents a cost of approximately \$2.9million in contributions
- A similar sentiment was expressed in respect to a Water Corporation pump station site (441m²), which also forms part of the POS contribution requirement
- The WAPC and some owners advise that additional properties to those identified have previously contributed to POS and therefore should also be exempt from the requirement to make a new contribution
- The owner of the CCW objects to the proposal for no compensation to be paid from the DCA for the requirement to cede this land for POS.

Each issue is discussed in turn.

*Item 15.1 Continued**Amount/Cost of POS*

The requirement for subdividers to contribute 10% of developable land to POS is a long-established policy provision of the WAPC. The draft DCP report's POS contribution requirements fall within the standard 10% policy requirement.

The only option, aside from either not compensating land owners or reducing the ODP's POS requirement, would be to reduce the proportion of costs to be met from contributions and generate sufficient funds to meet the balance of costs from other unspecified sources which is most unlikely to be available.

Donation of City-owned land

The option exists for the City to donate the freehold land it owns in the ODP area (that is, the sites on Weston and Clifton Streets) to the DCA. This option would reduce costs to the ODP owners by approximately \$2.9 million. However this land is a City-owned asset that effectively belongs to the broader community. If these sites were to be set aside as formal POS reserves as a cost to the DCA as proposed, the broader community would benefit by reinvestment of the compensation funds that the City would otherwise receive to create other community assets. Alternatively, Council may consider the donation of this land to the DCA and set it aside for POS without cost to the DCA. This could be done on the basis that it would reduce contribution costs and assist the viability of development and the potential achievement of Council's revitalisation objectives for the ODP area.

Given that the land in question has the potential to provide a community asset to this area, by virtue of its locations, it will be recommended that the draft DCP report be amended to remove the requirement for the DCA to compensate the City for the value of its Weston and Clifton Street properties to be set aside as POS.

Previous Subdivision and POS Contributions

The draft DCP report sets out that 9.53ha of the 115.94ha gross ODP area has previously made a POS contribution, either as land or cash-in-lieu, at the time of previous subdivision. As a consequence various properties are proposed to be exempt from the requirement to make an additional contribution to the new POS required by the ODP.

Further investigation has revealed several extra lots, collectively amounting to approximately 4,000m², which was previously subdivided and made a POS contribution.

The draft DCP report needs to be modified to reflect this adjustment to the net contribution area. The adjustment has the effect of increasing the base POS contribution rate from \$160,596/ha to \$161,588/ha (a \$992/ha difference, without factoring in the impact of the potential donation of the City-owned land to the DCA as discussed under the preceding heading), as the extent of the contributing area is reduced.

Item 15.1 Continued

Exclusion of CCW land from Compensation

The owner of the CCW adjacent to Stokely Creek has objected to the proposal for no compensation to be paid from the DCA for the requirement to cede the CCW for POS.

The WAPC has previously advised in other similar instances that State Planning Policy 3.6 - Development Contributions for Infrastructure outlines items that local governments can seek developer contributions for. The acquisition of land containing regionally significant environmental assets, such as a CCW is not considered to be an item that should be levied in a DCA. This position is understood to have been adopted on the basis that environmentally constrained land, like a CCW, is not developable and should not receive compensation through a mandatory requirement imposed on a collective of owners developing their land nearby.

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 submissions of claims for injurious affection or negotiating land acquisition outcomes with the relevant State Government authorities.

Administration Costs

The draft DCP report includes estimated costs to be incurred in administering the DCA and proposes that these costs be met through developer contributions. The allowance for the cost of administration is estimated to be \$6,700,000 over the life of the development contribution arrangement.

The allowance for administration costs involves the following individual components:

- City administration (collection of contributions, landowner acquisition negotiations, assessment of claims for reimbursement on CIW and POS, maintenance of contribution reserve accounts, annual review of contribution rates, financial reporting and provision of customer information) - \$900,000. *(representing 5% of the total capital cost of required CIW - that is, excluding the cost of land acquisition for new roads and arrangement administration)*
- Construction management of roads and service infrastructure (design and approvals, works programming, contractor procurement processes, contractor performance, site supervision, public consultation and stakeholder liaison) - \$1,800,000 *(representing 10% of the total capital cost of required CIW)*
- Legal advice/action - \$200,000
- Surveying - \$100,000
- Valuations - \$100,000
- Civil design - \$150,000
- An environmental management plan to facilitate development of Stokely Creek into a recreation/conservation reserve - \$50,000
- Works design and costing contingency - \$900,000. This figure represents 5% of the total capital cost of required CIW
- Interest charges - assumes funds will have to be borrowed by the City to pre-fund the provision of CIW and POS - \$2,500,000 *(assuming an average loan principal of \$10,000,000 at an interest rate of 5% for 5 years).*

Item 15.1 Continued

These allowances are considered to be reflective of the likely costs to be incurred in operating the DCA given the size and complexity of the range of tasks involved.

For comparative purposes, the City has assessed a range of operational DCA's and the extent of administrative costs that have been applied in those instances. On that basis it is proposed to retain the allowance as is.

Methodology for Contribution Calculations

The draft DCP report recognises the variation in density codings in the ODP (between R20 and R80) and the variable lot yield generated as a result. It has the objective of sharing the cost of provision of CIW and POS in a manner that is reflective of the development potential of the land under those varied density codings.

Contribution rates have been calculated by allocating a proportionate share of the total cost of CIW to the total area of land within each density code shown on the ODP, to reflect the variability in development potential from R20 to R80. This means, for example, that owners of R30-coded land are to pay proportionately more contributions than for R20-coded land and owners of R40-coded land are to pay proportionately more than for R30-coded land and so on.

This approach involves setting a base contribution rate for R20-coded land and applying adjustments for higher residential density coded land.

Contribution calculations have also had to factor in land that is exempt from contributions, including public purpose land, commercial zoned land and properties that are already substantially developed and unlikely to be redeveloped (and therefore make a contribution) in the foreseeable future.

The following concerns have been expressed in submissions in respect to the POS-related elements of the draft DCP report:

- The scaled contribution calculation methodology is not equitable
- Charging contributions on land that contains an existing dwelling is unfair
- Commercial properties should not be exempt as they benefit from increasing population in the area.

Each issue is discussed in turn.

Scaled Contribution Calculation Methodology

A range of options were examined in respect to the apportionment of CIW and POS costs as development contributions.

Item 15.1 Continued

The following table provides a summary of the examined options:

Option	Pros	Cons
Land Area (division of costs by developable area)	Simple method Would encourage maximum development	Inequitable - penalises lower density land as for example, R20 land would pay the same as R80 land regardless of the number of dwellings or lots created.
Total Dwellings/Lots (division of costs by anticipated yield of dwellings or lots, with 25% yield reduction to account for likelihood that some properties may not be developed)	Simple method Contribution relates directly to the number of dwellings or lots created	May discourage take-up for higher density development opportunities. Method is based on a development yield assumption which could prove to be incorrect, leading to either a funds shortfall or surplus.
Capped Total Dwellings/Lots (division of costs by anticipated yield of dwellings or lots - again with 25% yield reduction, but capped at grouped dwelling potential)	Simple method Would encourage development of multiple dwellings (and therefore efficient use of land and potentially improved quality of built form)	Method is based on a development yield assumption which could prove to be incorrect, leading to either a funds shortfall or surplus.
Sliding Scale (base contribution rate determined by calculation of developable land areas and variable R-Codes)	Balanced approach to help avoid both penalising lower density development and discouraging higher density development.	Complex calculation formula.

As the above summary analysis indicates, all methods for determining contribution rates have advantages and disadvantages. The sliding scale option was chosen as, despite its complexity, it represents the most balanced approach.

It will be recommended that this approach be maintained, as proposed in the draft DCP report.

Inclusion of Existing Dwellings in Contribution Area.

This concern relates to a scenario where a property with a single dwelling is to be subdivided or developed with an additional dwelling or dwellings. The proposed contribution calculation method involves the multiplication of a property's total land area by the applicable contribution rate. Some submissions have advocated that this is unfair.

While very difficult to do, the option exists to calculate the collective land area occupied by each of the approximately 500 existing dwellings in the ODP area and exclude it from the net contributing area. This would however be impractical as it would not change the total CIW and POS costs. Instead these costs would be divided over a smaller net contributing area, meaning that while the area over which the contributions are applied would decrease, the contribution rates would increase and no difference in the actual contribution payable would result for the majority of properties in the ODP area.

Exemption of Commercial Properties from Contribution Requirements

Item 15.1 Continued

The exclusion of commercial zoned properties from the net contributing area is based on the following considerations:

- Most commercial-zoned land in the ODP area is already substantially developed
- Most of the funded CIW are some distance from the commercial-zoned land and therefore unlikely to provide any direct benefit to that land
- Commercial-zoned land is usually exempt from any POS requirement under WAPC policy. As such, a requirement is normally only applied to residential development.

However, the draft DCP report has not accounted for the prospect that some commercial-zoned land may ultimately be redeveloped in the longer term to incorporate a mixed use or residential element. If this was to occur, the residential element should make a contribution to POS.

While this could be applied through the normal development approval process regardless of whether a DCA is in operation or not, the draft DCP report could be improved by the inclusion of a notation that indicates that POS contributions will apply in the event of redevelopment of commercial-used land for residential use in the future.

Potential Council Subsidy of Infrastructure Costs

Financial concerns about the draft DCP report are recognised. Consideration has been given to a range of alternative scenarios and options to try to address these concerns.

Implementation of the ODP needs to deal with a unique set of challenges and equity considerations, unlike any other DCA within the City. These considerations arise because the subject area is already developed for suburban purposes to a partial degree. This was not the case when other DCA's were introduced in greenfield (often rural) areas.

The philosophy applied to infrastructure provision and maintenance between greenfield and infill development varies as follows:

- Greenfields - developers pay for infrastructure upgrades and this is factored into the price of land when sold. Infrastructure is typically maintained by the developer for a period of time and then handed to the responsible authority to maintain and renew assets as necessary over time. Costs are fixed or limited by the usual approach to DCA implementation and management, which typically involves full cost recovery from developers
- Infill development - The City's approach is typically to manage, maintain, and renew assets to retain their condition. Some renewal occurs to bring infrastructure to a higher new standard. Ad hoc proposals for infrastructure upgrades are funded through the normal budget and resource allocation model. The costs of providing the required CIW and POS in an infill development context are substantially higher than in a greenfield development situation.

The question arises as to why 100% cost recovery is sought and whether there are other methods to subsidise contributions, such as through rates or State Government funding.

Item 15.1 Continued

The observation made in some submissions is that other areas are upgraded by the City without the requirement for contributions and questions have been raised as to why this would not apply in the ODP area.

Key issues include:

- Under normal ODP conditions (where broad acre land is converted and serviced for urban use), the landowners share the costs of infrastructure provision through the DCA
- After a period of time, the maintenance and renewal of these assets becomes the responsibility of the local government, funded by Local Government revenue and in accordance with an asset management plan
- In this case some of the roads and infrastructure are reaching an age where renewal and maintenance are required. These would normally be maintained by the City
- There is difficulty in separating the asset management responsibilities of the City from the improvement and new services provision required to be funded by land owners through the DCA.

There is limited guidance from State Planning Policy on this matter.

The issue is made more complex by costing and coordination implications and the need to renovate and extend services within an existing populated area. Effective coordination and pre-planning will be needed to minimise disruption to residents. The costs of the work are also necessarily higher than any greenfield alternatives due to those complexities.

A number of options arise to deal with these challenges.

Development Contribution Arrangement Scenarios			
No.	Option	Costs/Risks	Benefits
1.	Traditional DCA Approach.	<ul style="list-style-type: none"> • Up-front costs to developing owners is significant. • Costs may reduce viability of plan, negating desired outcomes. • Ad hoc collection of funds may limit roll out of services and improvements. 	<ul style="list-style-type: none"> • Financial exposure to City minimised. • Form of DCA is well practiced and implemented.
2.	DCA contributions reduced by the City subsidising some costs.	<ul style="list-style-type: none"> • City could borrow to pre-fund infrastructure provision in part. • Borrowings could be repaid by future rates of expanded population. • Scenario requires good modelling to prove viability. 	<ul style="list-style-type: none"> • Services roll out could be simplified. • Up-front landowner costs reduced, thereby improving viability.
3.	Reduce standard of infrastructure required in the ODP area.	<ul style="list-style-type: none"> • Area is not upgraded to as high a standard as desired. • POS provision or similar reduced. • Unlikely to gain State Government support/approval 	<ul style="list-style-type: none"> • Financial burden lifted to a degree. • Development potentially brought forwards.

Item 15.1 Continued

No.	Option	Costs/Risks	Benefits
		for works/plans.	
4.	Abandon DCA - City undertakes infrastructure upgrades.	<ul style="list-style-type: none"> • Infrastructure improvements slowed due to funding availability. • Delayed/spasmodic changes are disruptive and vision for quality redevelopment may not be achieved. • Development potential may be held in abeyance until services are upgraded by others. 	<ul style="list-style-type: none"> • No DCA for landowners.

The above scenarios are based on generalised approaches, and there are various combinations of those which could be developed. However, the table summarises the various approaches and implications of each.

Given those implications, the second scenario has been explored in further detail, including the conduct of preliminary financial modelling to establish a basis for subsidisation. In theory, the City could provide a subsidy to the DCA at any level (from the total costs to a miniscule amount). Guidance is therefore needed to determine a basis for offering a subsidy.

In typical development scenarios, assets like roads and POS are funded by developers. The land upon which roads and parkland are constructed is usually set aside by land owners free of charge as a public reserve at the time of development and the infrastructure built upon it handed over to the relevant agency after an initial maintenance period for that agency to maintain thereafter and over time, renew.

Each of the CIW and POS items identified in the draft DCP report could be categorised in one of three ways in terms of their future asset management as set out in the following table:

Item 15.1 Continued

Item	Proposed Cost Allowance	Asset Classification
Land Acquisition - Roads	\$6,059,875	Non-renewable & City-managed
Road Construction	\$9,597,600	Renewable & City-managed
Shared Paths	\$540,750	Renewable & City-managed
Traffic Devices	\$215,000	Renewable & City-managed
Sewer Mains	\$1,235,000	Renewable & Managed by others
Water Mains	\$496,000	Renewable & Managed by others
Drainage Upgrade	\$1,062,000	Renewable & City-managed
Underground Power	\$1,240,000	Renewable & Managed by others
Telecommunications	\$310,000	Renewable & Managed by others
Parkland Development	\$3,564,000	Non-Renewable & City-managed
Administration	\$6,700,000	N/A
POS Land	\$20,150,000	Non-renewable & City-managed
Total	\$51,206,275	

Nb: These figures were as they appeared in the advertised draft DCP report and do not reflect any modifications to cost allowances discussed elsewhere in this report.

The highlighted renewable infrastructure items will ultimately be the responsibility of the City to maintain and renew.

These highlighted items have a collective cost allowance of \$14,979,350, representing approximately 30% of the originally estimated total DCA cost, or 50% of the CIW component of costs (that is excluding land required for POS).

In general terms, the financial modelling indicates that development of the ODP area will provide substantially increased rates revenue, which could offset the costs of a partial City subsidy of the DCA.

The modelling indicates that at 75% build-out of the ODP area, \$1,056,992 (in current dollar terms) annually will notionally be available for use (such as, to repay debt that may be incurred in pre-funding infrastructure works) having been generated from additional rates growth (after factoring in additional operating costs to service the new population).

	Now	After 75% Build-Out
Rates collected from residential properties in ODP area	\$468,334	\$2,736,099
Operating Cost allocated to residential properties in ODP area	\$453,462	\$1,679,107
Available to fund capital works	\$14,881	\$1,056,992

All figures are notional, based on average rates income and operating costs per dwelling.

A principal amount of around \$15 million could notionally be paid in approximately 15 years following 75% build-out of the ODP, however a subsidy to this level is considered to represent an unacceptable financial risk for the City and potentially create an undesirable precedent for similar infrastructure funding scenarios that may arise elsewhere in future.

A lesser amount of around \$9,000,000 could notionally be repaid within 9 years, which represents a less significant financial risk and could be considered a reasonable investment of seed-capital to encourage development of a strategically important part of the City.

Item 15.1 Continued

In all likelihood the City would start repaying borrowings before a 75% level of build-out is reached, as additional rates income would be received almost immediately following subdivision and development occurring. Further, not all of the new infrastructure would be needed at once which would spread the cost of the subsidy over a number of years.

The modelling provides Council a basis upon which to consider subsidising a significant portion of the costs and therefore reduce contributions payable by developers.

Factoring in other recommended modifications to the draft DCP report, namely the donation of City-owned land in the ODP area to reduce POS costs and changes to the approach to road funding discussed in the following section, it will be recommended that Council subsidise CIW costs by one-third. A one-third subsidy to CIW costs will have a value of approximately \$9,000,000 and the financial impact of the subsidy and other revisions to the funding approach discussed throughout this report is detailed in the Conclusion section.

Precinct-based Approach to Apportionment of Infrastructure and POS Costs

A key concern expressed in submissions relates to the proposed requirement for land owners to contribute to infrastructure works that are to be undertaken some distance from their own properties and will provide little or no perceived benefit to their own property. The primary example raised relates to land acquisition and construction costs for new roads and associated servicing works.

By contrast, some owners are aggrieved that they are required to contribute to land required for new roads or service upgrades on other properties but will receive no compensation for required road land that they are required to give up or will see no similar upgraded services occur in their streets.

It is recognised that the new infrastructure affects different properties in varying ways and the benefits in terms of improved access or development potential are also variable.

While the concerns are recognised, there is an argument in response that land owners who have no new roads indicated on their land should be appreciative of this fact and also be required to contribute to the cost of equalising the negative impact on those owners who are required to carry the burden of having new infrastructure located on their land.

It should also be noted that existing streets in the ODP area will ultimately be improved with services like underground power through renewal partnership programs.

Some have suggested, including the Department of Planning, that a precinct-based approach to the apportionment of the costs of infrastructure works should be examined so that there is a closer nexus between the contribution requirement and the works to be funded. Similar comments were made about the apportionment of POS costs, though not to the same level of concern.

Item 15.1 Continued

Various options for division of the ODP area and infrastructure and POS costs into precincts were examined in preparing the draft DCP report.

POS is relatively evenly distributed across the ODP area and will have a broad catchment. Apportionment of costs on a whole-of-ODP area is considered to be the most equitable.

Infrastructure works have a much smaller catchment or area of benefit and involve a more fine-grain level of detail in terms of distribution and cost. The division of the ODP area into precincts could potentially be done in a multitude of ways, albeit with a considerable degree of complexity involved.

Consideration was given in drafting the proposal to apportioning of costs over a single precinct (as proposed), two precincts (north and south of the Perth-Armadale railway) and ten precincts (using various existing roads as boundaries to create ten similarly sized precincts). The analysis revealed the following:

Precincts	Contribution Rate/m ²
1	\$64.98
2	\$60.62 - \$68.60
10	\$46.81 - \$105.22
<i>Assumes an average \$/m² contribution rate, combined for POS and CIW</i>	

The ten-precinct option involves calculation of works costs, developable areas and the properties to be excluded from contribution requirements at a precinct-by-precinct level, which is a detailed and complicated process. The analysis found it had the greatest variety in contribution rates of the three options, though apart from the rates at the lower and upper extreme, most precincts were between \$52/m² and \$69/m², which was similar to contribution rates that would apply under the single and two-precinct options. While it potentially may tighten the nexus between contribution requirements and the works to be funded by having a more proximate relationship between works and the properties that fund the cost, the benefits of this approach were outweighed by the complexity it would create, the limited variation in resulting contribution rates and the objective for a transparent, clear and understandable contribution approach.

The concerns expressed in submissions about the contribution requirements for new roads have warranted further consideration of the proposed approach set out in the draft DCP report.

While most of the new planned roads will provide a broad benefit to the development of land in the ODP area, some have been identified as providing a specific benefit to individual properties and only limited benefit to the broader area. These roads and the properties upon which they are to be located are indicated on the plan contained in Appendix 15.11.

These roads are located on properties that are substantially larger than is typical in the ODP area. There is an argument for these roads to be excluded as a CIW cost from the DCA and instead be constructed at the cost of the individual owner at the time of subdivision or development, consistent with normal practice.

Item 15.1 Continued

Collectively these roads total 1.65km in length and the exclusion of the cost of construction (including allowances for related service extensions, but excluding the required land) would reduce the cost allowance by \$3,260,058. The administration cost allowance would also be reduced by 15%, as portions of it are based on the CIW allowance.

If the cost of constructing these roads and related services is to be excluded from the DCA and met by the individual owners, then the properties upon which these roads are to be built should be exempt from the requirement to contribute to the cost of constructing roads and other services elsewhere in the ODP area. However, the exemption should not extend to the requirement to contribute to POS land acquisition and parkland development costs, shared use paths and a proportion of administration costs, as there is considered to be a strong nexus between the development of these properties and the requirement to contribute to these particular items.

This will necessitate the draft DCP report being modified to reflect the definition of two precincts and amended contribution parameters in relation to CIW. The first precinct will include most of the ODP area and will have the requirement to contribute to all CIW costs, generally as was set out in the advertised document but less the recommended cost reductions discussed above. The second precinct will reflect the area where individual land owners will be responsible for constructing roads at their own cost, with an exemption from the requirement to contribute to certain CIW costs elsewhere in the ODP area. This will involve making the following recommended changes to the draft DCP report:

- Creation of a separate CIW cost table for the two precincts
- Modification to the CIW contribution area map (Appendix G) to reflect the extent of the two precincts (as identified on the plan contained in Appendix 15.1I)
- Revised cost estimates and contribution rates to reflect the amended funding approach for road and associated servicing costs
- Other text changes as required to explain the amended approach.

A single precinct-approach should be maintained for POS contributions.

Although these modifications may be viewed as a significant change to the DCA for those few large-lot owners who are affected, the principle of having the responsibility return to the developers as their own development cost is normal practice in cases where an owner wishes to develop land. For that reason it is recommended that the change does not warrant re-advertising of the revised DCP report.

Valuations

Ordinarily an independent licensed valuer is appointed to provide land valuations to inform DCA cost estimates.

The draft DCP report has incorporated indicative land values based on individual property valuations obtained from and observations of recent sales evidence in the ODP area. The figure used is \$3,500,000/ha (or \$350/m²) and has informed the cost estimates for required road and POS land.

The formal engagement of a valuer still needs to occur, so that a better defined land valuation basis can be used in support of the DCP report. It is considered necessary

Item 15.1 Continued

that the valuation exercise examine the various parcels of land throughout the area and consider the fact that land throughout the ODP area has a range of residential density codings from R20 to R80, with potential variety in values. It will be recommended that Council endorse the commencement of a process to formally engage a valuer and require a subsequent report to be prepared to reflect the valuation advice within a modified DCP report.

Staging and Timing of Implementation

It is anticipated that implementation of the ODP and the associated development contribution arrangement will occur in a staged manner. The rate of development will have a significant impact on the timing of implementation, with factors like land owner intentions and economic conditions critical in shaping when and to what extent development may occur.

The rate of development will impact on the City's ability to ensure the timely provision of new roads and parkland in the DCA, as land owner contributions will be needed to fund the required work.

Accurately forecasting when land owners may undertake development and make their contributions is difficult. The uncertainty of when contributions may be made and how much income may be available at any given time can also make it difficult to devise a workable program for land acquisition and the roll-out of infrastructure.

Some submissions queried the City's intent in relation to the timing and staging of compensation payments and the construction of new roads and POS. In the circumstances no clear indication can be given to land owners in relation to these critical implementation issues.

The City is aware of the practical difficulties this level of uncertainty may create for individual land owners, such as those that may be affected by the alignment of a planned road or an area of required POS and would like to know when construction may occur or land may be acquired. More broadly, the City is also aware that the amenity of the DCA may be compromised by a situation where infrastructure works are incomplete and the timing for their completion is not defined.

The intention is to provide the required infrastructure in a well-planned and coordinated manner and make suitable and timely land acquisition arrangements with owners. This will likely involve borrowing funds to do this. Provision is made in the CIW estimates for the cost of interest that the City will incur on any borrowed funds.

The draft DCP indicated the intention to incorporate a CIW and POS staging plan to be prepared in future, as guided by the outcome of consultation with land owners, the identification of priorities for infrastructure works and land acquisition and analysis of the financial capacity of the City to source finance and service all debt.

Item 15.1 Continued

The land owner survey undertaken during the consultation process was intended to ascertain owners' intentions in respect to the development of their land, with the aim of helping plan for the timely and coordinated provision of the new infrastructure that is proposed to be funded by the DCA. There were 81 survey forms returned, representing a 16.27% response rate.

The first question of the survey asked land owners to indicate when, if ever, they intended to develop their land. A majority (41%) of respondents indicated that they had no intention of ever developing their land, 33% were unsure if or when they may develop and 26% indicated they would like to commence development either immediately or within the next three years.

The high proportion of owners with no development interest was surprising and potentially will have significant financial implications for operation of the DCA.

No discernible pattern or concentration of properties is apparent when the location of the properties whose owners are supportive of development was mapped. The implication is that there is no obvious item of infrastructure to construct first in order to encourage development in any particular location.

The second and final question of the survey asked those land owners who had indicated that they had no intention to develop their land or were unsure when they may develop to select the most applicable reason for why they made such a response.

Most (67%) indicated that their response was due to development costs. Some (18%) indicated that their property suited their lifestyle, while 7% indicated that they did not know what development involved. A small percentage (4%) had not considered the option of developing their land or did not want to subject themselves to the potential stress and hassle that may be involved. These responses reiterated the concerns that were expressed in submissions about the high costs involved.

An implementation staging plan remains as a necessary component of the DCA, however there are still too many variables to produce such a plan at this point in time. It will be necessary to produce this plan as the time for implementation approaches.

Role of WAPC/Department of Planning

As part of the City's referral of the draft DCP report to the Department of Planning, the question was asked as to whether either the Department or the WAPC considered that it has a formal approval role, as this is not evident from the provisions of either Town Planning Scheme No. 6, the Model Scheme Text or State Planning Policy 3.6.

The Department advised that neither it, nor the WAPC, has a formal approval role in respect to the draft DCP report, though it urged Council to consider its comments.

The Department's comments have been given thorough consideration in drafting this report and its recommendations.

Item 15.1 Continued

CONCLUSION

The draft DCP report is a complex proposal that has the intent of ensuring an equitable approach to the provision of new and upgraded infrastructure and POS in the Central Maddington ODP area. Consultation resulted in a large number of submissions, which have been carefully reviewed and considered resulting in a series of modifications that are reflected in an amended draft DCP report, as contained in Appendix 15.1J, and summarised in the following table:

Table of Recommended Modifications to the draft DCP report	
No.	Modification
1	Revised CIW contribution rates to reflect a Council subsidy of CIW of one-third.
2	Definition of two CIW contribution precincts, with amended costing and contribution parameters in respect to the exclusion of certain roads and associated services, with a reduction in the administration allowance to reflect the reduced costs involved in planning and overseeing construction of a reduced scope of works.
3	Revised net contribution area figures to capture additional properties that made POS contributions previously.
4	Revised net contribution area figures to capture additional properties that are too substantially developed to be likely to redevelop and therefore contribute in the foreseeable future.
5	Addition of a notation to indicate the requirement for any residential development within commercial-zoned land to contribute to POS.
6	Revised POS contribution rates to reflect the gifting of City-owned land on Weston Street and Clifton Street at no cost to the DCA.

These modifications substantially reduce CIW and POS contribution rates, as set out in the following tables.

Changes to CIW Contribution Rates resulting from Recommended Modifications		
Draft DCP Report (as advertised)	Draft DCP (as modified) Precinct 1	Draft DCP (as modified) Precinct 2
R20 - \$222,769/ha (\$22.28/m ²)	R20 - \$140,993/ha (\$14.09/m ²)	R20 - \$50,877/ha (\$5.09/m ²)
R30 - \$334,153/ha (\$33.41/m ²)	R30 - \$211,363/ha (\$21.14/m ²)	R30 - \$76,315/ha (\$7.63/m ²)
R40 - \$445,538/ha (\$44.55/m ²)	R40 - \$281,805/ha (\$28.18/m ²)	R40 - \$101,753/ha (\$10.18/m ²)
R80 - \$891,076/ha (\$89.11/m ²)	R80 - \$563,610/ha (\$56.36/m ²)	R80 - N/A

Changes to POS Contribution Rates resulting from Recommended Modifications	
Draft DCP Report (as advertised)	Draft DCP (as modified)
R20 - \$160,596/ha (\$16.06/m ²)	R20 - \$137,740/ha (\$13.77/m ²)
R30 - \$240,894/ha (\$24.09/m ²)	R30 - \$206,593/ha (\$20.66/m ²)
R40 - \$321,192/ha (\$32.12/m ²)	R40 - \$275,480/ha (\$27.55/m ²)
R80 - \$642,384/ha (\$64.24/m ²)	R80 - \$550,773/ha (\$55.08/m ²)

FINANCIAL IMPLICATIONS

Implementation of the draft DCP report will have significant financial implications for the City and land owners within the ODP area, as discussed throughout this report.

The adoption of the draft DCP report, with the recommended modifications, will significantly reduce the collective contribution liability for land owners in the ODP area, resulting in the reduction of contribution rates as detailed in the above tables.

Item 15.1 Continued

STATUTORY IMPLICATIONS

Town Planning Scheme No. 6 - Part 6 and Schedule 12.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 4) AND COUNCIL RESOLUTION

536 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council notes the Schedule of Submitters' Concerns and Schedule of Government and Servicing Agency Submissions, as contained in Appendices 15.1F and 15.1H respectively, and endorse the responses provided in these Schedules.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 4) AND COUNCIL RESOLUTION

537 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council adopts the draft Development Contribution Plan report associated with the Central Maddington Outline Development Plan Development Contribution Arrangement, as modified following public consultation and contained in Appendix 15.1J, on an interim basis pending formal valuation advice.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (3 OF 4) AND COUNCIL RESOLUTION

538 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council requires a licensed valuer to be formally engaged to provide valuation advice for the purposes required for the Central Maddington Outline Development Plan Development Contribution Arrangement and a report to be presented to a future meeting of Council to consider the valuer's advice and any necessary revisions to the interim-adopted Development Contribution Plan report.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

Item 15.1 Continued

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

539 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council informs all owners of land within the Central Maddington Outline Development Plan area of its decision.

CARRIED 10/0

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

AGAINST: *Nil.*

12. REPORTS OF COMMITTEE MEETINGS

12.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES - 20 NOVEMBER 2013

Author: S Omond
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 12.1A Minutes of the Local Emergency Management
Committee meeting of 20 November 2013

PURPOSE OF REPORT

For Council to receive the Minutes of the City of Gosnells Local Emergency Management Committee Meeting held on 20 November 2013.

BACKGROUND

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

The Minutes of the Local Emergency Management Committee meeting held on Wednesday 20 November 2013 are attached as Appendix 12.1A.

DISCUSSION

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Nil.

Item 12.1 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

540 Moved Cr G Dewhurst Seconded Cr W Barrett

That Council receives the Minutes of the Local Emergency Management Committee Meeting held on Wednesday 20 November 2013 attached as Appendix 12.1A.

CARRIED 10/0

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

AGAINST: *Nil.*

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

Nil.

13.2 COMMUNITY ENGAGEMENT

Nil.

13.3 CORPORATE SERVICES

13.3.1 FINANCIAL ACTIVITY STATEMENTS - NOVEMBER 2013

Author: K Gill

Author's Declaration Nil.

of Interest:

Previous Ref: Nil.

Appendix: 13.3.1A Financial Activity Statement Report for the month of November 2013

PURPOSE OF REPORT

For Council to receive the Financial Activity Statement Report for the month of November 2013.

BACKGROUND

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the following reports are contained in the Financial Activity Statement Report:

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

Item 13.3.1 Continued

DISCUSSION

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

541 Moved Cr R Mitchell Seconded Cr J Brown

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the following reports, contained in the Financial Activity Statement Report for the month of November 2013, attached as Appendix 13.3.1A:

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

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.3.2 PAYMENT OF ACCOUNTS - NOVEMBER 2013

Author: K Gill
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.3.2A Cheque and EFT Payment Listing for the period
1 November 2013 to 30 November 2013

PURPOSE OF REPORT

To advise Council of payments made for the period 1 November 2013 to 30 November 2013.

BACKGROUND

Nil.

DISCUSSION

Payments of \$8,335,342.12 as detailed in the cheque and EFT payment listing for the period 1 November 2013 to 30 November 2013 attached as Appendix 13.3.2A have been approved by the Director Corporate Services under delegated authority.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

542 Moved Cr R Mitchell Seconded Cr R Lawrence

That Council notes the payment of accounts totalling \$8,335,342.12 as shown in the cheque and EFT payment listing, attached as Appendix 13.3.2A, for the period 1 November 2013 to 30 November 2013.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.3.3 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 \$
JL14-80241-3384-499	Increase Expenditure	Campbell Rd and Clontarf Tce Roundabout – Carry forward Expenditure	184,458	
JL14-88000-3384-499	Decrease Expenditure	Drainage problems – various – Carry forward Expenditure		84,458
JL14-88023-3384-499	Decrease Expenditure	Corfield St at Verna St – Intersection – Carry forward Expenditure		100,000
REASON:				
Construction of new roundabout in West Canning Vale ODP area to address road safety concerns at 4-way intersection including drainage modifications. Funds on Job 88023 are remaining Municipal funds from original budget allocation that were requested at a time when the project had not received additional Federal Government funding (Roads to Recovery).				
JL14-88050-3384-499	Increase Expenditure	Ranford Rd drainage rectification work – Capital Purchases	75,000	
JL14-88000-3384-499	Decrease Expenditure	Drainage problems – various – Carry forward Expenditure		75,000

Item 13.3.3 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
REASON: Ranford Rd – Flooding alleviation and reduction of road safety risk.				
JL24-93406-3384-000	Increase Expenditure	Mills Park Master Plan – Carry forward Expenditure	25,614	
JL15-60399-3384-741	Decrease Expenditure	Mills Park Bore – Carry forward Expenditure		25,614
REASON: Investigations into potential bore at Woodlupine Reserve complete. Results proved that a sustainable bore is unachievable. Further expenditure not required. Return surplus funds to Mills Park project.				
JL14-80240-3384-499	Increase Expenditure	Holmes St and Harpenden St Roundabout – Capital Purchases	70,000	
JL14-88023-3384-499	Decrease Expenditure	Corfield St at Verna St – Intersection – Carry forward Expenditure		70,000
REASON: Pre-funding of new roundabout construction in Southern River Precinct 1 ODP area by the City to address road safety concerns resulting from Development of Precincts 1A to 1F prior to finalisation of Developer Contribution Plan (DCP). Reimbursement by DCP scheme will occur once funds collected.				
JL11-50211-3800-000	Increase Expenditure	Laptop Planning Implementation – Capital Purchases	3,000	
JL32-95300-3000-000	Decrease Income	Planning Implementation – Salaries and Wages		3,000
REASON: To fund the purchase of a laptop computer for the Planning Implementation branch. The new computer will allow staff to access the City's corporate systems while away from the Administration Building (ie. SAT, DoP, on-site etc).				
JL15-60346-3800-000	Increase Expenditure	Yilgarn Way Neighbourhood Parks Development – Capital Purchases	35,310	
JL15-60346-2427-000	Increase Income	Yilgarn Way Neighbourhood Parks Development – Transfer from Reserve Capital Local Open Space		35,310
REASON: Change in funding source to provide additional funds to ensure the City adheres to the agreed amount approved by the Minister for Planning.				
JL12-10249-3384-225	Increase Expenditure	Hot Water Systems – Capital Purchases	26,527	
JL12-10116-3384-225	Decrease Expenditure	Revolving energy fund – Carry forward Expenditure		26,527
REASON: The City's contribution to the grant received from the Department of Resources, Energy and Tourism for the installation of 17 energy efficient hot water systems.				
JL10-88051-3800-000	Increase Expenditure	Drain – Homestead Rd – Capital Purchases	412,050	
JL10-88051-2519-000	Increase Income	Transfer from Reserve Capital – Homestead Outline Development Plan		412,050

Item 13.3.3 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
REASON: Reimbursement to developers for costs from the Homestead Road Outline Development Plan – Developer Contribution Plan (DCP). Being for common infrastructure works – construction of drainage upgrade – Homestead Road, as provisioned in the DCP.				
JL32-95303-3762-000	Increase Expenditure	Planning Implementation POS, ODP, TPS – Other Expenditure	84,500	
JL32-95303-3762-000	Increase Expenditure	Planning Implementation POS, ODP, TPS – Other Expenditure	159,750	
JL32-95303-2313-000	Increase Income	Planning Implementation – Transfer from Reserve Operating – WCV ODP		84,500
JL32-95303-2228-000	Increase Income	Planning Implementation – Transfer from Reserve Operating – POS Reserve		159,750
REASON: Reimburse the owner of former Lot 14 Nicholson Road, Canning Vale for surrendering land to the Crown for both widening on Nicholson Road and preservation of a Conservation Category Wetland adjacent to the widening as per the provisions of the West Canning Vale Outline Development Plan.				

STATUTORY IMPLICATIONSSection 6.8 of the *Local Government Act 1995*.**VOTING REQUIREMENTS**

Absolute Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

543 Moved Cr G Dewhurst Seconded Cr R Lawrence

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

Account Number	Account Description	Debit \$	Credit \$
JL14-80241-3384-499	Campbell Rd and Clontarf Tce Roundabout – Carry forward Expenditure	184,458	
JL14-88000-3384-499	Drainage problems – various – Carry forward Expenditure		84,458
JL14-88023-3384-499	Corfield St at Verna St – Intersection – Carry forward Expenditure		100,000
JL14-88050-3384-499	Ranford Rd drainage rectification work – Capital Purchases	75,000	
JL14-88000-3384-499	Drainage problems – various – Carry forward Expenditure		75,000
JL24-93406-3384-000	Mills Park Master Plan – Carry	25,614	

Item 13.3.3 Continued

Account Number	Account Description	Debit \$	Credit \$
	forward Expenditure		
JL15-60399-3384-741	Mills Park Bore – Carry forward Expenditure		25,614
JL14-80240-3384-499	Holmes St and Harpenden St Roundabout – Capital Purchases	70,000	
JL14-88023-3384-499	Corfield St at Verna St – Intersection – Carry forward Expenditure		70,000
JL11-50211-3800-000	Laptop Planning Implementation – Capital Purchases	3,000	
JL32-95300-3000-000	Planning Implementation – Salaries and Wages		3,000
JL15-60346-3800-000	Yilgarn Way Neighbourhood Parks Development – Capital Purchases	35,310	
JL15-60346-2427-000	Yilgarn Way Neighbourhood Parks Development – Transfer from Reserve Capital Local Open Space		35,310
JL12-10249-3384-225	Hot Water Systems – Capital Purchases	26,527	
JL12-10116-3384-225	Revolving energy fund – Carry forward Expenditure		26,527
JL10-88051-3800-000	Drain – Homestead Rd – Capital Purchases	412,050	
JL10-88051-2519-000	Transfer from Reserve Capital – Homestead Outline Development Plan		412,050
JL32-95303-3762-000	Planning Implementation POS, ODP, TPS – Other Expenditure	84,500	
JL32-95303-3762-000	Planning Implementation POS, ODP, TPS – Other Expenditure	159,750	
JL32-95303-2313-000	Planning Implementation – Transfer from Reserve Operating – WCV ODP		84,500
JL32-95303-2228-000	Planning Implementation – Transfer from Reserve Operating – POS Reserve		159,750

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.3.4 RATING - VALUATION BASE

Author: W Adams
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: Nil.

PURPOSE OF REPORT

To seek the approval of Council to apply to the Minister for Local Government to change part of the City's rating boundaries from Unimproved Value (UV) to Gross Rental Value (GRV).

BACKGROUND

Section 6.28 (1) of the *Local Government Act 1995* provides that the Minister for Local Government is to determine the method of valuation of land to be used by a local government as the basis for a rate and publish a notice of the determination in the Government Gazette.

In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- The unimproved value of the land where the land is used predominantly for rural purposes
- The gross rental value of the land where the land is used predominantly for non-rural purposes.

For the purpose of this section, the valuation used shall be the valuation in force as supplied by the Valuer General's Office in accordance with the *Valuation of Land Act 1978*.

DISCUSSION

As a result of a change of predominant land use it will be recommended that an application be made to the Minister to change the method of valuation for those lots listed below from UV to GRV, as use of those lots has changed from predominantly rural to predominantly non-rural:

Prop. Number	Lot	St #	Street Name	Plan Diag.	Area m ²	Use
202028	4		Grant Street	23659	16516	Residential
202855	1		Balfour Street	21550	34221	Vacant/Subdivision
205829	2	163	Holmes Street	21550	33108	Vacant/Subdivision
208887	1129	48	Homestead Road	2566	18378	Residential
209591	351	21	Hardinge Road	41239	22206	Residential
214512	12	55	Staniland Street	34985	19887	Residential
215830	22		Matson Street	77271	20250	Vacant/Subdivision
215831	23		Matson Street	77271	20180	Vacant/Subdivision
220070	700		Dale Place	87718	20086	Vacant/Subdivision
230831	91	59	Reservoir Road	95802	10203	Residential

Item 13.3.4 Continued

Prop. Number	Lot	St #	Street Name	Plan Diag.	Area m ²	Use
236328	808	1993	Albany Highway	31948	55043	Vacant/Subdivision
236689	21		Leslie Street	32935	11711	Residential
236723	806	201	Reservoir Road	34232	11788	Residential
240344	332		White Road	42192	12228	Residential
302498	1741		Holmes Street	3315	65874	Vacant/Subdivision
309398	101	58	Dale Place	63238	10814	Residential
309399	100	68	Dale Place	63238	13094	Residential
209151	40	74	River Avenue	3346	17514	Vacant

FINANCIAL IMPLICATIONS

If approved, the change to the valuation method will result in an approximate decrease to the rates levied of \$13,179.

STATUTORY IMPLICATIONS

Section 6.28 (1) of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

544 Moved Cr J Brown Seconded Cr P Yang

That Council applies to the Minister for Local Government for approval to change part of the City's rating boundaries from Unimproved Value to Gross Rental Value in respect to the properties listed:

Prop. Number	Lot	St #	Street Name	Plan Diag.	Area m ²	Use
202028	4		Grant Street	23659	16516	Residential
202855	1		Balfour Street	21550	34221	Vacant/Subdivision
205829	2	163	Holmes Street	21550	33108	Vacant/Subdivision
208887	112 9	48	Homestead Road	2566	18378	Residential
209591	351	21	Hardinge Road	41239	22206	Residential
214512	12	55	Staniland Street	34985	19887	Residential
215830	22		Matson Street	77271	20250	Vacant/Subdivision
215831	23		Matson Street	77271	20180	Vacant/Subdivision
220070	700		Dale Place	87718	20086	Vacant/ Subdivision
230831	91	59	Reservoir Road	95802	10203	Residential
236328	808	199 3	Albany Highway	31948	55043	Vacant/Subdivision
236689	21		Leslie Street	32935	11711	Residential
236723	806	201	Reservoir Road	34232	11788	Residential
240344	332		White Road	42192	12228	Residential

Item 13.3.4 Continued

Prop. Number	Lot	St #	Street Name	Plan Diag.	Area m ²	Use
302498	174 1		Holmes Street	3315	65874	Vacant/Subdivision
309398	101	58	Dale Place	63238	10814	Residential
309399	100	68	Dale Place	63238	13094	Residential
209151	40	74	River Avenue	3346	17514	Vacant

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

The Mayor advised the meeting that the Chief Executive Officer had disclosed a Direct Financial Interest in the following item in accordance with Section 5.65 of the Local Government Act 1995.

9.01pm *The Chief Executive Officer left the meeting.*

13.3.5 CHIEF EXECUTIVE OFFICER - ANNUAL PERFORMANCE AND REMUNERATION REVIEW

Author: P Laycock
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.3.5A Suggested Key Performance Indicators for the period 9 February 2014 to 8 February 2015

PURPOSE OF REPORT

To seek Council approval for a salary increase for the Chief Executive Officer (CEO), Ian Cowie effective from 9 February 2014 following a positive annual performance review and to set Key Performance Indicators (KPIs) for the ensuing 12 months.

BACKGROUND

In accordance with the provisions of the *Local Government Act 1995*, the performance of all local government employees is to be reviewed at least once in relation to every year of their employment.

All Councillors are provided with an opportunity to participate in the CEO's performance review consistent with the Department of Local Government and Communities' guidelines.

To assist with the process for the 2013/14 review, Anne Lake Consultancy was engaged to facilitate the review and recommend an appropriate remuneration increment. The principal, Mrs Anne Lake, has an extensive background in Industrial Relations and Human Resources with particular expertise in local government.

Mrs Lake met with Councillors on the evening of Tuesday 3 December 2013 to facilitate the review.

DISCUSSION

- The CEO had submitted a number of reports on his achievements and those reports had been circulated to Councillors for consideration
- The Directors had also been contacted to provide feedback on their perception of the CEO's performance and their responses were also distributed to Councillors
- Councillors were asked to complete a structured questionnaire as part of the performance review process. Councillors who participated in the review agreed unanimously that the CEO's performance over the preceding 12 months met or exceeded expectations in all areas for which he has responsibility

Item 13.3.5 Continued

- Mrs Lake discussed the employment market and the relationship to the Salaries and Allowances Tribunal recommendations in relation to local government CEO's remuneration. The Salaries and Allowances Tribunal has classified the City of Gosnells as a Band 1 local government in the remuneration structure. Band 1 has a wide salary range
- Mrs Lake made a recommendation that the CEO's salary be increased by 4.25% in recognition of Councillors' positive review and consistent with equity provisions across the City. Councillors present were unanimous in their recognition of the CEO's achievements and of the belief that it was in the City's best interests to retain the CEO, ensuring that his salary and conditions were competitive
- Councillors unanimously supported the proposal that the CEO be offered a salary increase of 4.25% on the CEO's current base salary
- Councillors reviewed the CEO's KPIs for the ensuing 12 months. The suggested set of KPIs are attached as Appendix 13.3.5A.

FINANCIAL IMPLICATIONS

Funding to cover a salary increment proposed by the consultant will be included in the budget for the 2014 and 2015 years.

STATUTORY IMPLICATIONS

Sections 5.38 and 5.39 (1) and (3)(b) of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

545 Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council, with regard to the positive annual performance review of the Chief Executive Officer, approves a salary increase of 4.25% on the Chief Executive Officer's current base salary.

CARRIED 11/0

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

AGAINST: Nil.

Item 13.3.5 Continued

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

546 Moved Cr R Hoffman Seconded Cr G Dewhurst

That Council adopts the suggested Key Performance Indicators, attached as Appendix 13.3.5A, to guide the Chief Executive Officer's performance over the ensuing 12 months and those indicators be attached as an addendum to his contract of employment.

CARRIED 11/0

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

AGAINST: Nil.

9.03pm *The Chief Executive Officer returned to the meeting.*

The Mayor, upon the return of the Chief Executive Officer to the meeting, advised that Council had endorsed the staff recommendations as contained in the agenda.

13.4 INFRASTRUCTURE

13.4.1 TENDER 26/2013 - DESIGN AND CONSTRUCTION OF OUTBUILDINGS, 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 26/2013 - Design and Construction of Outbuildings, Orange Grove and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 9 October 2013 and closed at 2pm on 24 October 2013 to select a contractor to provide design and construction of outbuildings for the Orange Grove Equestrian Centre.

Submissions were received from the following companies:

Company Name	Address
Capital Construction WA	20 Willoughbridge Crescent Erskine, Mandurah WA 6210
Civilworks Group Pty Ltd	262/6 Orrong Road, Carlisle WA 6101
Laneway Property Developments Pty Ltd	Unit 2/10 Wittenberg Drive, Canning Vale WA 6155
Shelford Constructions Pty Ltd	29 Crompton Road, Rockingham WA 6168
The Garden Trust The JPG Trust T/A Anderson Sheds	579 Pinjarra Road, Barragup WA 6209

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	Facility 1 \$	Facility 2 \$	Facility 3 \$	Total \$
Capital Construction WA		554,108		554,108
Civilworks Group Pty Ltd			28,123	28,123
Laneway Property Developments Pty Ltd	169,812	502,754	43,718	716,284
Shelford Constructions Pty Ltd	211,774	430,815	62,592	705,181
The Garden Trust The JPG Trust T/A Anderson Sheds	150,182	641,751	27,109	819,042

Item 13.4.1 Continued

- Facility 1 refers to a 48m x 10m steel storage shed
- Facility 2 refers to a 40m x 70m steel undercover dressage
- Facility 3 refers to a 20m x 60m sand arena (earthworks only).

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%	15%	10%	40%
Capital Construction WA	9	6	4	19
Civilworks Group Pty Ltd	9	9	0	18
Laneway Property Developments Pty Ltd	12	12	6	30
Shelford Constructions Pty Ltd	12	12	8	32
The Garden Trust The JPG Trust T/A Anderson Sheds	10.5	12	8	30.5

The tenders received from Capital Construction WA and Civilworks Group Pty Ltd did not display an ability to meet the minimum requirement of this contract as their submissions did not demonstrate either 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 specifications and tender documents for this tender included an option for the City to award this work to one or more contractors in order to provide the best value for money to the City. A preliminary assessment of the submitted prices suggests that the City will benefit greatly from splitting this tender into separate components.

For reasons of greater clarification the tenderer prices for each facility have been assessed separately.

Facility 1				
Tenderer	Price	Qualitative Criteria	Total	Overall Ranking
Weighting	60%	40%	100%	
Laneway Property Developments Pty Ltd	53.06	30	83.06	2
Shelford Constructions Pty Ltd	42.55	32	74.55	3
The Garden Trust The JPG Trust T/A Anderson Sheds	60.00	30.5	90.05	1

Item 13.4.1 Continued

Facility 2				
Tenderer	Price	Qualitative Criteria	Total	Overall Ranking
Weighting	60%	40%	100%	
Laneway Property Developments Pty Ltd	51.41	30	81.41	2
Shelford Constructions Pty Ltd	60.00	32	92.00	1
The Garden Trust The JPG Trust T/A Anderson Sheds	40.28	30.5	70.78	3

Facility 3				
Tenderer	Price	Qualitative Criteria	Total	Overall Ranking
Weighting	60%	40%	100%	
Laneway Property Developments Pty Ltd	37.21	30	67.21	2
Shelford Constructions Pty Ltd	25.99	32	57.99	3
The Garden Trust The JPG Trust T/A Anderson Sheds	60.00	30.5	90.50	1

The submissions assessed as worthy of further consideration 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.

Following the assessment of the criteria, the most advantageous tenders to the City were assessed as the construction of Facility 1 and Facility 3 by The Garden Trust, The JPG Trust T/A Anderson Sheds and construction of Facility 2 by Shelford Constructions Pty Ltd.

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

FINANCIAL IMPLICATIONS

The costs associated with these contracts 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.

Item 13.4.1 Continued

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION
--

547 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council awards Tender 26/2013 - Design and Construction of Outbuildings, Orange Grove (Facility 1) to The Garden Trust, The JPG Trust T/A Anderson Sheds of 579 Pinjarra Road, Barragup WA 6209, for the contracted sum of \$150,182.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION
--

548 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council awards Tender 26/2013 - Design and Construction of Outbuildings, Orange Grove (Facility 2) to Shelford Constructions Pty Ltd of 29 Crompton Road, Rockingham WA 6168, for the contracted sum of \$430,815.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

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

549 Moved Cr R Mitchell Seconded Cr R Hoffman

That Council awards Tender 26/2013 - Design and Construction of Outbuildings, Orange Grove (Facility 3) to The Garden Trust, The JPG Trust T/A Anderson Sheds of 579 Pinjarra Road, Barragup WA 6209, for the contracted sum of \$27,109.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.4.2 TENDER 27/2013 - INSTALLATION OF LIGHTING TO FIELD AND UNDERCOVER ARENA, 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 27/2013 - Installation of Lighting to Field and Undercover Arena, Orange Grove and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 9 October 2013 and closed at 2pm on 24 October 2013 to select a contractor to supply and install lighting to the field and undercover arena for the Orange Grove Recreation Ground Redevelopment.

Submissions were received from the following companies:

Company Name	Address
Aurora Electrical Services Pty Ltd	PO Box 840, Cloverdale WA 6985
CommPower WA Pty Ltd	Unit 5, 277 Knutsford Avenue, Belmont WA 6104
CPD Group Pty Ltd	113 Kew Street, Welshpool WA 6106
GES WA Pty Ltd T/A Gorey Electrical Services	Unit 1, 20 Davison Street, Maddington WA 6109
Hender Lee Electrical Instrumentation Contractors Pty Ltd	Unit 1/32 Bushland Ridge, Bibra Lake 6163
Interlec WA Pty Ltd	63 Barberry Way, Bibra Lake WA 6163
SMB Electrical Services	Unit 1/5 Benefical Way, Wangara WA 6065
Stiles Electrical	PO Box 151, Joondalup WA 6919

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:

Item 13.4.2 Continued

Tenderer	\$
Aurora Electrical Services Pty Ltd	261,383.83
CommPower WA Pty Ltd	242,815.00
CPD Group Pty Ltd	250,547.51
GES WA Pty Ltd T/A Gorey Electrical Services	207,840.00
Hender Lee Electrical Instrumentation Contractors Pty Ltd	219,795.00
Interlec WA Pty Ltd	255,045.26
SMB Electrical Services	218,417.00
Stiles Electrical	241,579.00

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%	15%	10%	40%
Aurora Electrical Services Pty Ltd	6	9	4	19
CommPower WA Pty Ltd	6	6	4	16
CPD Group Pty Ltd	3	9	4	16
GES WA Pty Ltd T/A Gorey Electrical Services	12	12	8	32
Hender Lee Electrical Instrumentation Contractors Pty Ltd	12	12	7	31
Interlec WA Pty Ltd	12	12	0	24
SMB Electrical Services	9	9	6	24
Stiles Electrical	12	12	8	32

The tenders received from Aurora Electrical Services Pty Ltd, CommPower WA Pty Ltd, CPD Group Pty Ltd and Interlec WA Pty Ltd did not display an ability to meet the minimum requirements of this contract as their submissions did not demonstrate either sufficient relevant experience, capacity to deliver the services or methodology required. 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:

Item 13.4.2 Continued

Tenderer	Price
Weighting	60%
GES WA Pty Ltd T/A Gorey Electrical Services	60.00
Hender Lee Electrical Instrumentation Contractors Pty Ltd	56.74
SMB Electrical Services	57.09
Stiles Electrical	51.62

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
GES WA Pty Ltd T/A Gorey Electrical Services	32	60	92.00	1
Hender Lee Electrical Instrumentation Contractors Pty Ltd	31	56.74	87.74	2
SMB Electrical Services	24	57.09	81.09	4
Stiles Electrical	32	51.62	83.62	3

The submissions assessed as worthy of further consideration 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.

Hender Lee Electrical Instrumentation Contractors Pty Ltd offered an alternative tender to provide lighting equipment from a different manufacturer than that specified for a reduced price of \$170,190.53. This alternative offer was declined on the grounds that the City's existing sports lighting has been standardised to the specified equipment to simplify ongoing repairs and maintenance and reduce whole of life costs. This offer included smaller light poles than those specified; however, insufficient information was provided for the evaluation panel to conduct a full assessment of the illumination produced and the alternative fitting did not provide weather proofing to the standard of the specified fitting. The originally specified lights have been tried and tested in all of the City's existing sports floodlights. The light supplier is a preferred supplier to all Local Governments in WA and they simplify the purchase of replacement parts.

Referees were contacted for the preferred tenderer and all referees have provided a satisfactory reference. The preferred tenderer has provided similar services to the City for several years and has proven to be a reliable and experienced supplier.

Following the assessment of the criteria, GES WA Pty Ltd T/A Gorey Electrical Services was assessed as being the most advantageous to the City.

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2013/14 budget. The amount budgeted for 2013/14 is \$170,089 inclusive of overhead recovery and contingencies. The additional amount required will be funded from savings that have

Item 13.4.2 Continued

already materialised in other projects within the Orange Grove Equestrian Centre. A recommendation for a budget variation is included in this report. This amount also includes an allowance for overhead recovery and contingencies.

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 for Staff recommendation 1 of 2
- Absolute Majority Required for Staff recommendation 2 of 2.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

550 Moved Cr J Brown Seconded Cr G Dewhurst

That Council awards Tender 27/2013 - Installation of Lighting to Field and Undercover Area to GES WA Pty Ltd T/A Gorey Electrical Services, Unit 1, 20 Davison Street, Maddington WA 6109 for the contracted sum of \$207,840.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

551 Moved Cr J Brown Seconded Cr G Dewhurst

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

Account Number	Account Description	Debit \$	Credit \$
JL12-10216-3800-261	Orange Grove Pavilion Renewal and Extension - Capital Purchase	50,000	
JL12-10248-3800-261	Orange Grove Arena Floodlighting - Capital Purchase		50,000

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.4.3 TENDER 35/2013 - CONSTRUCTION OF STAGE 1 RESIDENTIAL SUBDIVISION SYDENHAM STREET, BECKENHAM

Author: P McAllister
Author's Declaration Nil.
of Interest:
Previous Ref: OCM 14 June 2011 (Resolution 232)
OCM 13 September 2011 (Resolution 411)
Appendix: Nil.

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 35/2013 - Construction of Stage 1 Residential Subdivision Lot 85 Streatham Street and Lot 9000 Streatham Street, Beckenham and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

At its meeting of 14 June 2011, Council endorsed and approved advertising a Business Plan for the proposed subdivision of Lot 85 Streatham Street and Part of Lot 9000 Railway Parade Beckenham with resolution 232 which reads:

"That Council endorse for advertising in accordance with Section 3.59(4) of the Local Government Act 1995 the Business Plan attached as Appendix 13.4.2A for the subdivision and sale of Lot 85 Streatham Street and part Lot 9000 Railway Parade, Beckenham."

Subsequently, Council at its meeting of 13 September 2011, authorised staff to proceed with the subdivision of Lot 85 Streatham Street and Lot 9000 Railway Parade, Beckenham and the subsequent sale of the lots with resolution 411 which reads:

"That Council note the submissions received and authorise staff to proceed with the subdivision of Lot 85 Streatham Street and Lot 9000 Railway Parade, Beckenham and subsequent sale of lots in accordance with the Business Plan for a Proposed Major Land Transaction for Subdivision and Sale of City Owned Lots known as the Sydenham Street Reserve, Beckenham, endorsed by Council on 14 June 2011."

In September 2011, the City appointed Cardno WA to prepare an application to the Western Australian Planning Commission for stage 1 of the subdivision comprising of 52 residential lots and Public Open Space. Cardno was also engaged to undertake detailed environmental investigations and engineering designs for the subdivision. The final design and investigations for the subdivision were approved by the City in October 2013.

A pre-tender estimate for the construction of stage 1 of the subdivision including the Public Open Space was \$5,362,205.

Tenders for the construction of the subdivision were advertised in The West Australian newspaper on Wednesday 13 November 2013 and closed at 2pm on 28 November 2013.

Item 13.4.3 Continued

Submissions were received from the following companies:

Company Name	Address
Densford Civil Pty Ltd	12 Sarich Court, Osborne Park WA 6017
DJ Mac Cormick Contractors Pty Ltd	200 Adelaide Terrace, Perth WA 6000
Marcon Pty Ltd T/a Valmec	32 Allott Way, Maddington WA 6109
Musgrave Contracting	36 Tomah Road, Welshpool WA 6106
Tracc Civil Pty Ltd	33 Cocos Drive, Bibra Lake WA 6163
WBHO Civil Pty Ltd	Level 1, 1 Centro Avenue, Subiaco WA 6008
Wormall Civil Pty Ltd	21-23 Eva Street, Maddington WA 6109

The tenders received from DJ Mac Cormick Contractors Pty Ltd and Musgrave Contracting did not display an ability to meet the minimum requirements of this contract. Their submissions failed to address the compliance requirements of the contract and therefore, these tender submissions were excluded from further assessment.

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 as follows:

Tenderer	\$
Densford Civil Pty Ltd	6,532,484.71
DL Mac Cormick Contractors Pty Ltd	6,628,269.10
Marcon Pty Ltd T/a Valmec	5,606,047.07
Musgrave Contracting	6,050,300.00
Tracc Civil Pty Ltd	7,165,199.38
WBHO Civil Pty Ltd	5,498,211.68
Wormall Civil Pty Ltd	5,234,614.00

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	20%	20%	10%	50%
Densford Civil Pty Ltd	16	16	8	40
Marcon Pty Ltd T/a Valmec	12	16	6	34
Tracc Civil Pty Ltd	16	12	6	34
WBHO Civil Pty Ltd	12	16	8	36
Wormall Civil Pty Ltd	16	16	6	38

Item 13.4.3 Continued

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

Tenderer	Price
Weighting	50%
Densford Civil Pty Ltd	40
Marcon Pty Ltd T/a Valmec	47
Tracc Civil Pty Ltd	37
WBHO Civil Pty Ltd	48
Wormall Civil Pty Ltd	50

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

Tenderer	Qualitative Criteria 50%	Price 50%	Total 100%	Overall Ranking
Densford Civil Pty Ltd	40	40	80	4
Marcon Pty Ltd T/a Valmec	34	47	81	3
Tracc Civil Pty Ltd	34	37	71	5
WBHO Civil Pty Ltd	36	48	84	2
Wormall Civil Pty Ltd	38	50	88	1

The conforming submissions were of a very high 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 of tenders against the criteria, Wormall Civil Pty Ltd was assessed as being the most advantageous to the City.

FINANCIAL IMPLICATIONS

The budget for the Sydenham Street subdivision provided for in the financial year 2013/14 is \$5,300,000, of which \$4,500,000 remains uncommitted. Accordingly, an increase in the budget is required to complete the project including the contract the subject of this tender.

An increase in the capital budget of \$1,350,000 is required to account for the increased tender costs, overhead recovery and land marketing, conveyance and selling costs of the land. This will be offset to a significant extent through an expected increase in the proceeds from the sale of land.

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.

Item 13.4.3 Continued

VOTING REQUIREMENTS

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

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

552 Moved Cr J Brown Seconded Cr G Dewhurst

That Council awards Tender 35/2013 Construction of stage 1 Residential Subdivision Lot 85 Streatham Street and Lot 9000 Streatham Street Beckenham, to Wormall Civil Pty Ltd, 21-23 Eva Street, Maddington WA 6109 for the contracted sum of \$5,234,614.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

553 Moved Cr J Brown Seconded Cr G Dewhurst

That Council in accordance with section 6.8(1)(b) of the *Local Government Act 1995*, approves the following adjustments to the 2013/14 Municipal Budget:

Account Number	Type	Description	Debit \$	Credit \$
JL12-10148-3800-225	Increase Expenditure	Streatham Street - Capital Purchase	1,350,000	
JL86-96204-1503-000	Increase Income	Sale of Land - Proceeds		1,350,000

CARRIED BY ABSOLUTE MAJORITY 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.4.4 TENDER 39/2013 - ENVIRONMENTAL WEED SPRAYING

Author: G Bremner
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: Nil.

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 39/2013 - Environmental Weed Spraying 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 November 2013 and closed at 2pm on 28 November 2013 to select a contractor or contractors to provide Environmental Weed Spraying for a period of 3 years commencing 1 January 2014.

Submissions were received from the following companies:

Company Name	Address
A Proud Landmark Pty Ltd	15 Passion Fruit Way, Forrestfield WA 6058
Martins Environmental Services Pty Ltd	Lot 2 Olfham Road, Morningson WA 6221
Natural Area Management and Services (NAMS)	99C Lord Street, Whiteman WA 6068
South East Regional Centre for Urban Land Care Inc (SERCUL)	69 Horley Road, Beckenham WA 6107
Syrinx Environmental PL	12 Monger Street, Perth WA 6000
The Trustee for GHEMS Trust TA GHEMS Holdings Pty Ltd	4 Duffy Street, Bassendean WA 6054

The work is currently undertaken by GHEMS at an estimated annual cost of \$140,000.

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, Methodology and the major criteria - price.

The specifications and tender documents for this tender included an option for the City to award this work to one or more contractors in order to provide the best value for money to the City.

The prices submitted are as follows:

Item 13.4.4 Continued

	A Proud Landmark Pty Ltd	Martins Environmental Services Pty Ltd	NAMS	SERCUL	Syrinx Environmental PL	GHEMS Holdings Pty Ltd.
Activity Type	Rate per hour (\$)	Rate per hour (\$)	Rate per hour (\$)	Rate per hour (\$)	Rate per hour (\$)	Rate per hour (\$)
Application Glyphosate	225.00	170.00	187.50	150.00	148.00	180.00
Application Glyphosate plus pre-emergent	237.00	170.00	192.00	150.00	155.00	196.00
Application Quizalofop-P- Ethyl	225.00	170.00	197.00	150.00	155.00	180.00
Application Metsulfuron	248.00	170.00	182.50	150.00	148.00	170.00
Application 2,2 DPA	248.00	170.00	187.50	150.00	155.00	196.00
Whippersnipping	62.00	170.00	167.50	120.00	145.00	144.00
Cutting and painting using Glyphosate	62.00	170.00	180.00	120.00	147.00	144.00
Chainsawing	72.00	170.00	167.50	120.00	145.00	144.00
Chemical ringbarking using Triclopyr	103.00	170.00	172.00	120.00	147.00	144.00
Hand weeding	57.00	170.00	143.75	80.00	145.00	140.00

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	20%	20%	10%	50%
A Proud Landmark Pty Ltd	8	8	6	22
Martins Environmental Services Pty Ltd	16	16	8	40
Natural Area Management and Services	16	16	8	40
South East Regional Centre for Urban Land Care Inc	16	12	6	34
Syrinx Environmental PL	16	16	7	48
The Trustee for GHEMS Trust TA GHEMS Holdings Pty Ltd	12	16	6	34

The tender received from A Proud Landmark Pty Ltd did not display an ability to meet the minimum requirement of this contract as its submission did not demonstrate either sufficient relevant experience and capacity to deliver the services required of this

Item 13.4.4 Continued

contract. Therefore, its tender submission was 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	50%
Martins Environmental Services Pty Ltd	42
Natural Area Management and Services	38
South East Regional Centre for Urban Land Care Inc.	50
Syrinx Environmental PL	48
The Trustee for GHEMS Trust TA GHEMS Holdings Pty Ltd	41

The tender submitted from Syrinx Environmental Pty Ltd also needs to be rejected as the company was non-compliant on Price, due to travel time between the company's works base and the City of Gosnells being charged in contravention of the tender documentation.

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

Tenderer	Qualitative Criteria 50%	Price 50%	Total 100%	Overall Ranking
Martins Environmental Services Pty Ltd	40	42	82	2
Natural Area Management and Services	40	38	78	3
South East Regional Centre for Urban Land Care Inc	34	50	84	1
The Trustee for GHEMS Trust TA GHEMS Holdings Pty Ltd	34	41	75	4

The submissions remaining for assessment 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 tenderers and all referees have provided a satisfactory reference.

Following the assessment of tenders against the criteria, South East Regional Centre for Urban Land Care Inc. and Martins Environmental Services Pty Ltd were assessed as being the most advantageous to the City and it is therefore recommended that both contractors be appointed to a panel contract.

Item 13.4.4 Continued

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2013/14 budget and will be included in the relevant budgets for the life of the contract. The amount budgeted for 2013/14 is \$144,690.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

554 Moved Cr O Searle Seconded Cr R Hoffman

That Council awards Tender 39/2013 - Environmental Weed Spraying to the following panel of contractors for a three-year period commencing 1 January 2014 in accordance with the submitted schedule of rates, subject to yearly rise and fall provisions:

Company Name	Address
South East Regional Centre for Urban Land Care Inc (SERCUL)	69 Horley Road, Beckenham WA 6107
Martins Environmental Services Pty Ltd	Lot 2 Olfham Road, Mornington WA 6221

CARRIED 10/0

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

AGAINST: *Nil.*

13.4.5 REVIEW OF THE LOCAL OPEN SPACE STRATEGY (*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.

13.4.6 ROADSIDE REMNANT NATIVE VEGETATION MANAGEMENT POLICY

Author: D Harris

Author's Declaration Nil.

of Interest:

Previous Ref: OCM 24 September 2013 (Resolution 415)

Appendix: 13.4.6A Amended Council Policy 2.3.12 - Roadside
Remnant Native Vegetation Management

PURPOSE OF REPORT

For Council to review and adopt amended Council Policy 2.3.12 Roadside Remnant Native Vegetation Management.

BACKGROUND

The 2013 Policy Review was reported to the 24 September 2013 OCM where suggested amendments to Policy 2.3.12 - Roadside Remnant Native Vegetation Management were adopted as part of the annual review. Subsequent to that meeting it was considered appropriate to formulate some further amendments to accommodate new legislation terminology and biodiversity values and the importance of vegetated corridor linkages.

DISCUSSION

The proposed amendments are minor and do not alter the underlying intent or operation of the policy. On this basis the redrafted policy was not circulated to Councillors for comment.

The proposed amended policy is attached as Appendix 13.4.6A. Words proposed to be deleted are indicated with a strikethrough (for example ~~a suspect area~~) and new words proposed are shown in bold, underline and italics (for example ***to protect biodiversity***).

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.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.4.6 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

555 Moved Cr O Searle Seconded Cr R Lawrence

That Council adopt the amendments to Policy 2.3.12 Roadside Remnant Native Vegetation Management as contained in Appendix 13.4.6A.

CARRIED 10/0

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

AGAINST: *Nil.*

13.4.7 ROAD RAIL INTERFACE AGREEMENTS

Author:	M Botte
Author's Declaration of Interest:	Nil.
Previous Ref:	Nil.
Appendix:	13.4.7A Interface Agreement - Brookfield Rail and MRWA 13.4.7B Interface Agreement - PTA and MRWA

PURPOSE OF REPORT

For Council to authorise the Chief Executive Officer to enter into Road Rail Interface Agreements with:

1. Brookfield Rail and Main Roads Western Australia (MRWA).
2. Public Transport Authority of Western Australia (PTA) and MRWA.

BACKGROUND

A safe and efficient road and rail system is of great benefit to the community, which expects and requires a high level of safety from the overall transport network, especially at conflict points such as rail crossings.

Road Managers and Rail Infrastructure Managers are required under Sections 64 and 65 of the *Rail Safety Act 2010* to identify and assess risks to safety associated with rail/road interfaces and enter into an Interface Agreement for the purpose of mitigating those risks. An Interface Agreement is required for all:

- At-grade crossings, for example, level crossings
- Grade-separated crossings, for example, rail bridge over road or road bridge over rail
- Pedestrian or shared path crossings
- Crossings on non-operational rail-lines.

Interface Agreements are not required for crossings on closed rail-lines.

More specifically, in relation to a rail crossing on a local road, the Local Government is responsible for:

- Maintaining the approaching road surface in a reasonable condition beyond three metres of the rail-line in accordance with normal maintenance scheduling in the context of the entire local road network
- Maintaining adequate line-of-sight distances for approaching drivers on local roads by removing vegetation and other visibility obstructions within the road reserve (and adjacent private property if required)
- Reporting damaged and unserviceable line marking and signage associated with a rail crossing to MRWA, where they have been identified during inspection in accordance with normal maintenance regimes
- Notifying the Rail Infrastructure Manager of any road works planned, either of a temporary or permanent nature, in the vicinity of a crossing.

Item 13.4.7 Continued

DISCUSSION

During 2013, the WALGA Road Safety Section liaised with the City of Gosnells and other stakeholders to implement the requirements of the *Rail Safety Act 2010*. A Draft Interface Agreement was developed. This provides a consistent framework within which the parties to the agreement commit to co-operatively manage the identified safety risks. It describes the responsibilities of the parties relating to the interface and provides the mechanism to jointly manage risks for the safe operation of rail and road movements at the interface.

The agreement will be reviewed within five years of the date of signing and it can be amended with the consent of all parties.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- *Local Government Act 1995*, Section 9.49(a)
- *Rail Safety Act 2010*, Sections 64 and 65.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

556 Moved Cr R Hoffman Seconded Cr R Lawrence

That Council authorises the Chief Executive Officer to sign the Interface Agreement between the City of Gosnells, Main Roads Western Australia and Brookfield Rail as per Appendix 13.4.7A, subject to Schedule 1 being amended to include the following rail crossing:

Location:	Nature:
Cameron Street / Elliott Road	Pedestrian Maze

CARRIED 10/0

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

AGAINST: *Nil.*

Item 13.4.7 Continued

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

557 Moved Cr R Hoffman Seconded Cr R Lawrence

That Council authorises the Chief Executive Officer to sign the Interface Agreement between the City of Gosnells, Main Roads Western Australia and Public Transport Authority, as per Appendix 13.478B.

CARRIED 10/0

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

AGAINST: *Nil.*

13.4.8 INSTALLATION OF BUS PRIORITY - ALBANY HIGHWAY / NICHOLSON ROAD INTERSECTION (SOUTHBOUND) *(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 PLANNING AND SUSTAINABILITY

13.5.1 DEVELOPMENT APPLICATION - RESTAURANT AND OFFICE - 156 (LOT 736) CANNA DRIVE, 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.

13.5.2 DEVELOPMENT APPLICATION - EIGHT MULTIPLE DWELLINGS - LOT 9000 DOWITCHER LOOP, GOSNELLS

Author: K Ivory
Author's Declaration Nil.
of Interest:
Reference: 312089
Application No: DA13/00337
Applicant: Dynamic Planning and Developments
Owner: Chrystaine Nova Investments Pty Ltd
Location: Lot 9000 Dowitcher Loop, Gosnells
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 4,170m²
Previous Ref: Nil.
Appendix: 13.5.2A Site, Floor and Elevation Plans

PURPOSE OF REPORT

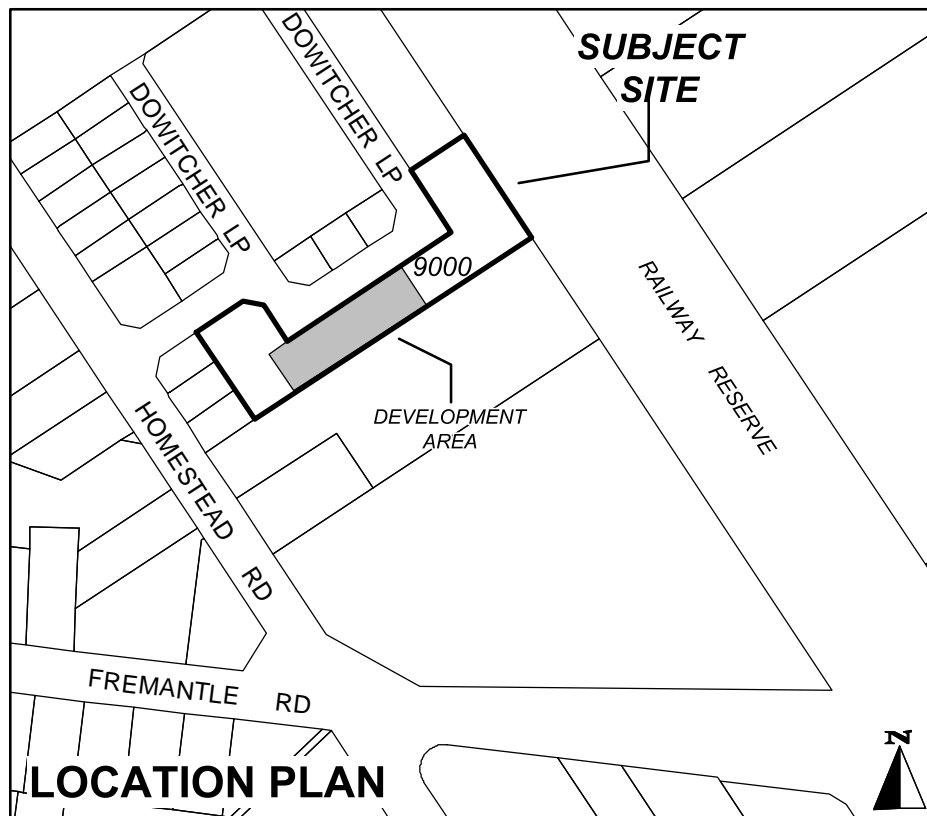
For Council to consider an application for planning approval for Eight Multiple Dwellings at Lot 9000 Dowitcher Loop, Gosnells as the proposal is outside the authority delegated to staff due to non-compliance with the Residential Design Codes (R-Codes).

BACKGROUND**Site Description and Planning Framework**

The subject site is currently vacant and has been recently subdivided into low and medium density residential lots. The property has a substantial frontage on to Dowitcher Loop and also abuts the Armadale rail line.

A map identifying the location of the subject site follows:

Item 13.5.2 Continued

**Proposal**

The application involves the following

- The construction of eight multiple dwellings, each with individual street frontage to Dowitcher Loop. Whilst presenting as a combination of single and two-storey grouped dwellings, the dwellings have been designed in such a way so as to technically be multiple dwellings, and thereby capitalise on the multiple dwellings provisions of the R-Codes
- Each multiple dwelling will contain two bedrooms and one bathroom
- Resident and visitor car parking bays are located within the front setback area.

The site, floor and elevation plans are contained as Appendix 13.5.2A.

Consultation

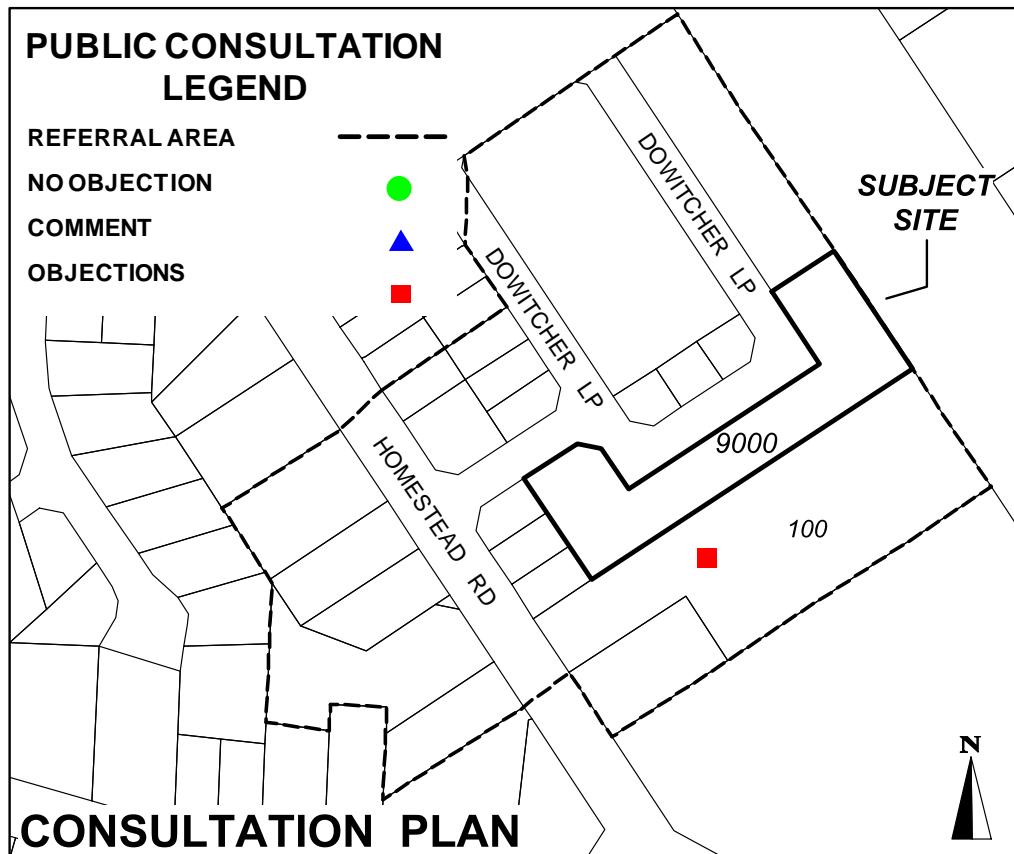
The proposal was advertised for public comment in accordance with TPS 6 requirements, during which time two submissions were received raising objections to the proposal. It is noted that one of the submitters requested that their personal details be withheld and as such their details are not reflected in the submission table or the consultation plan. A summary of these submissions and comments thereon follows.

Item 13.5.2 Continued

1	Affected Property: Name and Address Withheld	Postal Address: Name and Address Withheld
Summary of Submission		Comment
Objection to the proposal. The proposed dwellings may be used as low cost public housing which may result in anti-social behaviour.		The future occupants of the dwelling are not a planning consideration.

2	Affected Property: 10/174 Homestead Road Gosnells	Postal Address: PO Box 85 MADDINGTON WA 6989
Summary of Submission		Comment
Objection to proposal. Concern that the first floor windows will overlook the adjoining property. No objection if the bedroom on the first floor was incorporated into the ground floor.		The proposal complies with the Residential Design Codes as it relates to Visual Privacy.

A map identifying the consultation area and the origin of one of the submissions follow:



Item 13.5.2 Continued

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential Development under TPS 6 and designated Residential R30 under the Homestead Road Outline Development Plan. 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 Performance Criteria (prefixed by "P"). Applications not complying with the Acceptable Development Criteria can be assessed against relevant Performance Criteria.

On 26 November 2013 Council adopted a 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 modified Policy includes:

- 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 modified LPP 1.1.1, with the exception of those detailed in the table below.

	R-Code and Policy Provision	Assessment/Comment
1.	<p>6.3.4 Design of Car Parking Spaces</p> <p>C4.4 All car parking spaces except visitors' car parking spaces fully concealed from the street or public place.</p> <p>P4 Car, cycle and other parking facilities are to be designed and located on-site to be conveniently accessed, secure, and consistent with streetscape and appropriately manage stormwater to protect the environment.</p> <p>LPP 1.1.1</p> <p>Column B - Development deemed to comply with 6.3.4 Deemed-to-Comply provisions C4.4</p> <p>Column C - Development deemed not to comply with 6.3.4 Deemed-to-Comply provision C4.4 (ie no variation permitted)</p>	<p>The residents car parking spaces are located within the front setback and therefore do not comply with the Deemed-to-Comply provisions. As such, assessment against the Design Principles is therefore required.</p> <p>The car parking is located within the front setback area and does not provide any security or weather protection. In addition, it is very likely that the streetscape will be defined, in future, by appropriately setback carports and garages, rather than nil-setback, open-air bays.</p> <p>The proposal does not comply with Deemed-to-Comply provision 6.3.4 C4.4.</p> <p>The proposal does not comply with the Deemed-to-Comply provision 6.3.4 C4.4, and is therefore deemed unacceptable by virtue of Column C. Whilst Council may refuse the application, it will be recommended that it be approved, subject to a condition requiring the provision of a carport for each of the eight resident bays. This carport would provide weather protection and also positively contribute to the desired streetscape.</p>

Item 13.5.2 Continued

R-Code and Policy Provision		Assessment/Comment
2.	<p>6.3.5 Vehicular Access</p> <p>C5.1 Vehicle access is limited to one opening per 20m street frontage that is visible from the street.</p> <p>P5 Vehicle access provided so as to minimise the number of crossovers, to be safe in use and not detract from the streetscape.</p> <p>LPP 1.1.1</p> <p>Column B - Development deemed to comply with 6.3.5 Deemed-to-Comply provisions C5.1</p> <p>Column C - Development deemed not to comply with 6.3.5 Deemed-to-Comply provision C5.1 (ie no variation permitted)</p>	<p>The proposed dwellings occupy 57.46m of street frontage, including seven vehicle access points. Therefore, the proposal does not comply with the Deemed-to-Comply provisions.</p> <p>As the proposal does not comply with the Deemed-to-Comply provisions, assessment against the Design Principles is therefore required.</p> <ul style="list-style-type: none"> • The proposal has sought to minimise the number of crossovers onto Dowitcher Loop, by providing shared crossovers to each pair of dwellings. • It is considered the low-speed environment of the subject lot, the crossovers will be safe in use. • It is considered that the desired streetscape can be provided through the use of landscaping. <p>The proposal does not comply with Deemed-to-Comply provision 6.3.5 C5.1.</p> <p>The proposal does not comply with the Deemed-to-Comply provision 6.3.5 C5.1, and is therefore deemed unacceptable by virtue of Column C. As the proposal meets the Performance Criteria, a variation to the Policy is considered acceptable in this instance.</p>

CONCLUSION

The proposal is supported for the following reasons:

- The proposal contributes to a greater diversity of housing options in the local area
- The site is appropriately located close to a commercial centre
- The proposal is consistent with the R30 coding which is applicable to the site
- The proposal is generally compliant with the requirements of the R-Codes and where non-compliant can be made to comply through the imposition of a condition or the variation is considered acceptable.

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

FINANCIAL IMPLICATIONS

Nil.

Item 13.5.2 Continued

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Residential Design Codes
- Draft Modified Local Planning Policy 1.1.1 - Residential Development
- Homestead Road ODP.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

558 Moved Cr O Searle Seconded Cr R Lawrence

That Council approves the application for Eight Multiple Dwellings at Lot 9000 Dowitcher Loop, Gosnells dated 13 September 2013, subject to the following conditions:

1. The submission of an amended plan, generally in accordance with the submitted plans but modified to the satisfaction of the City to provide carports for each of the eight resident car parking bays.
2. A landscape plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's Local Planning Policy 4.5 - Development - Landscaping, and approved by the City, prior to the lodgement of a Building Permit application.
3. 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.
4. The applicant shall submit, and thereafter implement, a drainage plan, to the satisfaction of the City, showing how stormwater drainage from the proposed building and/or paved areas is to be connected to the existing drainage system.
5. 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.
6. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
7. The site is to be connected to the reticulated sewerage system.

CARRIED 10/0

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

AGAINST: *Nil.*

**13.5.3 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 fourth report in these Minutes.

**13.5.4 AMENDMENT NO. 150 TO TOWN PLANNING SCHEME NO. 6 -
RECODING LAND BOUND BY ALBANY HIGHWAY, PECKHAM STREET,
BROMLEY STREET AND HARRIS STREET, BECKENHAM FROM
RESIDENTIAL R17.5 TO RESIDENTIAL R30**

Author: L Langford
Author's Declaration Nil.
of Interest:
Reference: Various
Application No: PF13/00060
Applicant: Department of Housing
Owner: Various
Location: Various
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Initiation - none, however consent to advertise is subject to approval by the Western Australian Planning Commission.
Area: 5.1165ha
Previous Ref: Nil.
Appendix: 13.5.4A Scheme Amendment Map

PURPOSE OF REPORT

For Council to consider initiating an amendment to Town Planning Scheme No. 6 (TPS 6) to recode various lots bound by Albany Highway, Peckham Street, Bromley Street and Harris Street from Residential R17.5 to Residential R30.

BACKGROUND**Site Description and Planning Framework**

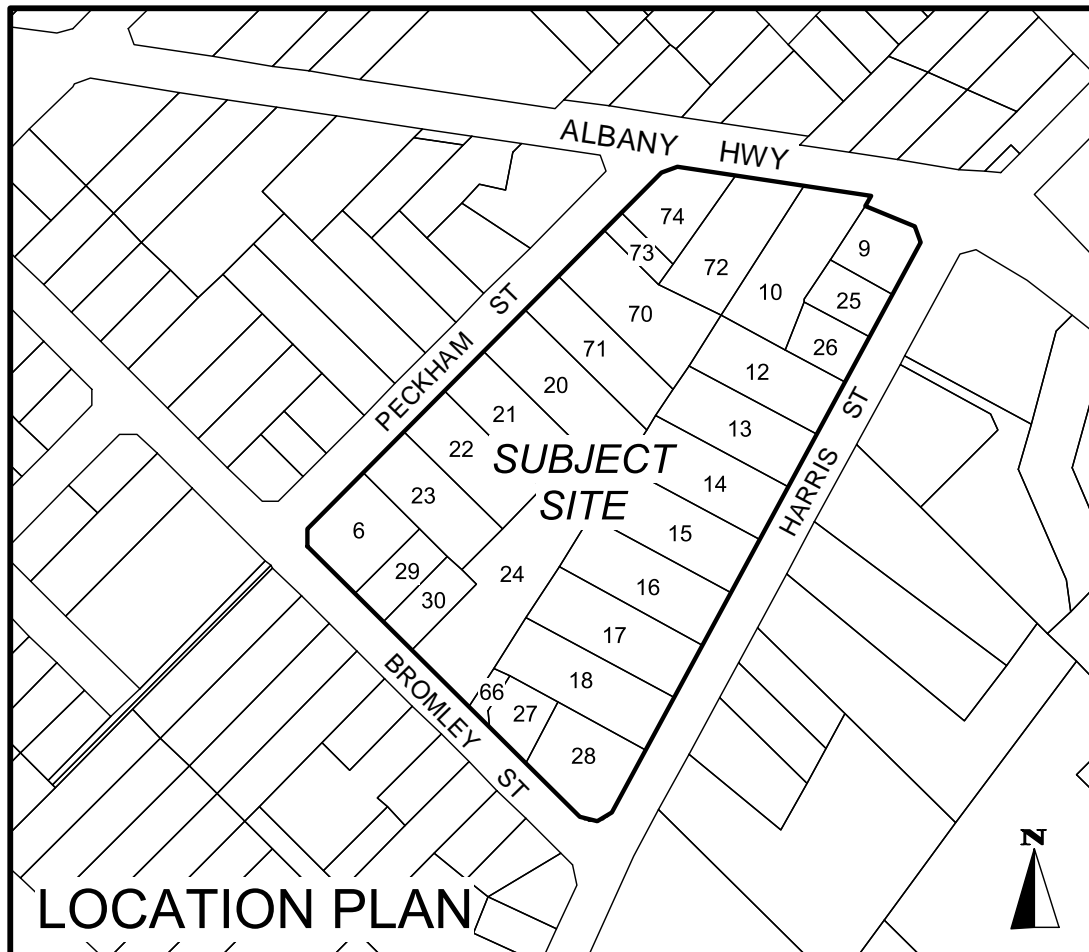
The subject site has a combined land area of approximately 5.1ha and is bound by Albany Highway, Peckham Street, Bromley Street and Harris Street. The area comprises of 26 properties ranging in area from 476m² to 3,696m². Four of the landholdings are currently vacant, with the remaining lots each being occupied by single houses.

The site at its nearest point is located approximately 810m from the Beckenham Train Station and is surrounded by mostly low-density residential dwellings. All surrounding land in proximity to the site that is located south of Albany Highway has a R17.5 coding, and land to the north of Albany Highway has varying densities of between R30 and R60, with the highest density being located closest to the train station.

The site is identified under Local Planning Policy 3.2 - Co-ordination of Infill Development (LPP 3.2) as forming part of the Peckham Street infill development precinct, where any development and subdivision is subject to Policy requirements relating to transport noise and heritage (where applicable). In terms of heritage, it should be noted that a property within the area, being 1575 (Pt Lot 10) Albany Highway, is a registered place in the City's Heritage Inventory.

Item 13.5.4 Continued

A plan identifying the location of the site follows.



Proposal

The proposed Scheme Amendment involves recoding land bound by Albany Highway, Peckham Street, Bromley Street and Harris Street from Residential R17.5 to Residential R30.

The Residential Design Codes (R-Codes) stipulate that R17.5 coded land is to have a minimum lot size of 500m², and an average of 571m², while R30 coded land is to have a minimum lot size of 260m², and an average of 300m², for single houses and grouped dwellings. For multiple dwellings, R17.5 coded land can accommodate one dwelling per 571m², and for R30 coded land there is no restriction of dwelling quantity provided that it does not exceed a maximum plot ratio of 0.5.

A copy of the draft TPS 6 amendment map is contained as Appendix 13.5.4A.

Item 13.5.4 Continued

DISCUSSION

Proposed Residential Density

Any proposed change in residential density must be considered in the context of the City's Local Housing Strategy (LHS).

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

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

The LHS did not make any recommendations for density changes in this location, and generally only suggested density changes for land within a walkable catchment (800m) to train stations and activity centres.

It is considered that the proposed increase to a medium density in this location is not consistent with the LHS and State planning documents, as the area is not within a walkable catchment to major transport nodes or an activity centre, nor does it contain any high amenity areas.

It is acknowledged that the area is located marginally outside the walkable catchment to Beckenham Train Station, and it is recognised that Liveable Neighbourhoods suggests a graduation of densities from such transport nodes. As mentioned previously, land on the northern side of Albany Highway has a coding of R30, and as such it is considered that the next lowest coding of R25 (which is considered a low density code), would be more acceptable for this amendment area. Furthermore, Albany Highway is considered to provide a logical boundary of separation between medium density and low density areas.

Urban Form

In considering the impact that the proposed density change might have on the urban form of an area, Council should have regard to the surrounding streetscape characteristics and the potential urban form.

Item 13.5.4 Continued

The following table summarises the main streetscape differences of built form for the R17.5, R25 and R30 codings as per the R-Codes.

R-Code Provision	R17.5	R25	R30
Lot Size			
<i>Single and Grouped Dwelling Average</i>	571m ²	350m ²	300m ²
<i>Single and Grouped Dwelling Minimum</i>	500m ²	300m ²	260m ²
<i>Multiple Dwelling</i>	571m ²	350m ²	Plot Ratio of 0.5
Primary Street Setback			
<i>Average</i>	6m	6m	4m
<i>Minimum</i>	3m	3m	2m
Minimum Lot Width	12m	8m	-

It should be noted that for codings that are R30 and greater, the incentive to undertake multiple dwelling development (for example, apartments) is far greater, as the R-Codes provide for the potential to have a greater dwelling yield than what would be allowed for single houses or grouped dwellings. This is due to there being no restriction on the number of dwellings allowed, with the only restriction being that of built form through imposing a maximum plot ratio allowance. The resulting built form would be at least two-storey in nature, and would generally be more intensive due to the requirement for more parking and utilities (for example, storage areas, bin enclosures, etc.).

In considering the surrounding streetscape characteristics, it should be noted that the precinct is surrounded by mostly single-storey residential dwellings on large lots, which is reflective of the lower density nature of this area. On the northern side of Albany Highway, there have been some grouped dwelling and multiple dwelling developments undertaken in a manner which is reflective of the higher coding applicable to that area.

The lots within the amendment area are quite large (averaging 1,967m²), rectangular in shape with most lots having depths of approximately 70m, and widths of approximately 20-30m. Based on this, and given that there is fragmented land ownership within this area, the likely built form resulting from the development of this area (regardless of any amendment) would be such that most dwellings would be in a strata arrangement and would front a common driveway area, and not a public road.

Whilst it is acknowledged that the minimum and average lot size for R25 and R30 does not greatly differ, it is considered that the R25 coding would result in an urban form that is more appropriate in the context of the surrounding area, for the following reasons:

- Given that the R30 coding provides an incentive to develop multiple dwellings at a greater rate than single houses and grouped dwelling, it is considered that the potential built form could be significantly more intensive than anticipated, which would not be appropriate in an area that is not within a walkable catchment to major transport nodes or an activity centre
- The setback of dwellings to the street would be consistent with the surrounding area.

It will be recommended that Council refuses to initiate the subject amendment.

Item 13.5.4 Continued

Traffic

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

Drainage

One issue which the precinct faces is drainage management, due to poor on-site infiltration as a result of the soil type. All development within the precinct would need to demonstrate adequate drainage management in accordance with the City's adopted requirements, as part of the subdivision and development processes.

Transport Noise

There are a number of properties within the precinct that are potentially impacted, or may be impacted in the future by adverse traffic noise from Albany Highway. State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4) aims to protect major transport corridors from incompatible urban encroachment and protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals.

For those properties which are potentially impacted by transport noise, a noise assessment will be required at the time of subdivision and development which demonstrates compliance with the parameters contained in SPP 5.4. The noise assessments may require a development to employ a number of building design elements (such as thicker glazing for windows) or require notifications on title advising of potential nuisance from transport noise.

Heritage

As mentioned previously, a property within the area, being 1575 (Pt Lot 10) Albany Highway, is a registered heritage building under the City's Municipal Inventory. In relation to this property, it should be noted that LPP 3.2 states that:

"Applications for subdivision or development will only be supported where the heritage values of any building or place in the Precinct that is worthy of conservation are not unacceptably impacted on."

It is considered that the proposed amendment would not have direct implications for the heritage property within the precinct and rather these matters would be managed by the subdivision and development processes.

CONCLUSION

It will be recommended that the proposed Scheme Amendment not be initiated for the following reasons:

- The R30 coding in this location is not consistent with the LHS and State planning documents, as the area is not within a walkable catchment to major transport nodes or an activity centre, nor does it contain any high amenity areas

Item 13.5.4 Continued

- The proposed R30 coding would facilitate the development of an undesirable urban form for this location and would be incompatible with the immediate surrounding area.

FINANCIAL IMPLICATIONS

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

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- *Town Planning Regulations 1967*
- *Planning and Development Act 2005*
- Local Planning Policy 3.2 - Co-ordination of Infill Development.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

559 Moved Cr R Hoffman Seconded Cr J Brown

That Council refuses to initiate Amendment No. 150 to Town Planning Scheme No. 6 to recode the area bound by Bromley Street, Harris Street, Albany Highway and Peckham Street, Beckenham from Residential R17.5 to Residential R30, for the following reasons:

1. The R30 coding in this location is not consistent with the City's Local Housing Strategy and State planning documents, as the area is not within a walkable catchment to major transport nodes or an activity centre, nor does it contain any high amenity areas.
2. The proposed R30 coding would facilitate the development of an undesirable urban form for this location and would be incompatible with the immediate surrounding area.

CARRIED 10/0

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

AGAINST: *Nil.*

Item 13.5.4 Continued

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

560 Moved Cr R Hoffman Seconded Cr J Brown

That Council advises the applicant that it would be willing to support an amendment to Town Planning Scheme No. 6 to recode the area bound by Bromley Street, Harris Street, Albany Highway and Peckham Street, Beckenham from Residential R17.5 to Residential R25.

CARRIED 10/0

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

AGAINST: *Nil.*

**13.5.5 DEVELOPMENT APPLICATION - FAMILY DAY CARE - 11 (LOT 208)
CARAKINE GROVE, THORNLIE**

Author: K Ivory
Author's Declaration Nil.
of Interest:
Reference: 217779
Application No: DA13/00332
Applicant: Ranjeeta Mmaheshwari
Owner: Ranjeeta and Rohit Mmaheshwari
Location: 11 (Lot 208) Carakine Grove, Thornlie
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 592m²
Previous Ref: Nil.
Appendix: Nil.

PURPOSE OF REPORT

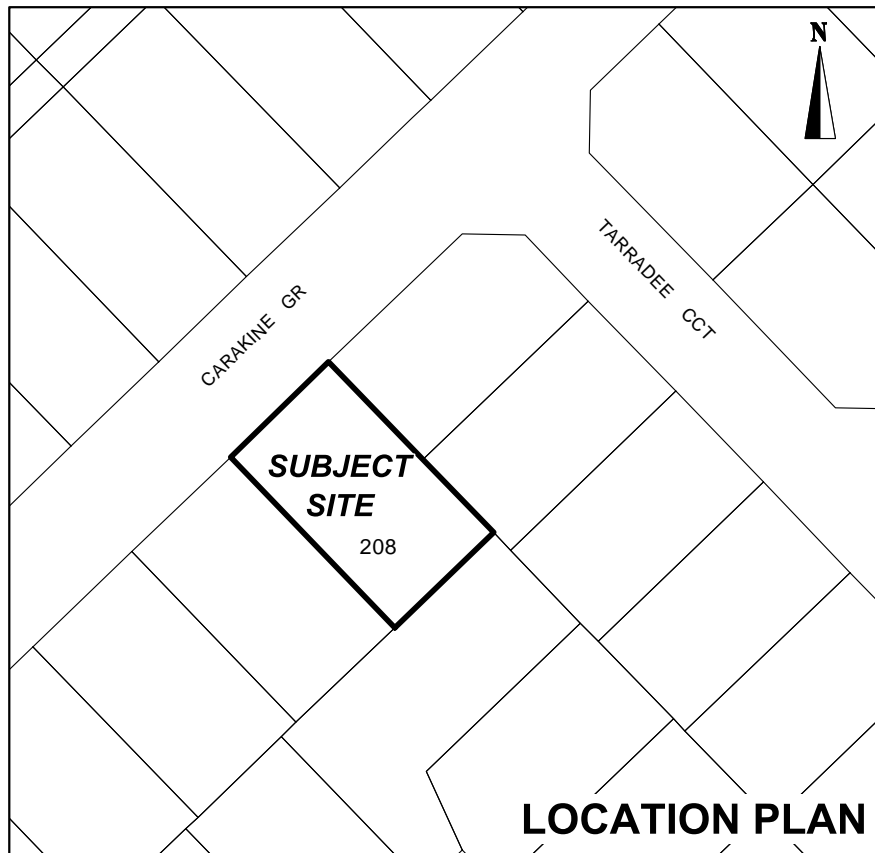
For Council to consider an application for planning approval for a Family Day Care at 11 (Lot 208) Carakine Grove, Thornlie as the proposal is outside the authority delegated to staff due to an objection being received during the consultation period.

BACKGROUND**Site Description and Planning Framework**

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

A map identifying the location of the subject site follows:

Item 13.5.5 Continued



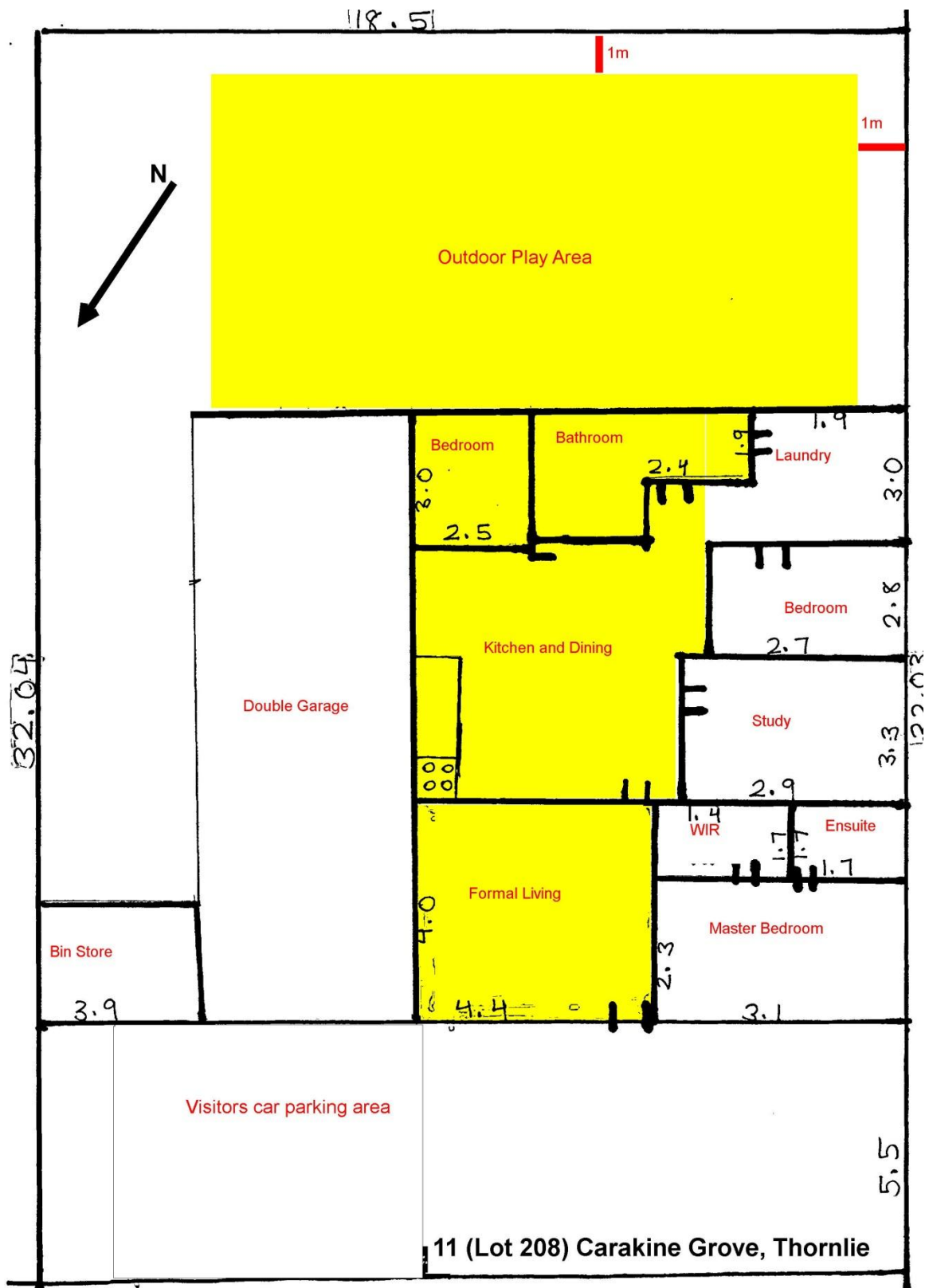
Proposal

The application involves the following:

- The hours of operation will be between 6am and 7pm, Monday to Friday
- The Family Day Care will involve a maximum of seven children (including the applicant's own two children)
- The children will occupy the formal living room, kitchen/dining and one bedroom of the dwelling
- The provision of two car parking bays, contained on the existing driveway, within the front setback area.

A site plan follows:

Item 13.5.5 Continued



SITE PLAN

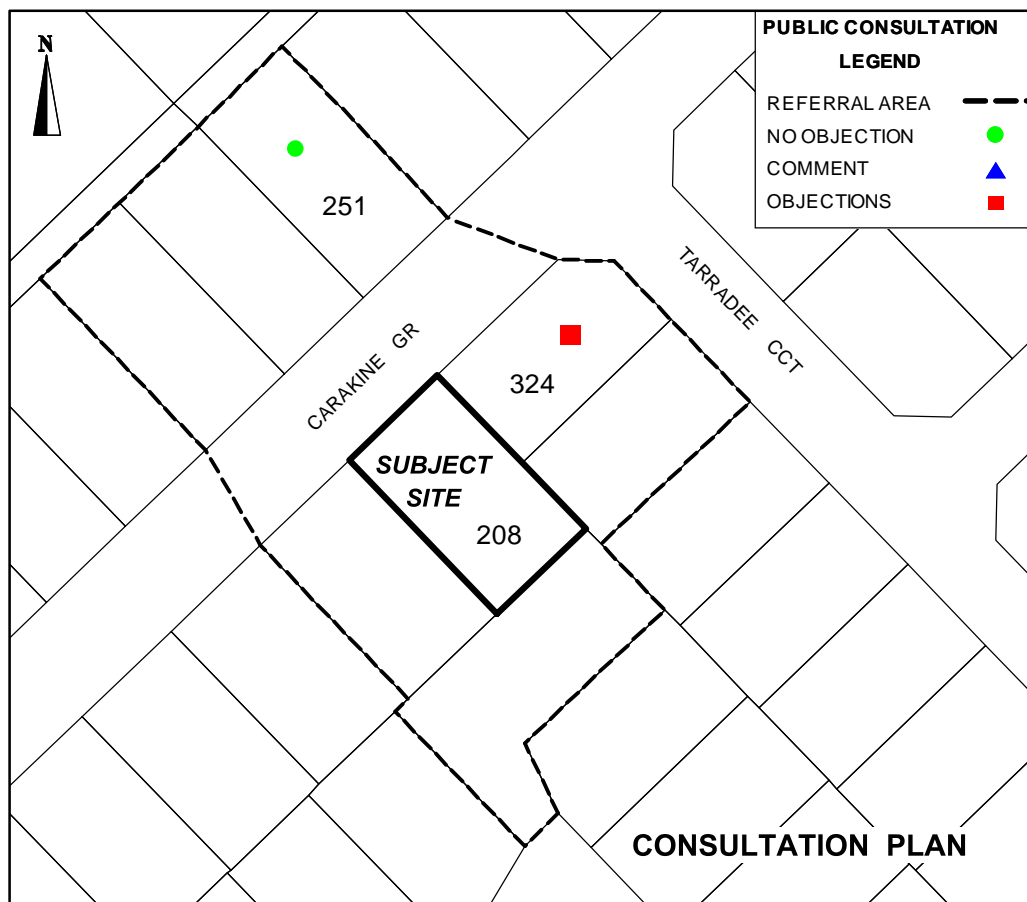
Item 13.5.5 Continued

Consultation

Public comment was invited on the proposal in accordance with Council Policy, for a period of 14 days, being from 4 November 2013 to 18 November 2013. Letters were sent to the owners of seven properties within the consultation area. In addition, three occupiers of the properties were also invited to comment.

In response two submissions were received, one raising an objection to the proposal and one raising no objection to the proposal. A summary of the objection and comments thereon are provided below.

1.	Affected Property: 26 (Lot 324) Tarradee Circuit, Thornlie	Postal Address: 14 Felton Ave, NORTH LAKE WA 6163
Summary of Submission		Comment
Object to the proposal.		
1.1	Potential noise impacts on surrounding properties.	See discussion under Noise.
1.2	Traffic impacts on the surrounding area.	See discussion under Traffic.
1.3	The proposal will have an impact on the resale value of the surrounding properties.	This is not a valid planning consideration.



Item 13.5.5 Continued

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential R17.5 under TPS 6. In accordance with TPS 6, a Family Day Care is a "D" use in the Residential zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

Local Planning Policy 2.5 - Home Based Activities (LPP 2.5)

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

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 is proposed.
5.2(a) The subject site shall have a minimum lot size of 450m ² .	The subject lot is 592m ² in area.
5.2(b) The Family Day Care shall involve a maximum of seven children (including the applicant's children).	The proposal is for the care of seven children (including the applicant's two children).
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.	Two visitor's bays have been proposed, 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 proposal is to operate between 6am and 7pm, Monday to Friday.
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.	The outdoor play area is shown to be 1m from the lot boundaries.

As demonstrated above, the application complies with the requirements of LPP 2.5.

Amenity

Noise

Concerns have been raised about the potential noise impact of the proposed Family Day Care. The objector is concerned that the increased number of people at the site will generate noise in this residential area. Given that a maximum of seven children will be accommodated at the site (including the applicant's two children), the proposed development is not expected to generate noise in excess of what could be considered acceptable in an urban environment or which would detrimentally impact on the amenity of the area.

Item 13.5.5 Continued

In any event, the use of the site is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Traffic

It is anticipated that there will be an increase in traffic generated from the Family Day Care. Given that the proposal involves the care of five children (in addition to the applicant's own children), it would be expected that there would be up to 10 vehicle movements per day associated with the Family Day Care.

An increase of 10 vehicle movements per day would not be excessive in terms of what could be reasonably expected in an established residential area, nor would it have any material impact on the prevailing residential amenity of the locality. The proposal includes the provision of two additional car spaces contained on the existing driveway within the front setback area, which complies with LPP 2.5 and these spaces are considered sufficient for visitors to park their vehicles.

CONCLUSION

The proposal is supported for the following reasons:

- A Family Day Care is typical in residential zones and it is recognised that such facilities provide an essential service to the local community
- The proposed business is not expected to generate additional traffic that would detrimentally impact on the traffic and safety of the local area
- The development is not expected to detrimentally impact the amenity of the area.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.5 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

561 Moved Cr R Lawrence Seconded Cr J Brown

That Council approves the application for a Family Day Care at 11 (Lot 208) Carakine Grove, Thornlie dated 6 September 2013, subject to the following conditions:

1. A minimum of two on-site car bays, contained on the existing driveway within the front setback area are to be provided for client use, with no parking by clients permitted on the road verge.
2. The operation of the Family Day Care use, including the drop off and pick up of children shall only be permitted between 6am and 7pm, Monday to Friday.
3. No employment of persons outside of the immediate family of the occupier of the house is permitted.
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.
5. Any outdoor play area is to be a minimum of 1m from all lot boundaries.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.5.6 DEVELOPMENT APPLICATION - FAMILY DAY CARE - 16 (LOT 247) GAY STREET, HUNTINGDALE

Author: B Fantela
 Author's Declaration Nil.
 of Interest:
 Reference: 238779
 Application No: DA13/00292
 Applicant: S D P Nyanaperagasam
 Owner: S D P Nyanaperagasam
 Location: 16 (Lot 247) Gay Street, Huntingdale
 Zoning: MRS: Urban
 TPS No. 6: Residential R17.5
 Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
 Area: 600m²
 Previous Ref: Nil.
 Appendix: Nil.

PURPOSE OF REPORT

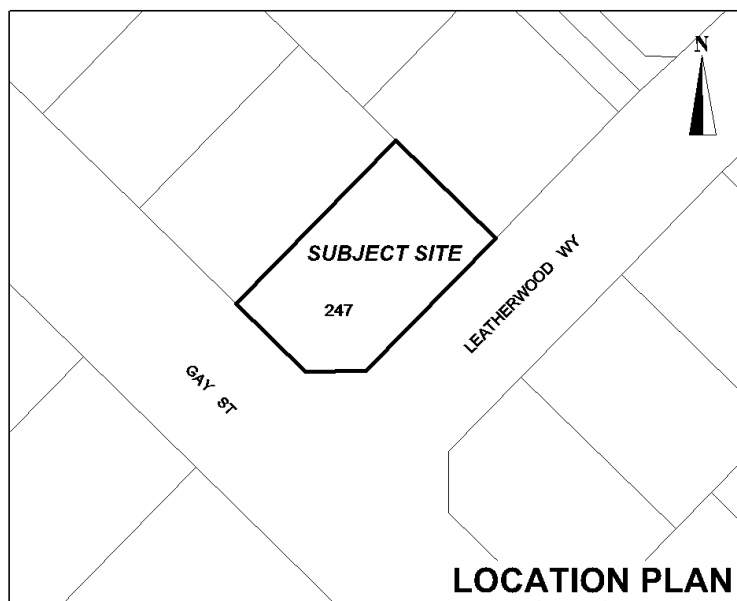
For Council to consider an application for planning approval for a Family Day Care at 16 (Lot 247) Gay Street, Huntingdale, as the proposal is outside the authority delegated to staff due to non-compliance with the applicable local planning policy.

BACKGROUND

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:



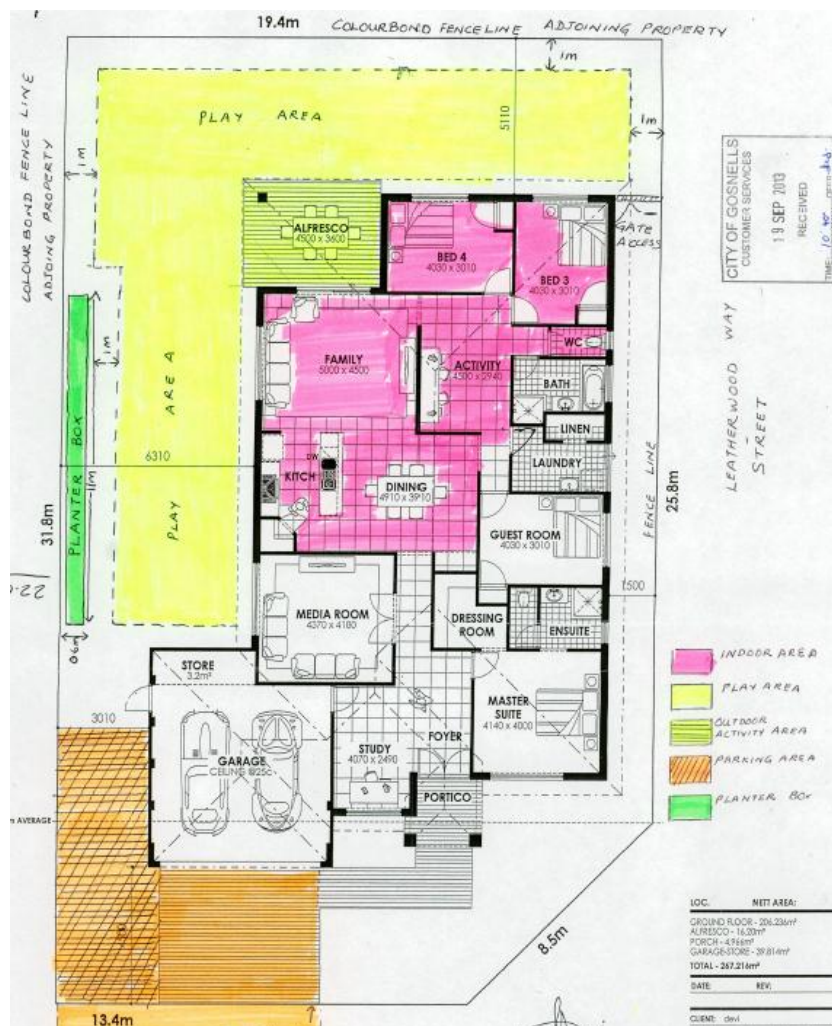
Item 13.5.6 Continued

Proposal

The application involves the following

- The use will have two separate operating times, as follows:
 - 7:30am - 5pm, Monday to Saturday
 - 8:30pm - 6:30am the following day, Monday to Sunday (for example, overnight stays)
 - The only activity on Sundays will be the collection of children at 6:30am
- A maximum of seven children at any one time including the applicant's own child
- The provision of two additional car parking bays, contained on the existing driveway, within the front setback area.

A floor plan follows.



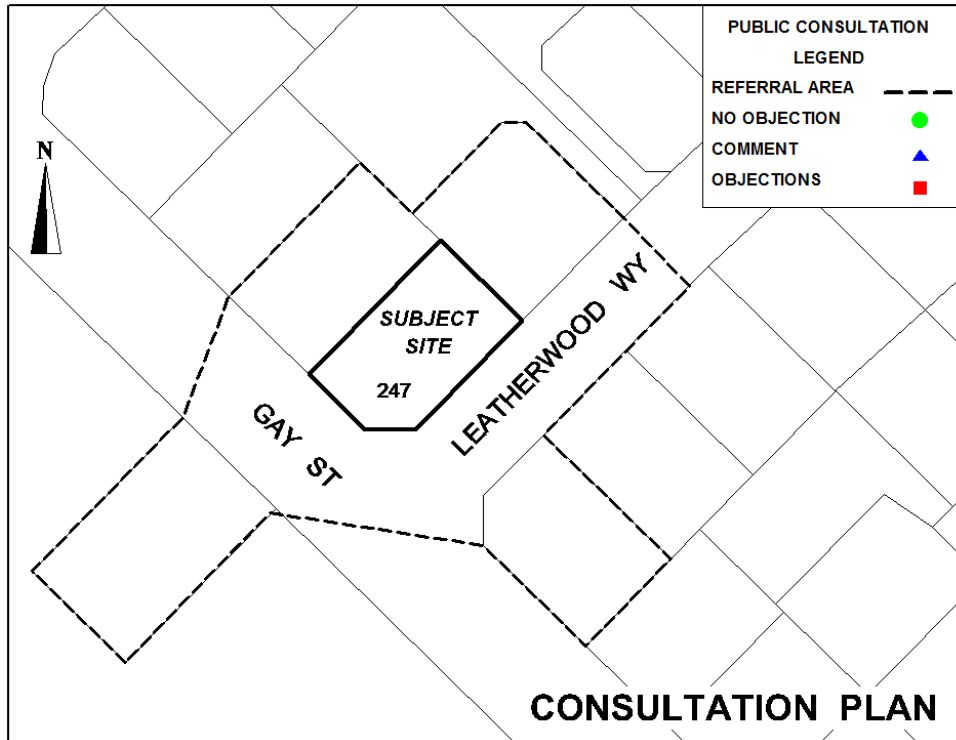
FLOOR PLAN

Item 13.5.6 Continued

Consultation

The proposal was required to be advertised for public comment in accordance with Council Policy, during which time no submissions were received.

A map identifying the consultation area follows:



DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential R17.5 under TPS 6. In accordance with TPS 6, a Family Day Care is a "D" use in the Residential zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

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.
5.2(a) The subject site shall have a minimum lot size of 450m ² .	The subject lot is 600m 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 the applicant's child).
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.	<p>The proposal involves the following operating hours:</p> <ul style="list-style-type: none"> • 7:30am - 5:00pm, Monday to Saturday • 8:30pm - 6:30am the following day, Monday to Sunday (ie overnight stays) • The only activity on Sundays will be the collection of children at 6:30am. <p>This aspect of the proposal does not comply with the Local Planning Policy.</p>
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.	The play area setback of 1.0m is shown on the submitted plans.

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 surrounding area.

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 for almost 24 hours per day six 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 its 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. 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 approved, it will

Item 13.5.6 Continued

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

Operating hours

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.

The application proposes the evening component of the business will commence at 8:30pm, which is outside the parameters of Council's Home Based Activities Policy. In a practical sense it is considered that the dropping off of up to six children at 8:30pm may have a material impact on the amenity of the local area.

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 to be consistent with Council's Home Based Activities Policy.

CONCLUSION

The proposal is supported for the following reasons:

- No objections were received from adjoining neighbours
- Subject to the imposition of conditions regarding operating hours, the proposed use is not expected to have an unreasonable impact on the residential amenity of the local area
- Family day care is typical in residential zones and it is recognised that they assist in providing an essential service to the local community
- The proposal is not expected to generate additional traffic that would detrimentally impact on the traffic and safety of the local area.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.6 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

562 Moved Cr R Hoffman Seconded Cr O Searle

That Council approves the application for a Family Day Care at 16 (Lot 247) Gay Street, Huntingdale, dated 8 August 2013, subject to the following conditions:

1. The family day care shall only operate between Monday and Saturday, with the drop off and pick up of children being limited to between 7:30am and 5pm, Monday to Saturday.
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.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

13.5.7 DEVELOPMENT APPLICATION - 14 GROUPED DWELLINGS - 57 (LOT 72) HOLMES STREET, SOUTHERN RIVER

Author: L Langford
Author's Declaration Nil.
of Interest:
Reference: 311654
Application No: DA13/00411
Applicant: Claymont Land Pty Ltd
Owner: Claymont Land Pty Ltd
Location: 57 (Lot 72) Holmes Street, Southern River
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1.42ha
Previous Ref: OCM 8 October 2013 (Resolution 435)
Appendices: 13.5.7A Detailed Area Plan
13.5.7B Site, Floor and Elevation Plans

PURPOSE OF REPORT

For Council to consider an application for planning approval for 14 Grouped Dwellings at 57 (Lot 72) Holmes Street, Southern River as the proposal is outside the authority delegated to staff due to non-compliance with Local Planning Policy 1.1.1 - Residential Development.

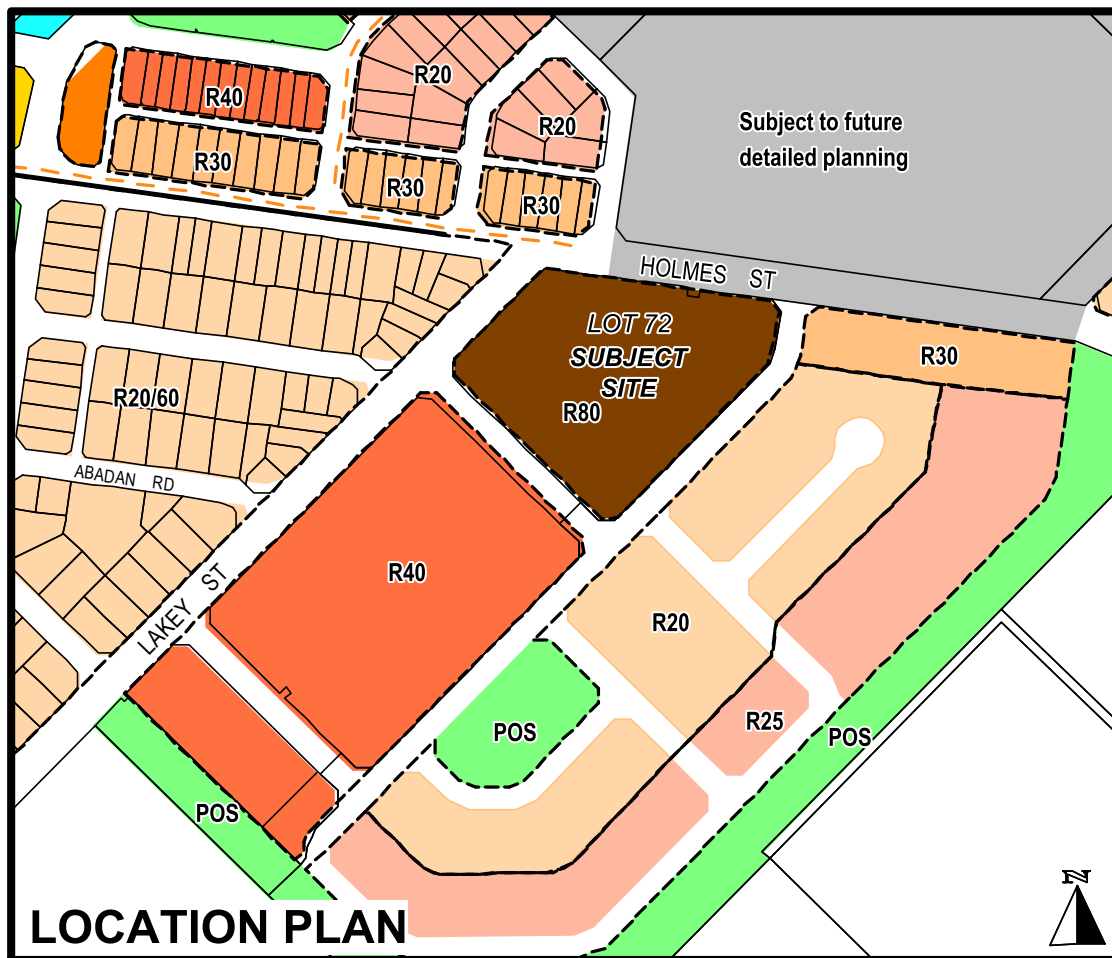
BACKGROUND**Site Description and Planning Framework**

The subject property is currently vacant however it has recently been subdivided into 90 strata lots which involved the construction of internal common property driveways and relevant services. The site is bounded by mostly residential housing to the north, north-west and west of the site.

The property falls within the Southern River Precinct 1B Outline Development Plan (ODP) which designates the subject site as Residential R80. A Detailed Area Plan (DAP) has been approved over the site which specifies the layout of the site, including vehicular access ways, lot orientation and visitor parking, as well as some development parameters. A copy of the DAP is contained as Appendix 13.5.7A.

A map identifying the location of the subject site follows:

Item 13.5.7 Continued



Site History

On 6 February 2012, the Western Australian Planning Commission granted subdivision approval (WAPC Ref. 397-11) for the creation of all strata lots within the ODP area, in accordance with a series of approved DAPs.

On 18 October 2012, the Metropolitan East Joint Development Assessment Panel (JDAP) approved an application for 89 Grouped Dwellings on the subject site, with 64 of those being single bedroom dwellings. An additional dwelling has also been approved separately, for use as a display home prior to its ultimate conversion to a grouped dwelling.

On 8 October 2013, Council resolved (Resolution 435) to approve an application for 15 Grouped Dwellings on the site, which would effectively replace 15 of the approved one-bedroom dwellings which formed part of the JDAP approval, with two bedroom dwellings.

Item 13.5.7 Continued

Proposal

The application involves the following:

- The construction of 14 single storey Grouped Dwellings
- The dwellings will have two bedrooms with single garages
- An existing 6.2m wide internal access road will provide for vehicular access to the dwellings.

The site, floor and elevation plans are contained as Appendix 13.5.7B. It should be noted that the proposed dwellings would be an alternative to the 64 dwellings which were approved by the JDAP on 18 October 2012.

Consultation

The proposal was not required to be advertised for public consultation.

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential Development under Town Planning Scheme No. 6 (TPS 6) and designated Residential R80 under the Southern River Precinct 1B ODP. In accordance with TPS 6, a Grouped Dwelling is a "D" use in the Residential zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

Residential Design 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 are to be assessed against relevant Design Principles, with that assessment guided by the City's Local Planning Policy 1.1.1 - Residential Development (LPP 1.1.1). LPP 1.1.1 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, the DAP or Column B criteria of LPP 1.1.1, with the exception of those detailed in the following table.

Item 13.5.7 Continued

	R-Code, Policy and/or DAP Provision	Assessment/Comment
1.	<p>5.1.3 Lot boundary setback</p> <p>C3.2 Walls may be built up to a lot boundary behind the street setback (specified in Table 1 and in accordance with clauses 5.1.2, 5.2.1 and 5.2.2), within the following limits and subject to the overshadowing provisions of clause 5.4.2 and Figure Series 11):</p> <ul style="list-style-type: none"> i. where the wall abuts an existing or simultaneously constructed wall of similar or greater dimensions; ii. In areas coded R30 and higher, walls not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the lot boundary behind the front setback, to one side boundary only. <p>P3.1 Buildings set back from lot boundaries so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property; • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing development context and streetscape. 	<p>The application proposes boundary walls on three boundaries for both dwelling types. The dwellings proposed on Lots 2023 - 2029 and 2031 - 2036 have side boundary walls which abut simultaneously constructed walls on adjoining lots, and therefore are permitted as of right. However, the boundary wall to the rear of each lot will not abut a simultaneously constructed wall on an adjoining lot for the entire length of the proposed wall.</p> <p>The dwelling proposed on Lot 2020 involves walls on three boundaries however none of the walls abut simultaneously constructed walls on an adjoining lot for the entire length of the proposed walls. Furthermore, one of the boundary walls will occupy more than two-thirds the length of the boundary, behind the front setback.</p> <p>As detailed above, the application does not comply with the Deemed-to-comply provision of the R-Codes.</p> <p>In response to the Design Principles, the following is relevant:</p> <ul style="list-style-type: none"> • Given that the rear boundary walls are located on southern boundaries and the lots are raised 0.55m above the lots to the rear, there will be some overshadowing onto these rear properties which will affect, to varying degrees, the ability for the adjoining dwellings to achieve unrestricted direct sun to their associated outdoor living areas. • The application does comply with the R-Code standard relating to overshadowing (Clause 5.4.2). • In terms of building bulk and privacy protection, any impact would not be significant or unreasonable for an R80 coded area. • There will be no impacts on the streetscape as a result of the variation. <p>Based on the above, the proposal is considered to meet the stated Design Principles, with the exception of the impact that the walls have on the ability for some adjoining properties' outdoor living areas to access direct sun.</p>

Item 13.5.7 Continued

R-Code, Policy and/or DAP Provision	Assessment/Comment
<p>LPP 1.1.1</p> <p>Column B - Buildings built up to boundaries, such that:</p> <p>iii) In areas coded R30 and higher:</p> <p>a. The development complies with Deemed-to-comply provisions in sections 5.1.3 (C3.1), 5.1.4 and 5.4.2 and any variations permitted to these sections by other provisions of this policy; and</p> <p>b. Walls on the boundary which are not higher than 3.5m with an average of 3m for two-thirds the length of the balance of the lot boundary, behind the front setback line;</p> <p>Column C - Development deemed to not comply with 5.1.3 Design Principle P3.1 and P3.2.</p>	<p>In terms of point a, the development complies with Deemed-to-comply provisions in sections 5.1.3 (C3.1), 5.1.4 and 5.4.2.</p> <p>For point b, the dwelling proposed on Lot 2020 involves a wall which occupies more than two-thirds the length of the boundary at its maximum allowable height. It should be noted however that for 12.35m of the 15.37m long wall, it will abut a simultaneously constructed wall.</p> <p>While the proposal represents a variation to the policy it is considered to generally comply with 5.1.3 Design Principles P3.1 and P3.2, with the exception of the impact that the walls have on the ability for some adjoining properties' outdoor living areas to access direct sun. Despite this, it is considered that the impact of the boundary walls will only be experienced by residents who choose to occupy the dwelling. Furthermore, it should be noted that the subject proposal does not greatly differ in layout to the development approval by the Metropolitan East JDAP on 18 October 2012. As such, it is considered that the proposal is not unreasonable and is therefore supported.</p>
<p>2. DAP Notation - Single Bedroom Dwellings</p> <p>The DAP designates the subject lots as being for single bedroom dwellings (as reflected in the approval issued by the Metropolitan East JDAP on 18 October 2012).</p>	<p>As mentioned previously, the subject site has an R80 coding. Under the older version of the R-Codes, grouped dwelling proposals on land coded R80 were assessed against the R60 standards as there were no standards for grouped dwellings at R80. Furthermore, proposals for single bedroom dwellings are entitled to a variation to the site area requirements where the minimum site area may be reduced by up to one third. This meant that the minimum site area requirement of 180m² for R60 could be reduced to 120m².</p> <p>The current version of the R-Codes, which were introduced in August 2013, now includes site area provisions for grouped dwellings at the R80 coding. The average site area for grouped dwellings on R80 coded land is 120m², which represents the same site area as a one-third reduction for R60. As such, changing the dwellings from single bedroom dwellings to two bedroom (standard) grouped dwellings will not have implications on the overall site area calculations for the development.</p>

Item 13.5.7 Continued

	R-Code, Policy and/or DAP Provision	Assessment/Comment
		<p>In general terms, single bedroom dwellings are encouraged in order to provide greater diversity in housing options and provide for more affordable housing. The subject development area was originally intended to accommodate 65 single bedroom dwellings out of 90 dwellings, and as a result of this proposal it would be reduced to 51 dwellings, representing 56% of the development site. If the application approved by Council on 8 October 2013 is acted upon, it would reduce the number of single bedroom dwellings to 36 dwellings, representing 40% of the development site. As such, should this application be approved, it is considered that this development would still provide a significant amount of single bedroom dwellings.</p>
3.	<p>DAP Provision No. 9 For the designated Single Bedroom Sites, the plot ratio shall be limited to a maximum of 70m².</p>	<p>As mentioned above, the application is proposing to vary the DAP by providing two bedroom dwellings in lieu of single bedroom dwellings. Given that the proposed dwellings comply with the open space requirements, it is not considered necessary to restrict the maximum plot ratio for two bedroom dwellings.</p>

Amenity

The site has been earmarked for higher density residential development through the Residential R80 designation on the ODP. It is generally accepted that higher density housing in proximity to commercial centres supports their viability and encourages sustainable travel patterns. The proposed development is consistent with the objective for the site in providing higher density housing in close proximity to services and amenities.

In terms of considering whether the proposed development preserves the amenity of the locality and whether its bulk, scale and orientation conflicts with surrounding development, it should be noted that the area is residential in nature, with the majority of the existing housing stock having been developed in recent times. This housing stock is almost exclusively single storey on low to medium density lots. Although the proposed development provides a large scale of high density dwellings, it is considered that its visual impact would be consistent with surrounding development in the area and is therefore acceptable.

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 shops and amenities to support this form of density development
- The proposal is consistent with the R80 coding which is applicable to the site
- The proposal is generally compliant with the requirements of the R-Codes and the Detailed Area Plan, and where non-compliant, the variations are considered

Item 13.5.7 Continued

acceptable or can be made compliant through the imposition of appropriate conditions

- The development will not have a detrimental impact on the residential amenity of the area.

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

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- Residential Design Codes
- Local Planning Policy 1.1.1 - Residential Development
- Southern River Precinct 1B Outline Development Plan
- Detailed Area Plan approved 18 October 2010.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

563 Moved Cr P Yang Seconded Cr R Lawrence

That Council approves the application for 14 Grouped Dwellings at 57 (Lot 72) Holmes Street, Southern River, dated 30 October 2013 subject to the following conditions:

1. Arrangements being made to the satisfaction of the City of Gosnells, prior to the lodgement of a Building Permit application, to secure the payment of future developer cost contributions that will apply to the land upon finalisation of the draft Southern River Precinct 1B Outline Development Plan Development Contribution Arrangement.
2. The applicant shall submit details prescribing a functional drainage system, including detailed engineering drawings and where required, geotechnical site assessment (soil profile, groundwater conditions and permeability), as well as hydrologic and hydraulic calculations to demonstrate functionality of the design to the satisfaction of the City of Gosnells.

Item 13.5.7 Continued

3. All cut and fill to be retained within the property boundaries by structural engineer designed retaining walls of masonry or similar approved material, and are required to provide support to the boundary and any structure reliant on its integrity.
4. All crossovers are to be located and constructed to the City's specifications.
5. The site is to be connected to the reticulated sewerage system.
6. A landscape plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's Local Planning Policy 4.5 – Development – Landscaping, and approved by the City, prior to the lodgement of a Building Permit application.
7. Landscaping and irrigation of the development site and adjoining road verges is to be installed prior to occupying the proposed development, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Manager Parks and Environmental Operations.
8. Fencing within the street setback area shall be visually permeable a maximum of 1.2m above ground level and have a maximum height of 1.8 metres, except where necessary to provide sightlines to vehicles or screening to clothes drying areas.
9. 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.

CARRIED 10/0**FOR:** *Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.***AGAINST:** *Nil.*

13.5.8 DEVELOPMENT APPLICATION - OUTBUILDING - 5 (LOT 300) FYSH PLACE, HUNTINGDALE

Author: M Wallace
Author's Declaration Nil.
of Interest:
Reference: Nil.
Application No: DA13/00338
Applicant: M Carter
Owner: M Carter & A Summers
Location: 5 (Lot 300) Fysh Place, Huntingdale
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 680m²
Previous Ref: Nil.
Appendix: 13.5.8A Site Plan and Elevations

PURPOSE OF REPORT

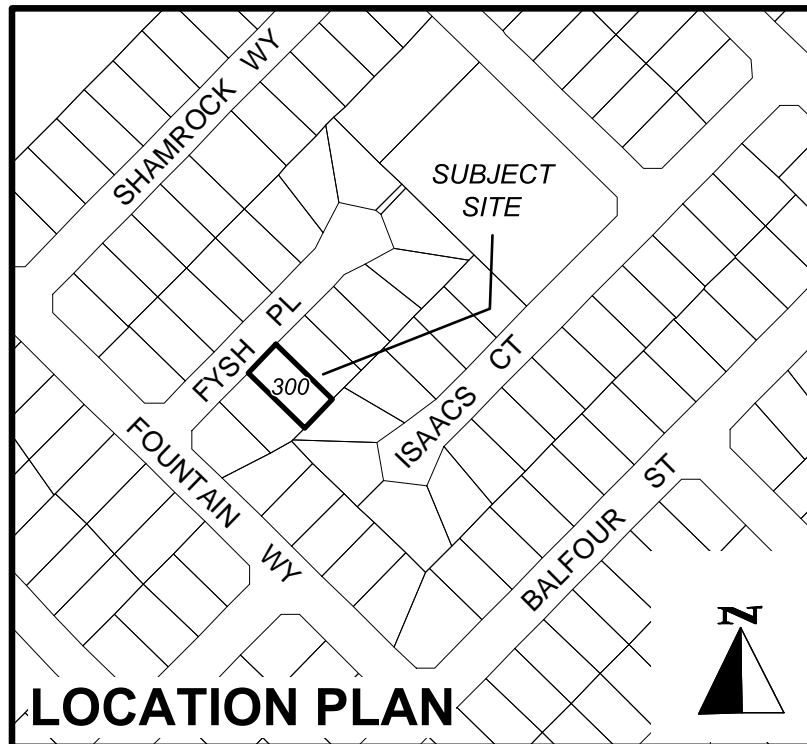
For Council to consider an application for planning approval for an Outbuilding at 5 (Lot 300) Fysh Place, Huntingdale as the proposal is outside the authority delegated to staff due to non-compliance with Local Planning Policy 2.2 - Outbuildings and Sea Containers.

BACKGROUND**Site Description and Planning Framework**

The subject site accommodates a single dwelling and is surrounded by low density residential properties.

A map identifying the location of the subject site follows:

Item 13.5.8 Continued



Proposal

The application involves the following:

- The construction of a 41.17m² (4.6m x 8.95m) outbuilding, located at the rear of the dwelling.
- The proposed outbuilding will have a wall height of 3.6m and a ridge height of 4.2m.
- The proposed outbuilding will be constructed of Colorbond.
- The proposed outbuilding is to be used to store a boat.

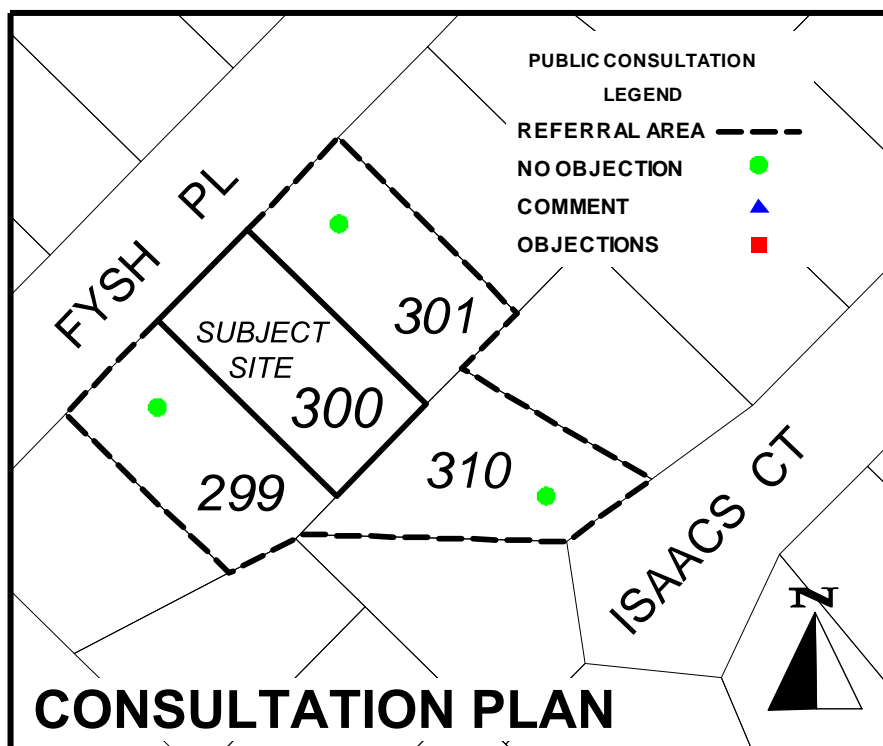
A site plan and elevations are contained as Appendix 13.5.8A.

Consultation

The proposal was required to be advertised for public comment as it did not meet the exemption criteria of Council's Outbuildings and Sea Containers Policy. In this instance, the applicant chose to undertake the consultation with the three directly affected landowners. In response, the City received three letters of no objection.

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

Item 13.5.8 Continued



DISCUSSION

Local Planning Policy 2.2 - Outbuildings and Sea Containers

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

The application does not meet all the requirements of Columns B and C (Acceptable) of Table 1 of the Policy with one aspect of the proposal falling within Column D (Unacceptable). In accordance with Clause 1.3 of the Policy, applications for outbuildings that fall within one or more of the criteria in Column D (Unacceptable) of Table 1 will generally be refused. The relevant criteria and staff assessment is tabled below.

Outbuildings Policy Requirements - Column D (Unacceptable Outbuildings)	Assessment/Comment
ii. The area, wall height and/or roof height of the outbuilding is more than 10% greater than specified in Column B. Column B provides for a maximum wall height of 3.0m and a maximum roof height of 4.2m.	The proposal includes a wall height of 3.6m, which is 20% more than the Policy criteria.

As detailed above, the proposal does not comply with the wall height requirements of the Policy.

Item 13.5.8 Continued

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

- No objections were received from surrounding landowners
- The proposed outbuilding is located at the rear of the dwelling and will therefore have a negligible impact on the streetscape
- The proposed outbuilding is constructed of Colorbond which is considered appropriate in residential areas.

Based on the above, the variation to the Outbuildings and Sea Containers Policy is considered acceptable in this instance.

CONCLUSION

The proposal is supported for the reasons outlined above.

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 2.2 - Outbuildings and Sea Containers.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

564 Moved Cr O Searle Seconded Cr J Brown

That Council approves the application for an Outbuilding at 5 (Lot 300) Fysh Place, Huntingdale, dated 12 September 2013 subject to the following conditions:

1. The applicant shall submit a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design. The design is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells.
2. The approved outbuilding is not to be used for habitation, commercial or industrial purposes, without the approval of the City.

CARRIED 10/0

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

AGAINST: *Nil.*

**13.5.9 AMENDMENT NO. 144 TO TOWN PLANNING SCHEME NO. 6 -
REZONING LAND BOUND BY SEVENOAKS STREET, WILLIAM STREET,
BICKLEY ROAD AND A DRAIN RESERVE, BECKENHAM FROM
GENERAL INDUSTRY TO SPECIAL USE (*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 LISSIMAN STREET PRECINCT IMPROVEMENT PLAN (*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 sixth report in these Minutes.

13.5.11 DEVELOPMENT APPLICATION - ADDITIONS TO EDUCATIONAL ESTABLISHMENT - 19 (LOT 1570) FURLEY ROAD, SOUTHERN RIVER

Author: M Wallace
Author's Declaration Nil.
of Interest:
Reference: 205086
Application No: DA13/00388
Applicant: Thornlie Christian College Inc.
Owner: Thornlie Christian College Inc.
Location: 19 (Lot 1570) Furley Road, Southern River
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 9.89ha
Previous Ref: Nil.
Appendices: 13.5.11A Site, Floor and Elevation Plans
13.5.11B Schedule of Submissions
13.5.11C Consultation Plan

PURPOSE OF REPORT

For Council to consider an application for planning approval for three transportable classrooms, one toilet block, and the construction of a driveway and car parking at 19 (Lot 1570) Furley Road, Southern River as the proposal is outside the authority delegated to staff due to objections received during the consultation period.

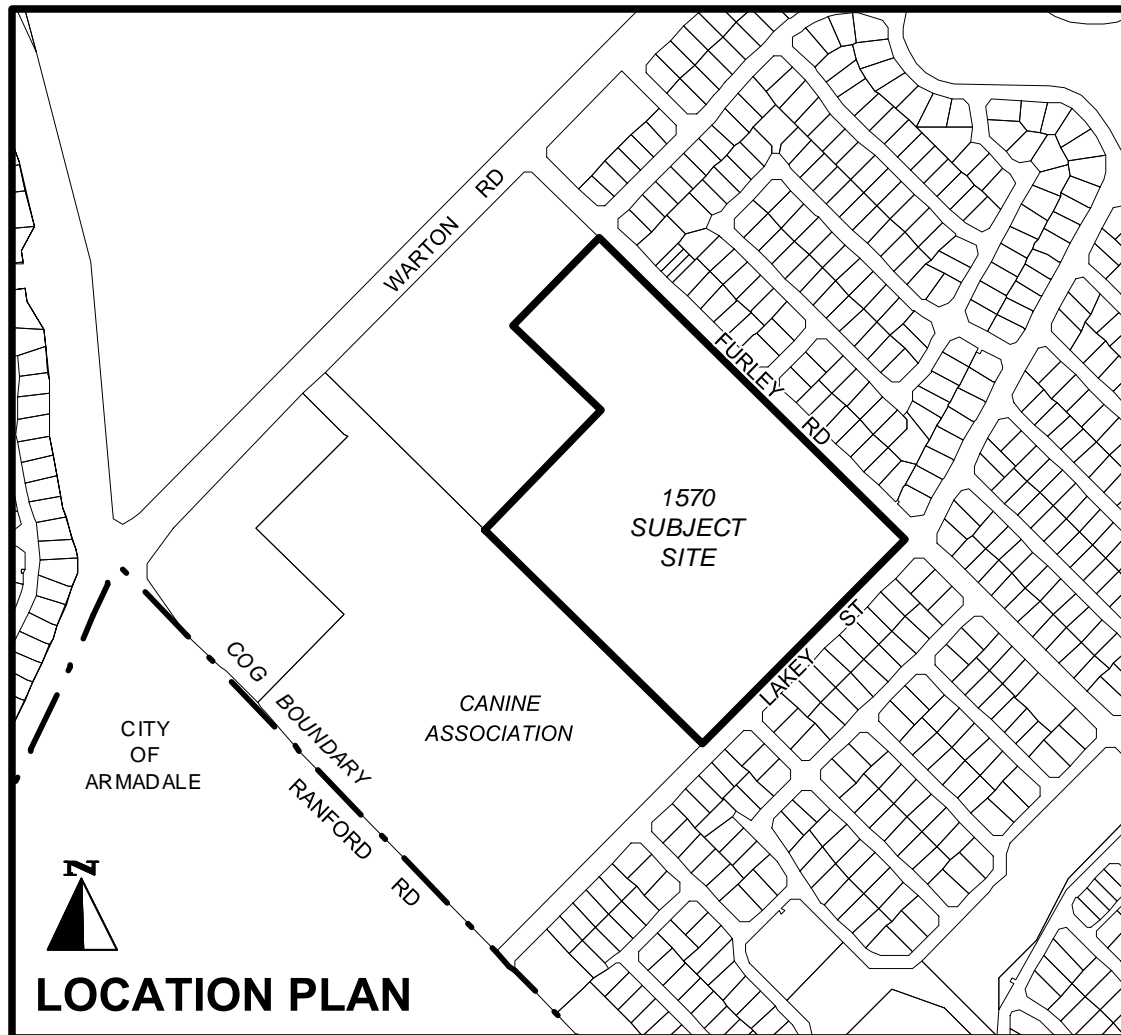
BACKGROUND**Site Description and Planning Framework**

The subject site is located at the intersection of Furley Road and Lakey Street and currently accommodates Thornlie Christian College.

Existing development on the site consists of an Educational Establishment (primary and high school buildings), an oval and associated access and carparking.

A map identifying the location of the subject site follows:

Item 13.5.11 Continued

**Proposal**

The application involves the following:

- The increase of student and staff numbers from 952 (855 students and 97 staff) to 1010 (900 students and 110 staff) by 2020
- The placement of three transportable classrooms on the site
- The construction of a toilet block
- The construction of 44 additional carparking bays, two bus bays and an internal driveway from Furley Road
- It should be noted that nine of the carparking bays and the two bus bays are located within the Furley Road verge and will require the relocation of an existing Transperth Bus Shelter.

The site, floor and elevation plans are contained as Appendix 13.5.11A.

Item 13.5.11 Continued

Consultation

The proposal was required to be advertised for public comment due to it involving an "A" use under TPS 6. In response, 13 submissions were received during the advertising period, three objecting to the proposal, eight raising no-objection and two which provided comment. A summary of these submissions and comments thereon are provided in Appendix 13.5.11B.

A map identifying the consultation area and the origin of each submission is contained in Appendix 13.5.11C.

The main issues raised in the submissions are as follows:

- Increased traffic congestion along Furley Road
- Impact on residential amenity.

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 "Private School" under the Southern River Precinct 5 Outline Development Plan. In accordance with TPS 6, an Educational Establishment is an "A" use in the Residential Development zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

Car Parking

The following table outlines TPS 6 parking requirements, based on the student and staff numbers contained within projections for the size of the school by 2020.

Use Class	TPS 6 Car Parking Standards	TPS 6 Car Parking Requirements	Car Parking Bays Provided
Education Establishment			A total of 211 bays have been proposed.
Pre-Primary	1 space for every 2 students	There will be 50 Pre-Primary students, therefore 25 bays are required.	
Primary School	14 drop - off spaces for every 100 students (may include on-street spaces)	There will be 400 Primary School students, therefore 56 bays are required.	
Secondary School	7 drop - off spaces for every 100 students (may include on-street spaces)	There will be 450 Secondary School students, therefore 32 bays are required.	
Staff	1 space for every staff member	There will be 110 staff, therefore 110 bays are required.	
Total		223 bays are required	

Item 13.5.11 Continued

As detailed above, the proposal represents a 12 bay shortfall, based on the 2020 student and staff projections.

There is scope to consider a variation to the parking requirements on the basis of Clause 5.13.3 of TPS 6 which states:

"Where the Council is satisfied that the circumstances of a development justify such action and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of parking spaces required by clause 5.13.1."

In considering the proposed variation, the following is relevant:

- The parking variation represents a 6% shortfall of TPS 6 requirements
- The school operates a private bus service that effectively reduces, to some degree, the reliance on private vehicles as a means of accessing the site
- It is anticipated that at least some of the students will arrive to the site by public transport, walking or cycling.

Notwithstanding the above, the submitted plans indicate two areas as "future carparks" and it will therefore be recommended that rather than Council supporting a variation to the parking requirements, that it imposes a condition requiring the provisions of 223 bays in accordance with TPS 6.

Traffic and Transport

Objections to the proposal raised concerns regarding an increase in traffic congestion along Furley Road. As part of the application, the applicant submitted a Transport Assessment which concluded that the proposal would have a minimal overall impact on the surrounding road network. Notwithstanding the conclusion of the Transport Assessment, it is considered that the expanded Thornlie Christian College will have at least some impact on the surrounding road network, especially Furley Road.

With regard to the surrounding road network, daily vehicle access to the site is currently only available via Furley Road, which is designated as a Local Distributor Road, with a maximum capacity of 6,000 vehicles per day. In 2009, the City undertook a traffic count of Furley Road, which indicated that the road accommodated 4,011 vehicles per day. Although Thornlie Christian College was not fully developed in 2009, it is anticipated that in 2020 the expanded college will result in an extra 45 students, and 13 staff members, which is expected to result in a maximum of 103 additional visits to the site per day based on two visits by students' parents (morning and afternoon) and one visit by each staff member. It is noted that there will be an increase in traffic volumes, however, this anticipated increase will be within the maximum limit designated to Local Distributor Roads.

In 2013, the City commissioned an independent Road Safety Audit for the area surrounding the school. The report suggested that currently there is a lack of pedestrian crossing facilities, no footpath adjacent to the school and long traffic queues on Furley Road due to school pick-up congestion. These issues increase the possibility of pedestrian accidents. To alleviate the existing traffic safety concerns, the Audit recommended the installation of a bus embayment (which this proposal includes), a pedestrian island along Furley Road, and path linkages between Heysen Parade and

Item 13.5.11 Continued

Lakey Street. Based on the above, it will be recommended that if the application is approved, Council imposes a condition requiring the applicant to contribute to the cost of providing the necessary traffic management treatments, as suggested by the Road Safety Audit.

Amenity

From a built form perspective, the proposal involves the placement of three transportable classrooms, the construction of a toilet block, and the construction of an internal driveway and car parking. In this regard, the proposal is expected to have limited impact on the amenity of the residential area as all of the proposed buildings will be screened from public view by existing development.

One submission raised concerns regarding the proposed embayment located along Furley Road, and the possibility of viewing buses from the submitter's residential property. The applicant has advised that the buses will only be parked in the embayment between school pick-up and drop-off hours. During the day, the buses will be parked within the school premise, near the internal roundabout, which is out of view from surrounding residential properties. Ultimately, it is considered acceptable for buses to be parked outside a school for a short period each school day.

CONCLUSION

The proposal is supported for the following reasons:

- It is not expected to generate excessive amounts of traffic within the surrounding locality
- It will improve vehicle safety for users of the site by constructing embayments along Furley Road, which is anticipated to alleviate current traffic congestion
- A condition can be imposed requiring the provision of car parking bays in accordance with TPS 6 standards.

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
- Southern River Precinct 5 Outline Development Plan.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.5.11 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

565 Moved Cr R Hoffman Seconded Cr O Searle

That Council approves the application for three transportable classrooms, one toilet block, and the construction of an internal driveway and associated parking at 19 (Lot 1570) Furley Road, Southern River dated 15 October 2013 subject to the following conditions:

1. The applicant shall submit a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design. The design is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells.
2. A minimum of 223 carparking bays are to be provided, prior to the occupation of the buildings, and maintained to the satisfaction of the City. The driveways, accessways and carbays are to be paved, drained and marked to the City's standards in accordance with the approved plan.
3. Satisfactory arrangements being made with the City, for the design associated with the proposed on-street parking bays.
4. The proposed hardstand areas are to be paved, sealed and drained to the City's satisfaction.
5. External finishes and colour schemes are to be submitted prior to the lodgement of a Building Permit application to the satisfaction of the City.
6. Satisfactory arrangements being made with the City, for the provision of a 50% financial contribution to the cost of providing the necessary traffic management treatments, as suggested by the Road Safety Audit.
7. Satisfactory arrangements being made with the City for the relocation of the existing Transperth bus shelter along Furley Road with the costs being met by the Thornlie Christian College.

CARRIED 10/0

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

AGAINST: *Nil.*

13.5.12 DEVELOPMENT APPLICATION - CHANGE OF USE TO WAREHOUSE AND STORAGE - 1700 (LOT 99) ALBANY HIGHWAY, KENWICK

Author: R Munyard
Author's Declaration Nil.
of Interest:
Reference: 307750
Application No: DA13/00279
Applicant: Dynamic Planning & Developments
Owner: Erica Court Pty Ltd
Location: 1700 (Lot 99) Albany Highway, Kenwick
Zoning: MRS: Urban
TPS No. 6: General Industry
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 4,473m²
Previous Ref: Nil.
Appendix: 13.5.12A Site, Floor and Elevation Plans

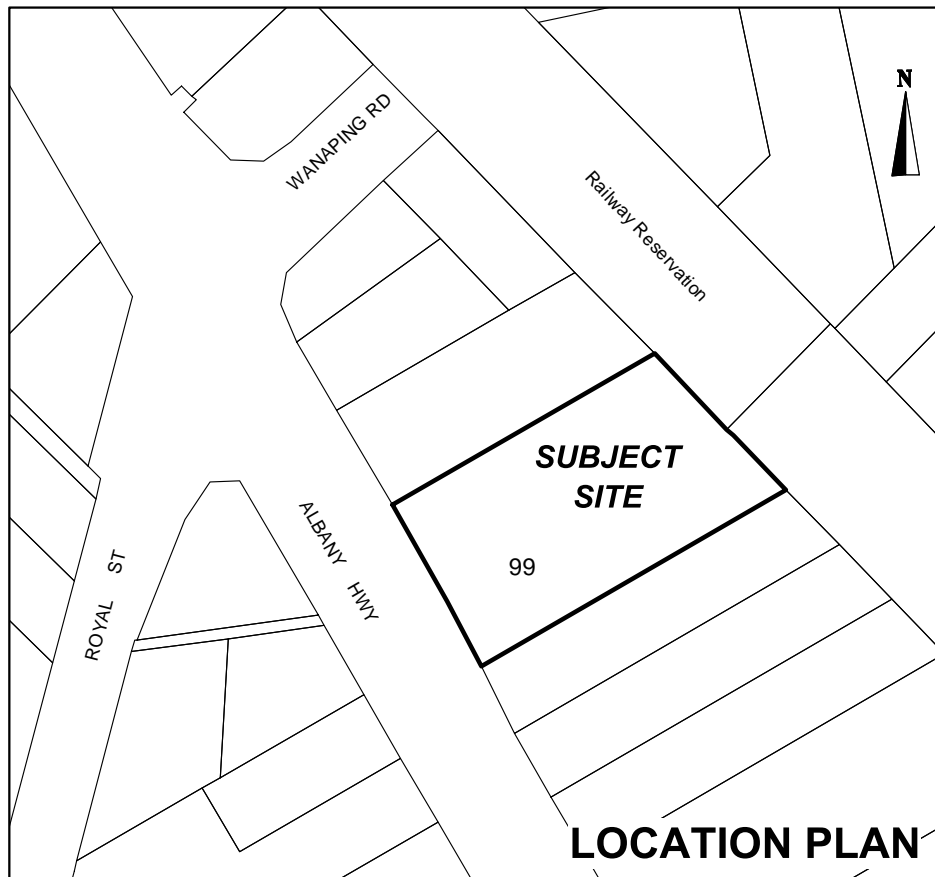
PURPOSE OF REPORT

For Council to consider an application for planning approval to change the use of the site to Warehouse and Storage (including additions and minor alterations to the existing building) at 1700 (Lot 99) Albany Highway, Kenwick as the proposal is outside the authority delegated to staff due to non-compliance with the carparking requirements of Town Planning Scheme No. 6 (TPS 6).

BACKGROUND**Site Description and Planning Framework**

The subject site accommodates an existing Warehouse and Incidental Office building. The subject site has frontage to Albany Highway and is located approximately 64m from the intersection with Royal Street. To the rear of the site is the Armadale-Perth railway reserve.

A map identifying the location of the subject site follows:

Item 13.5.12 Continued**Proposal**

The application involves the following:

- The use of the site for the storage of concrete tilt panels and associated products, such as large concrete frameworks, trusses and panels
- The provision of 29 carparking bays
- A 979m² covered extension to the existing building at the north-east corner of the subject site. This extension is proposed for the storage of concrete tilt panels and associated products which are currently being stored out in the open
- Three full-time employees
- The provision of a landscape strip ranging between 1.86m and 3m in width across the property frontage.

The site, floor and elevation plans are contained as Appendix 13.5.12A.

Consultation

The proposal was not required to be advertised for public consultation.

Item 13.5.12 Continued

Referrals

The proposal was referred to Main Roads Western Australia (MRWA) and the Public Transport Authority (PTA) for comment. MRWA did not object to the application and recommended conditions for inclusion on any approval that may be issued. A response from the PTA was not received.

DISCUSSION

Town Planning Scheme No. 6

Land Use Permissibility

The subject site is zoned General Industry under TPS 6. In accordance with TPS 6, 'Warehouse' and 'Storage' are both "D" uses in the General Industry zone, meaning they are not permitted unless the local government has exercised its discretion by granting planning approval.

Car Parking

In accordance with Clause 5.13.1 of TPS 6, where a land use is not specified in Table No. 3A, the Council shall determine car parking requirements having regard to the nature of development, the number of vehicles likely to be attracted to the development and the maintenance of desirable safety, convenience and amenity standards.

There are no parking requirements under TPS 6 for the 'Storage' land use, which is defined as "*premises used for the storage of goods, equipment, plant or materials*". A warehouse is defined as a "*premises used to store or display goods and may include sale by wholesale*". Given the similarity in land uses, the carparking requirements for Warehouse have been used in this instance.

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
Warehouse	1 space for every 100m ² gross floor area, plus 1 space for every employee.	A total of 3,614m ² (comprising the existing building and the proposed additions) of gross floor area is proposed, therefore 37 bays (rounded up) are required. A total of three employers are proposed, therefore three bays are required.	The application involves the provision of 29 bays.
Total		A total of 40 bays are required by TPS 6.	

The proposal represents an 11 bay variation to the TPS 6 requirements.

Clause 5.13.3 of TPS 6 provides Council with scope to consider a variation to the car parking requirements providing a rational and substantiated case exists. In considering the variation, the following is relevant:

Item 13.5.12 Continued

- The existing building is to be used for long term storage of the concrete products, with products only being removed from storage on an "as required" basis
- The proposed covered extension is to be used for warehouse purposes, being short-term storage prior to any wholesale purchases by customers
- The site will accommodate only three full-time employees.

Based on the apparent limited practical demand for car parking on the site, the variation is considered acceptable.

Landscaping

The site currently accommodates a 0.2m wide landscaping strip, however TPS 6 requires a 3m wide landscaping strip abutting all streets.

In this regard, it is noted that there is room within the front setback area (in front of the existing building) to accommodate a marginally wider landscape strip, however it is acknowledged that it still would not meet the requirements of TPS 6. The current 14.074m front setback provides the requisite amount for room for clearances around the pedestrian door, as per the requirements of the Building Code of Australia, a vehicle aisle and 90 degree car parking bays, thus leaving 1.86m for the widening of this portion of the existing landscape strip.

It is considered appropriate to support the reduced landscaping strip in the context of the limitations placed on the subject site due to the existing building. Furthermore, it should be noted that the portion of landscaping strip between the two existing crossovers is proposed to be widened to 3m for its entire length, as per the requirements of Table No. 2B. This represents an average total width of 2.43m for the proposed landscaping strip and is considered an overall improvement to the subject site and is therefore supported.

CONCLUSION

The proposal is supported for the following reasons:

- It is considered that the change of use to Warehouse and Storage is of a lesser demand than the previously approved use and that there is ample car parking provided to cater for the demands
- The widening of the landscape strip is considered to improve the aesthetics of the subject site and will bring this particular issue closer towards compliance with TPS 6
- The covering of the open store area is considered to enhance the visual amenity of the locality by screening the previously visible products from the street.

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

Item 13.5.12 Continued

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simply Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

566 Moved Cr J Brown Seconded Cr G Dewhurst

That Council approves the application for planning approval for a Warehouse and Storage at 1700 (Lot 99) Albany Highway, Kenwick, dated 1 August 2013 and the amended plans received 4 September 2013 and 26 September 2013, subject to the following conditions:

1. A geotechnical report is to be submitted in accordance with Australian Standards, certifying that the land is physically capable of development and detailing site conditions with respect to soil, groundwater and stormwater disposal. The report is to stipulate whether the site is suitable for on-site infiltration or what works are required to be implemented to provide for this capability or a suggested alternate means of disposal.
2. The applicant shall submit a drainage design, prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design. The design is to be endorsed prior to the lodgement of a Building Permit application and thereafter implemented to the satisfaction of the City of Gosnells.
3. A minimum of 29 carparking bays are to be provided, prior to the occupation of the building, and maintained to the satisfaction of the City. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
4. The carparking area and landscaping located in the front setback area is not to be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storing of fuel, raw materials, products or by-products or wastes of manufacture, in accordance with Town Planning Scheme No. 6.

Item 13.5.12 Continued

5. A landscape plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's Local Planning Policy 4.5 - Development - Landscaping, and approved by the City, prior to the lodgement of a Building Permit application.
6. 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.
7. No earthworks shall encroach onto the Albany Highway reserve.
8. No stormwater drainage shall be discharged into the Albany Highway reserve.
9. The applicant shall make good any damage to the existing verge vegetation within the Albany Highway reservation.
10. All vehicle access shall be restricted to the existing driveway.

CARRIED 10/0**FOR:** *Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.***AGAINST:** *Nil.*

13.5.13 DEVELOPMENT APPLICATION - INDUSTRY - SERVICE (FABRICATION OF TRANSPORTABLE DWELLINGS) - 225 (LOT 508) KELVIN ROAD, ORANGE GROVE

Author: R Munyard
Author's Declaration Nil.
of Interest:
Reference: 205461
Application No: DA13/00156
Applicant: Nordic Homes
Owner: Tiana 52 Pty Ltd
Location: 225 (Lot 508) Kelvin Road, Orange Grove
Zoning: MRS: Rural
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 2.0235ha
Previous Ref: 22 November 2011 (Resolution 537)
25 October 2011 (Resolutions 461-462)
13 September 2011 (Resolution 402)
Appendices: 13.5.13A Previously Approved Plans
13.5.13B Site Plan, Floor Plans and Elevation Plans

PURPOSE OF REPORT

For Council to consider an application for planning approval for an Industry - Service (Fabrication of Transportable Dwellings) at 225 (Lot 508) Kelvin Road, Orange Grove, as a similar proposal for the site was previously determined by Council.

BACKGROUND**Site History**

On 13 September 2011, Council considered a development application for an Industry - Service (the fabrication of transportable dwellings) and resolved (Resolution 402) to defer the matter to allow consideration of the suitability of the proposal and surrounding land uses in the context of the current draft Foothills Rural Strategy.

On 25 October 2011, Council considered a review of the planning guidance and use of land adjacent to Kelvin Road, Orange Grove. At that meeting, Council resolved (Resolutions 461-462) as follows:

Resolution 461:

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

Resolution 462:

"That Council require the draft Foothills Rural Strategy be amended to exclude the Kelvin Road (Orange Grove) Precinct from Precinct 3 and incorporate guidelines for a more flexible approach to land use and development in the area"

Item 13.5.13 Continued

to be exercised provided that certain criteria are met in respect to servicing requirements, land capability and minimising any detrimental impact on the amenity of the locality."

On 22 November 2011, Council reconsidered the original development application for the Industry - Service and resolved (Resolution 537) to approve the application.

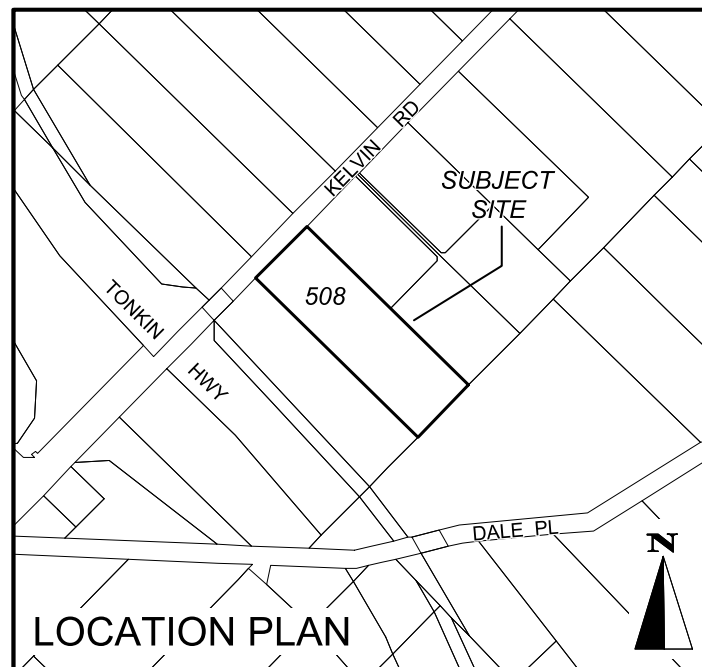
Site Description and Planning Framework

The subject site abuts Kelvin Road near the intersection with Tonkin Highway. The Highway is a Primary Regional Road and is managed by Main Roads Western Australia. The subject site is also within the Dampier to Kwinana Gas Pipeline Buffer.

Existing development on the site consists of a single dwelling and associated outbuildings. The northern portion of the site is mostly cleared and slopes gently away from the Kelvin Road frontage. The property is zoned Rural under the Metropolitan Region Scheme (MRS) and General Rural under Town Planning Scheme No. 6 (TPS 6). The subject site is located within Precinct Three of the City's draft Foothills Rural Strategy area.

The surrounding properties are similarly zoned for rural purposes, some of which accommodate commercial uses (such as landscape supplies, cutting and storing of firewood, an equine club) or rural residential uses.

A map identifying the location of the subject site follows.



Item 13.5.13 Continued

Proposal

The previously approved application included the following:

- Demolishing the existing dwelling and outbuildings and the clearing of vegetation from the site
- The use of the site for the construction of transportable dwellings. Modular components for the dwellings are fabricated elsewhere and transported to the subject site for assembly into the finished product
- A display centre and sales office for the transportable dwellings
- The proposed hours of operation of the construction component are Monday to Friday, from 6am to 5pm. The proposed hours of operation for the sales office and display area are from 9am to 2pm on Saturdays
- Deliveries of the modular components to the site will typically be via utility vehicle or 8 tonne truck. Concrete floor panels (manufactured off-site) will be delivered via a low loader which will have a maximum length of 25m. The maximum length of a truck transporting an assembled dwelling from the site is 25m
- Deliveries to the site will average three to four times per day during the abovementioned operating hours. There will be no deliveries to the site on Saturdays. Completed dwellings will be transported from the site up to twice per week
- Up to 30 employees, consisting of approximately eight to ten office staff and approximately 20 to 22 fabrication staff, will be on the site at any one time.

The previously approved plans are contained as Appendix 13.5.13A.

The new application is consistent with the previously approved application in all aspects except for the following:

- Relocation of the 126m² (15m x 8.4m) office building so as to be setback 27m from the front boundary
- The erection of a 648m² (36m x 18m) shed, to be used for incidental storage of modular components prior to the fabrication of the transportable dwellings. The building will have a wall height of 6m, an overall height of 7.58m and will be constructed of Colorbond "Surfmist" (ie grey/cream)
- The construction of an 18m² (6m x 3m) toilet/amenities block in Colorbond "Surfmist" (that is, grey/cream)
- The construction of a 36m² (12m x 3m) employee lunch room in Colorbond "Surfmist" (that is, grey/cream)
- Minor relocation of the display area
- Modifications to the carparking layout
- Landscape screening of the proposed shed to Tonkin Highway.

The site, floor and elevation plans for the proposed additions are contained as Appendix 13.5.13B.

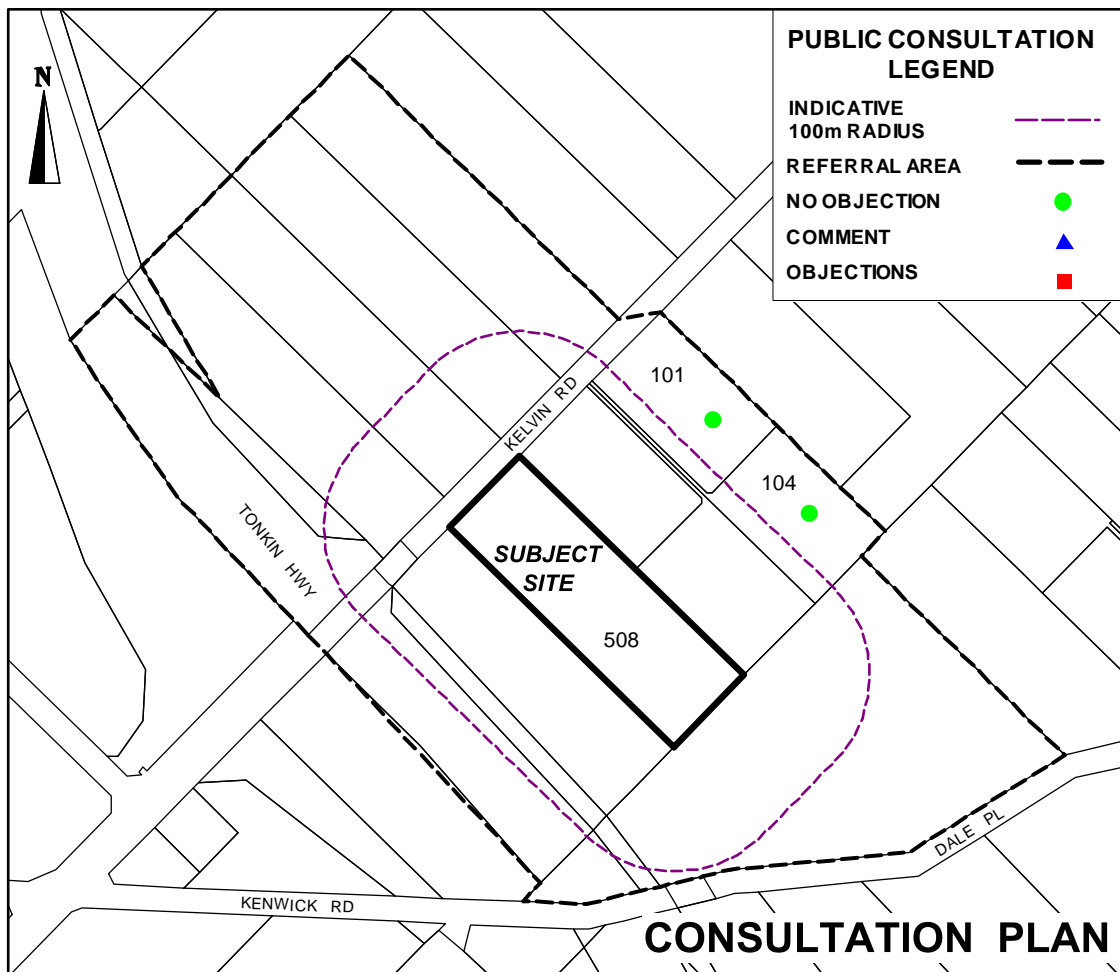
Item 13.5.13 Continued

Consultation

Public comment was invited on the proposal due to the requirements of Local Planning Policy 4.1 - Public Consultation for a period of 14 days, being from 13 September 2013 to 27 September 2013. Letters were sent to the owners of 10 properties within the consultation area.

One submission was received during the advertising period, raising no-objection to the proposal. It should be noted that the sole submission received is from a landowner with multiple affected properties within the consultation area.

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



Item 13.5.13 Continued

Referrals

The proposal was referred to Main Roads Western Australia (MRWA) for comment. MRWA did not object to the application and recommended conditions for inclusion on any approval that may be issued.

DISCUSSION

Town Planning Scheme No. 6

Land Use Permissibility

The subject site is zoned General Rural under TPS 6. In accordance with TPS 6, an Industry - Service is an "X" use in the General Rural zone, meaning it is not permitted by the Scheme.

On 1 November 2013, Amendment No. 129 to TPS 6 was gazetted, which sought to modify both the Scheme Text and Map for the purpose of updating Text provisions and correcting various minor Map anomalies.

With regards to the subject proposal, Amendment No. 129 modified the permissibility of an Industry - Service land use within the General Rural zone from an "A" use (meaning it is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice to land owners and occupiers) to an "X" use (meaning a use that is not permitted by TPS 6).

Clause 4.8 of TPS 6 states that:

"Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent:

- (a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;*
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current;"*

In this regard it is noted that as the original application received approval and was enacted prior to the gazettal of Amendment No. 129, the subject site currently enjoys non-conforming use rights for the construction of transportable dwellings (Industry - Service).

Clause 4.9 of TPS 6 allows for extensions to a non-confirming use right, provided the application has been advertised in accordance with TPS 6 requirements.

Car Parking

There are no parking requirements under TPS 6 for an Industry - Service. Under TPS 6, Industry - Service is defined as a Light Industry that may have a retail shop front and from which goods manufactured on the premises may be sold. Therefore the

Item 13.5.13 Continued

car parking requirements for Industry - Light have been used, given the similarity in land uses.

In the context of the proposal, the parking requirement is based on the amount of open space used for the fabrication of the dwellings (including the incidental storage area), the floor area of the sales office and the number of employees working on the site. It translates to a requirement for 139 car parking bays, however, only 35 bays are proposed, representing a 104 bays variation to the Scheme requirement.

In considering this variation, it should be noted that Council previously granted approval for a 102 bay shortfall in accordance with Clause 5.13.3 of TPS 6, (that is, a requirement for the provision of 37 bays) on the basis that due to the nature of the work, it is likely that only a single tradesperson will work on the fabrication of a house at any one time and the contractors will likely park their vehicles alongside the construction bays for ease of access to tools. Furthermore, the applicant advised that office staff and visitors would be able to park at the front of the site.

Given that Council has already granted generous car parking concessions for the site, it is considered inappropriate to grant further concessions as part of the subject proposal. If the applications is approved, it will therefore be recommended that a condition be imposed requiring the provision of 37 bays.

Setbacks

The proposal complies with the setback requirements under TPS 6 for a General Rural zone which stipulates a minimum 15m primary street setback and a minimum 3m side and rear setback.

Amenity**Rural Amenity**

The subject property is within an area that is zoned General Rural. The surrounding properties are all rural lots which are either rural-industrial type uses such as landscape supplies, cutting and storing of firewood, an equine club or containing a single dwelling. In relation to the impact on the amenity of neighbouring properties, the nearest dwelling is approximately 20m from the subject site and no submission was received from the landowner.

Whilst the development would accommodate a business that would normally be located in a typical industrial area, it is acknowledged that the subject site, by virtue of it fronting Kelvin Road and being located in close proximity to Tonkin Highway does not enjoy a high level of rural amenity.

Visual Amenity

Given the size of the subject lot, it is considered that the ablutions block and employee lunch room additions would not negatively impact on the visual amenity of the nearby rural lots. In regard to the storage shed, it is proposed to be erected to cover a series of racking and shelving units. The previous approval provided for the racking and shelving units to be placed within an open storage area and it is considered that containing those racking and shelving units within a storage shed will improve the presentation of the subject site.

Item 13.5.13 Continued

In regard to the proposed 6m wall height and 7.58m overall height, it is acknowledged that such a storage shed will be clearly visible from the public realm and would generally be considered unacceptable within a Rural zone. In considering this matter, the following is relevant:

- Council has previously accepted that the subject site forms part of a quasi-industrial precinct that does not enjoy a normal level of rural amenity
- The storage shed will screen goods that would otherwise be stored in an open-air format
- No objections were received from nearby landowners
- The storage shed will be clad in Colorbond (as opposed to zincalume)
- The storage shed will be setback approximately 47m from Kelvin Road.

Based on the above, the proposed storage shed is considered acceptable.

Noise

The storage shed, ablutions block and employee lunch room additions to the existing approved use on the subject site (which in itself only involves the assembly of prefabricated modular building components into the finished product which can be done using tools that do not require hearing protection) do not generate any additional demand for extra work bays for fabrication of the dwellings. In this regard, it is considered that the proposed additions will not generate any additional noise impacts outside of what was originally approved by Council.

In any event, the use of the site is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Traffic

The portion of Kelvin Road fronted by the subject site is classified as an 'A District Distributor Road', which is designated as being able to accommodate over 8,000 vehicles per day.

The proposed delivery vehicle movements to the site will typically be via utility vehicle or eight tonne truck. Concrete floor panels (manufactured off-site) will be delivered via a low loader which will have a maximum length of 25m. These deliveries will occur on average between three and four times a day between the hours of 6am and 5pm Monday to Friday. Notably, the Department of Transport Guidelines restrict the movement of those larger vehicles, which carry the transportable buildings, to times outside of the morning and afternoon peak traffic periods in order to reduce wider traffic impacts. The applicant has stated that deliveries will not occur on Saturdays.

The removal of completed dwellings from the site will be a maximum of two per week and will require between one and three trucks to complete the delivery. The maximum length of a truck transporting an assembled dwelling from the site is 25m.

The proposed vehicle movements are not considered significant in terms of Kelvin Road's design capacity.

Item 13.5.13 Continued

The internal driveway layout of the site has been designed in such a way that the transportable units can be loaded onto the delivery vehicle without encroaching onto Kelvin Road during loading times. Vehicular access to and from the site will be in a forward motion.

As the storage shed, ablutions block and employee lunch room additions do not generate any additional demand for extra work bays for fabrication of the dwellings, it is considered that the proposed additions will not generate any additional traffic volume beyond what was originally approved by Council.

CONCLUSION

The proposal is supported for the following reasons:

- On 25 October 2011, Council resolved to exclude the Kelvin Road (Orange Grove) Precinct from Precinct 3 of the draft Foothills Rural Strategy and to also incorporate guidelines for a more flexible approach to land use and development in that area. This was in recognition that the Kelvin Road (Orange Grove) Precinct does not have the same high level of landscape character, environmental value or rural amenity as the rest of Precinct 3
- It is expected that the proposal will not create technical traffic issues above the capacity of Kelvin Road
- No intensive or excessively noisy activities will be undertaken on-site
- Council has previously granted approval for an Industry - Service to be conducted on the subject site, and the proposed extensions (storage shed, ablutions block and employee lunch room additions) are considered to be 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
- Draft Foothills Rural Strategy.

VOTING REQUIREMENTS

Simply Majority required.

Item 13.5.13 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

567 Moved Cr J Brown Seconded Cr R Lawrence

That Council approves the application for an Industry - Service (Fabrication of Transportable Dwellings) at 225 (Lot 508) Kelvin Road, Orange Grove, dated 14 May 2013 and the amended plans received 26 July 2013 subject to the following conditions:

1. The submission and acceptance of an amended site plan, generally in accordance with the submitted plans but modified to provide a minimum of 37 car parking bays in accordance with Town Planning Scheme No. 6. The amended plan is to be to the City's satisfaction and submitted prior to the lodgement of a Building Permit application.
2. A landscape plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's Local Planning Policy 4.5 - Development - Landscaping, and approved by the City, prior to the lodgement of a Building Permit application.
3. Landscaping and irrigation of the development site and adjoining road verges is to be installed prior to occupying the proposed development, and thereafter maintained, in accordance with the approved landscaping plan to the satisfaction of the Manager Parks and Environmental Operations.
4. The proposed hardstand area is to be paved, sealed and drained to the City's satisfaction prior to the commencement of use.
5. A minimum of 37 carparking bays are to be provided, prior to the occupation of the building(s), and maintained to the satisfaction of the City. The driveways, accessways and carbays are to be paved, drained and marked to City's standards in accordance with the approved plan and Table 3B of Town Planning Scheme No. 6.
6. Visitor parking bays are to be permanently marked prior to the commencement of use and maintained at all times for use exclusively by visitors to the property, be clearly visible from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development.
7. The carparking area and landscaping located in the front setback area is not to be used for the storage of motor vehicles, machinery, equipment or materials which are being wrecked or repaired, or for the stacking or storing of fuel, raw materials, products or by-products or wastes of manufacture, in accordance with Town Planning Scheme No. 6.
8. The drainage plan, endorsed by the City's Technical Services branch on 8 April 2013, is to be implemented, and all required drainage infrastructure thereafter maintained, to the satisfaction of the City.

Item 13.5.13 Continued

9. An approved on-site effluent disposal system adequate to the proposed use of the premises is to be installed to the satisfaction of the City.
10. All signage for the proposed development including painted signs are subject to a separate application and licence being lodged with and approved by the City. Roof mounted or flashing signage will not be permitted.
11. No earthworks are to encroach onto the Tonkin Highway/Kelvin Road reserve.
12. No stormwater drainage shall be discharged onto the Tonkin Highway/Kelvin Road reserve.
13. The applicant shall make good any damage done to the existing verge and its vegetation within the Tonkin Highway/Kelvin Road reserve.

CARRIED 9/1**FOR:** *Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr P Yang and Cr D Griffiths.***AGAINST:** *Cr O Searle.*

13.6 GOVERNANCE

13.6.1 CITY OF GOSNELLS AMENDMENT LOCAL LAW 2014 (*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 eight report in these Minutes.

13.6.2 AMENDMENTS TO EXISTING COMPLIANCE AND ENFORCEMENT POLICY AND PROPOSED NEW POLICIES (*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 ninth report in these Minutes.

13.6.3 APPOINTMENT OF DELEGATES TO THE CITY'S ROADWISE ADVISORY GROUP, HISTORY AND HERITAGE ADVISORY GROUP AND THE GOSNELLS DISTRICT NEIGHBOURHOOD WATCH ASSOCIATION (*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 seventh report in these Minutes.

13.6.4 DEVELOPMENT APPLICATION - PATIO - 84 (LOT 242) WATERFOOT LOOP 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 tenth report in these Minutes.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. URGENT BUSINESS
(by permission of Council)**15.1 CENTRAL MADDINGTON OUTLINE DEVELOPMENT PLAN - DRAFT DEVELOPMENT CONTRIBUTION PLAN REPORT - OUTCOMES OF CONSULTATION (*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 eleventh report in these Minutes.

16. CONFIDENTIAL MATTERS

The Appendices associated with the following three reports contain confidential information in accordance with Section 5.23(2)(b) of the *Local Government Act 1995*.

16.1 SELECTION OF THE 2013 PREMIER'S AUSTRALIA DAY ACTIVE CITIZENSHIP AWARD RECIPIENTS

Author: P Quigley
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 16.1A Confidential Appendix - Premier's Australia Day Active Citizenship Award 2013 - Summary of Applications Submitted for Assessment and Officer Assessment

PURPOSE OF REPORT

To advise Council of the City of Gosnells Premier's Australia Day Active Citizenship Award applications for 2013 and for Council to determine the recipients under the nominated categories in accordance with Council Policy 3.2.5 - Australia Day Awards Selection.

BACKGROUND

The City of Gosnells has for several years participated in the Australia Day Council of Western Australia's Premier's Australia Day Active Citizenship Awards program. The criterion to be used to assist in assessing the nominations is specified by the Australia Day Council of Western Australia.

Between September and November 2013 invitations for nominations for the Premier's Australia Day Active Citizenship Awards were advertised widely within the community via local newspaper advertising; City's website; City Programs booklet; direct mail to community groups, sporting clubs, school principals and chaplains and correspondence to Councillors and City staff.

At the time of closure of nominations on 22 November 2013, a total of 13 applications were received by the City in the following categories:

Category	Number of applications received
Premier's Australia Day Active Citizenship Award - 25yrs and over category	7
Premier's Australia Day Active Citizenship Award - Under 25yrs category	4
Premier's Australia Day Active Citizenship Award – Community group or event category	2

Item 16.1 Continued

Following the closure date, the nominations were evaluated by officers using the selection criteria contained within Council Policy 3.2.5 - Australia Day Awards Selection. The evaluation matrix is presented to Council for consideration in Confidential Appendix 16.1A.

DISCUSSION

A summary of applications received by the City under the three categories, together with Officer Scoring Assessments against the criteria contained within Council Policy 3.2.5 are included in Confidential Appendix 16.1A.

In accordance with Council Policy 3.2.5 - Australia Day Awards Selection, Council is required to consider and subsequently approve or not approve the recommended award recipients for the three Premier's Australia Day Active Citizenship Award categories under consideration. Should Council approve the award recipients, the announcement of the recipients is to be embargoed until the City's Australia Day event on 26 January 2014.

Recommendations of award recipients are presented in Confidential Appendix 16.1A attached to this report.

FINANCIAL IMPLICATIONS

The cost to the City to facilitate the selection process and award presentations for the Premier's Australia Day Active Citizenship Awards is estimated at \$500. Funds are included within the City's 2013/14 operating budget for this project (Account 91-92402-3295-000 - Leisure Services Australia Day Sundry Expenses).

STATUTORY IMPLICATIONS

Council Policy 3.2.5 – Australia Day Awards Selection is relevant.

Information contained in Confidential Appendix 16.1A is confidential in accordance with Section 5.23(2)(b) of the *Local Government Act 1995* as it contains information relating to the personal affairs of a person.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION

568 Moved Cr R Lawrence Seconded Cr P Yang

That Council awards the Premier's Australia Day Active Citizenship Award - 25yrs and over category for 2013 to Candidate 1 as listed in Confidential Appendix 16.1A with the name of the winner of the category embargoed until the City's Australia Day event to be held on 26 January 2014.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

Item 16.1 Continued

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION
--

569 Moved Cr R Lawrence Seconded Cr P Yang

That Council awards the Premier's Australia Day Active Citizenship Award - Under 25 years category for 2013 to Candidates 1 and 2 as listed in Confidential Appendix 16.1A with the names of the joint winners of the category embargoed until the City's Australia Day event to be held on 26 January 2014.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

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

570 Moved Cr R Lawrence Seconded Cr P Yang

That Council awards the Premier's Australia Day Active Citizenship Award - Community group or event Category for 2013 to Candidate 1 as listed in Confidential Appendix 16.1A with the name of the winner of the category embargoed until the City's Australia Day event to be held on 26 January 2014.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

16.2 HISTORY AND HERITAGE AWARDS - CONSIDERATION AND APPROVAL OF AWARDS FOR 2013

Author: S. Gurney
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 16.2A Confidential Appendix – History and Heritage Awards 2013 – Summary of Applications Submitted and Officer's Assessment

PURPOSE OF REPORT

To advise Council of the History and Heritage Awards applications received for 2013 and for Council to determine the recipients under the two categories in accordance with Policy 3.3.6 History and Heritage Awards Selection.

BACKGROUND

The History and Heritage Awards 2013 consists of two categories:

- History Award, which aims to encourage individuals, groups, or organisations to research and record the history of the City, its people, places, or activities
- Heritage Award, which aims to encourage good maintenance, sympathetic development, restoration, conservation, and/or interpretation of the City's built and natural heritage places through increasing community awareness and involvement.

Invitations to apply for the History and Heritage Awards were advertised in local newspapers on 2 July and 27 August 2013. In addition to these advertisements; notification was also provided through media releases, on posters and flyers at the City's Libraries, Museum, Addie Mills Centre, the City's Civic Centre and on the City's and the State Heritage Office's websites.

At the time of closure of nominations on the 31 October 2013, a total of 5 applications were received by the City in the following categories:

Category	Number of applications Received
History Award	3 applications
Heritage Award	2 applications

Following the closure date, the applications were evaluated by officers using the selection criteria contained within Policy 3.3.6 - History and Heritage Award Selection. The evaluation matrix of these nominations is presented to Council for its consideration in Confidential Appendix 16.2A.

DISCUSSION

A summary of applications received by the City under the two categories, together with officer assessments against the criteria contained within Policy 3.3.6 are included in the summary attached as Confidential Appendix 16.2A. Officer comments on whether the award applications meet the eligibility criteria and conditions of entry are included in the Appendix. Following the officer's assessments, the applications were scored in line with their

Item 16.2 Continued

adherence to the criteria. It is recommended, based on the officer's assessment, that the History Award be awarded jointly to Candidates 1 and 2 as listed in the Confidential Appendix 16.2A and each Candidate be awarded 50% of the prize money with both candidates receiving individual certificates and trophies. It is recommended, based on the officer's assessment that the Heritage Award be awarded to the recipient as presented in Confidential Appendix 16.2A attached to this report.

In accordance with Policy 3.3.6, Council is required to consider and subsequently approve or not approve the award recipients for the two History and Heritage Awards categories. Should Council approve the recipients, the announcement of the recipients of the awards is to be embargoed until the City's Australia Day event on 26 January 2014.

FINANCIAL IMPLICATIONS

The History and Heritage Awards involve prizes of \$2000 each.

Funds are included within the City's 2013/14 Operating Budget for these Awards (Account 92-91101-3278).

STATUTORY IMPLICATIONS

Council Policy 3.3.6 - History and Heritage Awards Selection is relevant.

Information contained in Confidential Appendix 16.2A is confidential in accordance with Section 5.23(2)(b) of the *Local Government Act 1995* as it contains information relating to the personal affairs of a person.

VOTING REQUIREMENTS

Simple Majority required.

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

571 Moved Cr J Brown Seconded Cr R Hoffman

That Council awards the City of Gosnells History Award for 2013 jointly to Candidate 1 and Candidate 2 as listed in Confidential Appendix 16.2A with the names of the winners of the category embargoed until the City's Australia Day event to be held on 26 January 2014.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

Item 16.2 Continued

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

572 Moved Cr J Brown Seconded Cr R Hoffman

That Council awards the City of Gosnells Heritage Award for 2013 to Candidate 1 as listed in Confidential Appendix 16.2A with the name of the winner of the category embargoed until the City's Australia Day event to be held on 26 January 2014.

CARRIED 10/0

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

AGAINST: *Nil.*

**16.3 CITY OF GOSNELLS PERFORMING ARTS ADVISORY GROUP -
ENDORSEMENT OF MEMBERSHIP AND APPOINTMENT OF PRESIDING
MEMBER**

Author:	P Quigley
Author's Declaration of Interest:	Nil.
Previous Ref:	SCM 21 October 2013 (Resolution 393) OCM 12 November 2013 (Resolution 448)
Appendix:	16.3A Confidential Appendix - City of Gosnells Performing Arts Advisory Group – Summary of Nominations 16.3B Council Policy 5.4.43 Advisory Groups - Establishment and Operations 16.3C Council Policy 3.1.14 City of Gosnells Performing Arts Advisory Group - Terms of Reference

PURPOSE OF REPORT

To seek Council endorsement of membership to and appointment of a Presiding Member for the City of Gosnells Performing Arts Advisory Group for a term expiring at the 2015 Local Government elections.

For Council to amend Policy 3.1.14 City of Gosnells Performing Arts Advisory Group - Terms of Reference and to enable the appointment of two additional community/stakeholder representatives in light of the high calibre of applicants.

BACKGROUND

Council Policy 3.1.14 City of Gosnells Performing Arts Advisory Group - Terms of Reference provides the following guidance for the appointment of members:

- Two Councillors (with a further Councillor appointed as a deputy member)
- One community member
- One representative from Forest Lakes Shopping Centre Precinct
- One representative from Don Club (Friends of DRPAC)
- One representative from Performing Arts Industry
- One representative from Education Sector
- One representative from Youth Advisory Council or youth representative.

At the Special Meeting of Council held on 21 October 2013, Council resolved (Resolution 393) to appoint three Council delegates to the Performing Arts Advisory Group for the period ending at the 2015 local government elections, those being Cr Julie Brown, Cr Dave Griffiths and Cr Olwen Searle. Cr David Goode was appointed as the deputy delegate.

At the Ordinary Meeting of Council held on 12 November 2013, Council resolved (Resolution 448) to approve a minor amendment to the Terms of Reference for the Performing Arts Advisory Group by replacing the Forest Lakes Shopping Centre Management representative position, with a Forest Lakes Shopping Centre precinct representative position. The intent of this amendment was to enable a broader range of business representation membership.

Item 16.3 Continued

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 undertook the following advertising strategies during October and November 2013 to invite nominations for the Performing Arts Advisory Group's representative membership positions: local newspaper advertising, website advertising, communication with existing members, and a direct mail campaign to identified stakeholder groups.

By the close of the nomination period, the following nominations were received:

Representation Category	Nominations Received
Community Members	1. Annette Jones 2. Cynthia Keith
The Don Club (Friends of DRPAC)	3. Patricia Morris AM JP
Performing Arts Industry	4. Ruth Kershaw 5. Leonie Thorogood
Education Sector	6. Chris Willesee 7. Kim Flintoff
Forest Lakes Shopping Centre precinct	8. Chris Cavanagh

No nominations were received by the City for the Youth representative position.

Following the closure date, the nominations were evaluated by officers using the selection criteria contained within Policy 3.1.14. The summary of nominations is presented to Council for consideration in Confidential Appendix 16.3A.

DISCUSSION

Officers have assessed that all applicants have a suitable level of experience, knowledge, skills and engagement with performing arts to add value to the City's Performing Arts Advisory Group.

Five of the eight nominations received are from individuals who have previously been members of the Performing Arts Advisory Group (Annette Jones, Patricia Morris AM JP, Ruth Kershaw, Leonie Thorogood and Chris Willesee). In addition, the three new nominations received have been assessed as having the necessary experience and knowledge to add value to the Advisory Group's operations (Cynthia Keith, Kim Flintoff and Chris Cavanagh). For these reasons, all eight nominees are recommended to Council for appointment as community/stakeholder representatives. If Council agrees with this course of action, a minor amendment is required to Policy 3.1.14 City of Gosnells Performing Arts Group - Terms of Reference to enable the appointment of the two additional community/stakeholder representatives.

A draft amended Council Policy 3.1.14 City of Gosnells Performing Arts Advisory Group - Terms of Reference is attached as Appendix 16.3C. 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, underlined and italics (for example **new words**).

In accordance with Council Policy 5.4.43, Council is also required to appoint a member to be the Presiding Member of the Performing Arts Advisory Group.

Item 16.3 Continued

FINANCIAL IMPLICATIONS

Financial implications relate to the payment of travelling claims for Councillors attending advisory group meetings. Funds are allocated in the City's operating budget for the 2013/14 financial year to cover this component.

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 3.1.14 City of Gosnells Performing Arts Advisory Group - Terms of Reference attached as Appendices 16.3B and 16.3C are relevant.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION
--

573 Moved Cr G Dewhurst Seconded Cr R Lawrence

That Council adopts amendments to Council Policy 3.1.14 City of Gosnells Performing Arts Advisory Group - Terms of Reference as contained in Appendix 16.3C, to increase the community/stakeholder representative membership positions from six to eight.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence, Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION
--

574 Moved Cr G Dewhurst Seconded Cr R Lawrence

That Council in accordance with Council Policy 3.1.14 City of Gosnells Performing Arts Advisory Group - Terms of Reference appoints the following persons for the City of Gosnells Performing Arts Advisory Group, for the period expiring at the 2015 Local Government elections:

Community Members -

Annette Jones
Cynthia Keith

The Don Club (Friends of DRPAC) -

Patricia Morris AM JP

Performing Arts Industry -

Ruth Kershaw
Leonie Thorogood

Item 16.3 Continued

Education Sector -

Chris Willesee
Kim Flintoff

Forest Lakes Shopping Centre Precinct - Chris Cavanagh

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence,
Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

Notation

The Nominations received for Staff Recommendation (3 of 3) were:

- *Cr R Hoffman nominated Cr D Griffiths.*

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

575 Moved Cr G Dewhurst Seconded Cr R Lawrence

That Council in accordance with Council Policy 5.4.43 Advisory Groups - Establishment and Operations appoints Cr D Griffiths as Presiding Member of the City of Gosnells Performing Arts Advisory Group for the period expiring at the 2015 Local Government elections.

CARRIED 10/0

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr D Goode, Cr R Hoffman, Cr R Lawrence,
Cr R Mitchell, Cr O Searle, Cr P Yang and Cr D Griffiths.

AGAINST: Nil.

17. CLOSURE

The Mayor declared the meeting closed at 9.22pm.