



ORDINARY COUNCIL MEETING
14 MAY 2013

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Minutes of the Ordinary Council Meeting held in the City of Gosnells Civic Centre Council Chambers, 2120 Albany Highway, Gosnells on Tuesday 14 May 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 T BROWN
CR G DEWHURST
CR K JONES
CR R LAWRENCE
CR O SEARLE

STAFF

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

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

PUBLIC GALLERY

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2.1 APOLOGIES

Cr S Iwanyk

2.2 LEAVE OF ABSENCE

Cr R Hoffman was granted Leave of Absence from the 12 April to 20 May 2013 inclusive; vide Resolution 89 of the 26 March 2013 Ordinary Council Meeting.

3. DISCLOSURE OF INTEREST

Nil.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (without discussion)

The Mayor advised that last week he met with the Consulate General of Vietnam, and the Consulate General bestowed to the City a vase from Vietnam.

5. REPORTS OF DELEGATES (without discussion)

Nil.

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

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

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

Questions and statements are to be –

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

QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS AWAITING RESPONSE

Nil.

RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

Nil.

6.1 QUESTION TIME

Question Time for the Public commenced at 7.33pm.

Mr Frank Rechichi of 329 Kenwick Road, Maddington asked the following questions in regards to Item 13.5.1:

Q1 Is an Outline Development Plan (ODP) required?

Response: The Director Planning and Sustainability stated that yes an ODP will be required.

Q2 If an ODP is required, can the question be raised by the City of Gosnells to all land owners in Precinct 1 to whom they want to do the ODP, the City of Gosnells or a select group of private land owners.

Response: The Director Planning and Sustainability advised that Outline Development Plan's are sometimes prepared by the City and they are sometimes prepared by organisations representing private land owners. With either of these circumstances, they need to be assessed and brought to Council for consideration before they are advertised.

In the case of Precinct 1, for the MKSEA area there is an ODP submission that the City expects to receive on behalf of some land owners in the near future.

One of the challenges the City will face when assessing this submission will be to make sure that it fairly represents the planning direction for the entire area before it is supplied to the land owners for consultation.

Furthermore, the Chief Executive Officer stated that the City could ask landowners who they wanted to do the ODP, however the City is not in a position to undertake an ODP in Precinct 1 at this time.

Mr Wan Ling Ong of 137 Ladywell Street, Beckenham asked the following questions in relation to his property at 6 The Crescent, Maddington:

Q1 The City of Gosnells has spent hundreds of thousands of dollars and manpower resource to do this ODP which will benefit more than 500 homeowners which can be subdivided into 3000 Lots. All the homeowners benefit for this ODP except me. As the City has been very unfair, can the City of Gosnells allow me to develop the land for sale?

Response: The Director Planning and Sustainability advised that Mr Ong can apply to build a house, but the development potential of the house is severely constrained by the ODP for the area.

The Chief Executive Officer encouraged Mr Ong to contact the City to discuss the matters surrounding this situation.

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

Q1 In relation to Item 13.5.10; is 'All Earth' in full compliance of their Department of Environment Conservation (DEC) licence?

Response: The Director Planning and Sustainability stated that the DEC licence is a matter for that authority and as such the City can not comment on this.

Q2 In relation to Item 13.5.1; will the City of Gosnells write to all land owners asking who they want to do the ODP?

Response: The Chief Executive Officer stated that the City could do this, but the City is not in a position to commence an ODP at this time.

Question Time for the Public concluded at 7.46pm.

6.2 PUBLIC STATEMENTS

Public Statement Time commenced at 7.46pm.

- 6.2.1** Mr Frank Rechichi of 329 Kenwick Road, Maddington made a statement in relation to Item 13.5.1 "Amendment No. 126 to Town Planning Scheme No. 6 - Maddington Kenwick Strategic Employment Area Precinct 1 - Finalisation".

Mr Rechichi expressed his concerns regarding the development of an ODP for Precinct 1 and stated that the ODP should be developed by the City. Mr Rechichi mentioned that the City of Gosnells have a duty of care to act in the best interest of the land owners and as such requested that the City write letters to all the landowners in Precinct 1, asking them if they would like the City or a group of people to prepare the ODP for this area.

Notation

The Mayor announced that the period for receiving of questions and public statements had expired; Cr T Brown moved the following motion to enable an extension of time.

COUNCIL RESOLUTION

160 Moved Cr T Brown Seconded Cr G Dewhurst

That an extension of time be granted for the received of public statements from the public during item 6.2 Public Statements.

CARRIED 9/0

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

AGAINST: Nil.

- 6.2.2** Mr Ben McCarthy of 22 Maritime Avenue, Kardinya made a statement in relation to Item 13.5.4 "Development Application - Increase Recreation - Private (Gymnasium) Patronage - Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale" speaking against the proposed staff recommendation:

Mr McCarthy advised that he was speaking on behalf of the operator for Jetts Gym in Canning Vale South.

Mr McCarthy expressed his concern regarding the complaints received by the planning department relating to the number of patrons and car parking. It was proposed that if the Council was unable to approve the application, that greater consideration be given to assessing alternatives rather than a refusal, and as such a compromise that would limit the number of gym patrons to 35 during standard business hours, and that Jetts be permitted to run at the higher patron level of a maximum of 50 patrons.

- 6.2.3** Mr Mehmet Cakir of 110 Darley Circle, Bullcreek made a statement in relation to Item 13.5.5 "Development Application - Six Multiple Dwellings - 11 (Lot 13) Morley Street, Maddington" speaking in favour of the proposed staff recommendation:

Mr Cakir stated that at a previous Council Meeting, the recommendation was that the plot ratio for the development was reduced. As such Mr Cakir advised that the plot ratio and building bulk have been reduced and during this process the instructions of the planning department were greatly appreciated.

In conclusion Mr Cakir stated that he believes the application meets all R code designs elements, Council requirements and the design was created in accordance with the Council's vision towards creating medium density housing.

- 6.2.4** Mrs Sandra Baraiolo on behalf of the Gosnells District Ratepayers Associations made a statement in relation to Item 13.5.10 "Development Application - Industry - Noxious (Resource Recovery and Waste Activities) - 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington".

Mrs Baraiolo, on behalf of the Gosnells District Ratepayers Association strongly urged Councillors to vote against the recommendations as contained within the agenda regarding the change in stockpile heights from 5m to 8m.

Mrs Baraiolo stated various facts relating to the unreasonable amenity impacts, numerous breaches of the DEC licence, stockpile violations and the significant impact to businesses and residents in close proximity to the facility.

Public Statement Time concluded at 7.57pm.

7. CONFIRMATION OF MINUTES

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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161 Moved Cr J Brown Seconded Cr R Lawrence

That the Minutes of the Ordinary Council Meeting held on 23 April 2013, as published and distributed be confirmed as an accurate record.

CARRIED 9/0

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

AGAINST: *Nil.*

Additional Motion

At Item 7 'Confirmation of Minutes', Cr W Barrett moved the following additional motion:

"That the Minutes of the Special Council Meeting held on 23 April 2013, as published and distributed be confirmed as an accurate record".

Cr W Barrett provided the following written reason for the motion:

"Recommendation was omitted from the Agenda."

Cr J Brown Seconded Cr W Barrett's additional motion, the Mayor then put Cr W Barrett's additional motion, which read:

COUNCIL RESOLUTION

162 Moved Cr W Barrett Seconded Cr J Brown

That the Minutes of the Special Council Meeting held on 23 April 2013, as published and distributed be confirmed as an accurate record.

CARRIED 9/0

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

AGAINST: Nil.

8. RECEIVING OF PETITIONS AND PRESENTATIONS

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

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

8.1 SHOPPING TROLLEY LITTER REQUEST

Cr T Brown presented a petition initiated by Gordon Martin of 68 Glyndebourne Avenue, Thornlie containing 82 signatures. The petition stated:

"We the undersigned electors of the City of Gosnells request that the City use the Ranger Services to clamp down on shopping trolley litter by impounding rogue shopping trolleys, for the following reasons:

- *to minimise the potential safety hazards posed by abandoned shopping trolleys;*
- *to protect the visual amenity of the City of Gosnells;*
- *to minimise the environmental impact that abandoned shopping trolleys create;*
- *to reduce the annoyance and irritation of those local residents living and working near shopping centres."*

COUNCIL RESOLUTION**163 Moved Cr T Brown Seconded Cr R Mitchell**

That the petition initiated by Gordon Martin of 68 Glyndebourne Avenue, Thornlie containing 82 signatures that be received and a report be prepared for Council's consideration.

CARRIED 9/0

FOR: *Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr K Jones, Cr R Lawrence, Cr R Mitchell, Cr O Searle 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”.

Cr D Griffiths requested leave of absence from the 21 May to 26 May 2013, to attend the '2013 Future of Local Government National Summit' in Melbourne.

COUNCIL RESOLUTION**164 Moved Cr G Dewhurst Seconded Cr W Barrett**

That Council grant leave of absence to Cr D Griffiths from 21 May to 26 May 2013, inclusive.

CARRIED 9/0

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

AGAINST: *Nil.*

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

Nil.

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

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

COUNCIL RESOLUTION

165 Moved Cr W Barrett Seconded Cr T Brown

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

- Item 13.5.1 Amendment No. 126 to Town Planning Scheme No. 6 - Maddington Kenwick Strategic Employment Area Precinct 1 - Finalisation;
- Item 13.5.4 Development Application - Increase Recreation - Private (Gymnasium) Patronage - Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale;
- Item 13.5.5 Development Application - Six Multiple Dwellings - 11 (Lot 13) Morley Street, Maddington;
- Item 13.5.10 Development Application - Industry - Noxious (Resource Recovery and Waste Activities) - 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington.

CARRIED 9/0

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

AGAINST: *Nil.*

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

Author: C Windass
Author's Declaration Nil.
of Interest:
Application No: PF12/00032
Applicant: City of Gosnells
Owner: Various
Location: Maddington Kenwick Strategic Employment Area Precinct 1
Zoning: MRS: Industrial
TPS No. 6: General Rural
Review Rights: None, however finalisation of the proposal is subject to the approval of the Minister for Planning
Area: 125ha
Previous Ref: OCM 23 October 2012 (Resolutions 514, 515)
Appendices: 13.5.1A Schedule of Submissions - Landowners
13.5.1B Schedule of Submissions - Agencies
13.5.1C Consultation Plan
13.5.1D Scheme Amendment Map

PURPOSE OF REPORT

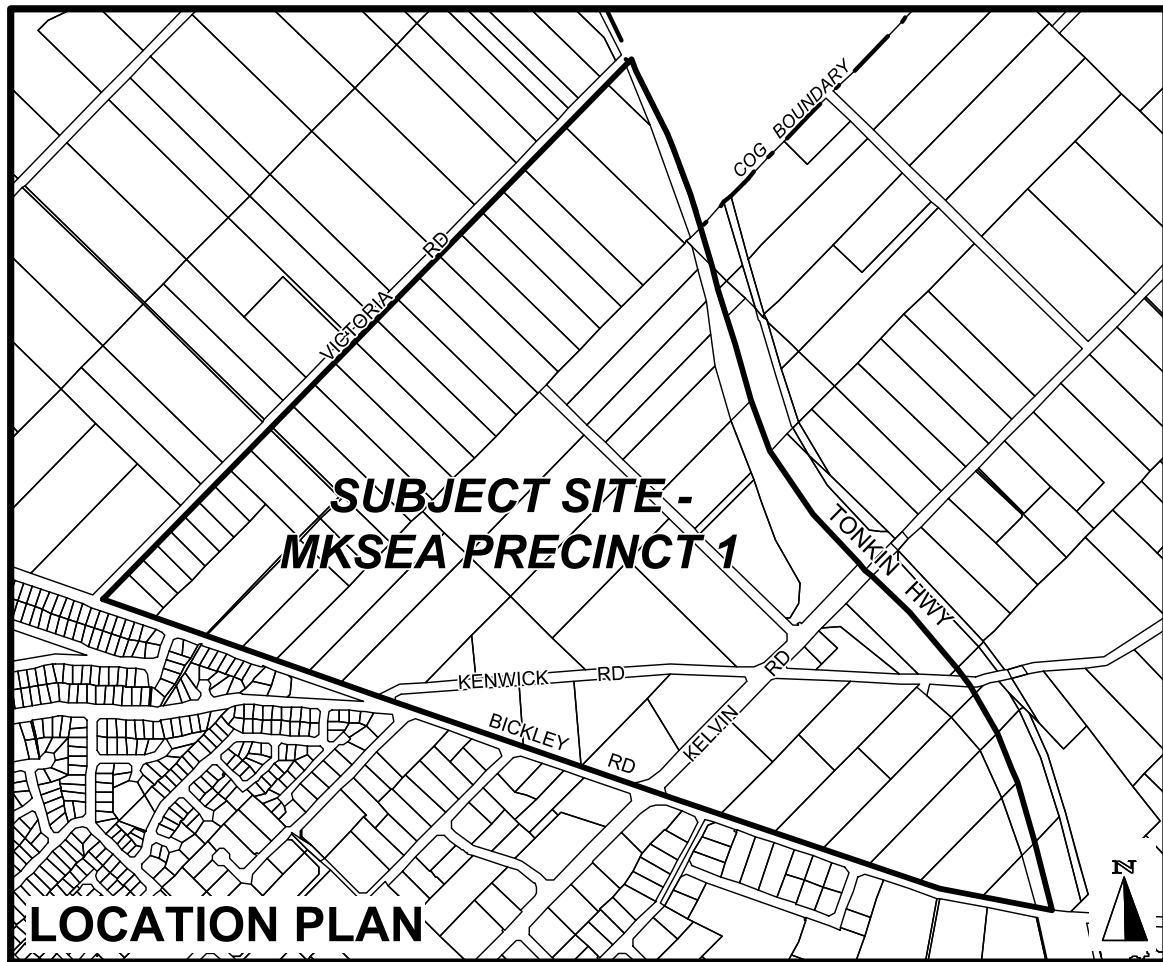
For Council to consider the final adoption of Amendment No. 126 to Town Planning Scheme No. 6 (TPS 6), which proposes to:

- Rezone the majority of Precinct 1 of Maddington Kenwick Strategic Employment Area (MKSEA) from General Rural to Business Development zone
- Apply a Special Control Area (SCA) to enable the establishment of a Development Contribution Arrangement (DCA) for the shared provision of infrastructure, if required.

BACKGROUND

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

Item 13.5.1 Continued



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

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

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

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

Consultation

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

- Letters to landowners within and on lots immediately adjoining the amendment area to a radius of 50m

Item 13.5.1 Continued

- Letters to relevant government agencies and servicing authorities
- Advertisements placed in The West Australian and local newspapers
- Advertising on the City's website
- Public displays at the City's Civic Centre and libraries
- Signage along major roads on the border of the amendment area.

The City received 23 submissions from landowners during the advertising period, of which four objected to the proposal, three provided comment and 16 raised no objection.

A summary of submissions with comments in response is contained in Appendix 13.5.1A.

A map identifying the origin of each submission is contained as Appendix 13.5.1C.

The proposal was also referred to a number of government agencies and servicing authorities for review and comment. The City received eight submissions from government agencies and servicing authorities, with a summary of these submissions and comments in response contained in Appendix 13.5.1B.

BACKGROUND

Proposal Overview

The details of Amendment No. 126 and the rationale in support of the proposal were outlined in the report presented to Council on 23 October 2012.

In summary, the amendment proposes to rezone the subject site from General Rural to Business Development and to apply a SCA to enable the establishment of a DCA for the shared provision of infrastructure. An amendment map is contained in Appendix 13.5.1D.

The Business Development zone will have the effect of requiring an Outline Development Plan (ODP) to be prepared to provide a framework for land use and development addressing the various technical aspects involved, such as road access, drainage, service provision, conservation issues and potential impacts on surrounding areas.

Submissions from several of the servicing agencies indicate that there is a need for major infrastructure works to facilitate development.

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

While it is presently unclear how arrangements for infrastructure provision will be made in Precinct 1, the amendment proposes to establish a head of power to operate a DCA, should a Council administered arrangement be required to provide development infrastructure in a shared, equitable manner.

Item 13.5.1 Continued

DISCUSSION

Submitters Concerns

Several submissions were received during the consultation period raising a number of concerns. The main concerns are summarised as follows:

- The reason for rezoning the amendment area to Business Development
- Traffic impacts from industrial traffic and the potential risk to drivers and pedestrians
- The impacts on flora and fauna
- Amenity impacts on landowners who reside in the adjacent suburb of Kenwick.

Business Development Zone

In addition to ensuring TPS 6 is brought into line with the MRS, the Business Development zone proposed by this amendment is primarily intended to establish the requirement for an ODP to guide the structure of development and set out the arrangement of land uses. The intention is to provide a flexible planning approach.

Under TPS 6, the objective of the Business Development zone is:

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

Any ODP prepared for the amendment area will involve consultation with affected landowners, government agencies and servicing authorities and will be the key mechanism to set out the intended structure of planned development and address the concerns expressed by landowners. As additional detailed planning for the area is progressed, the issues will be dealt with in detail and will also be subject to Council and Western Australian Planning Commission assessment processes.

Traffic Impacts

Increased traffic as a result of industrial development will be inevitable. The need to address traffic impacts is recognised as a key consideration to be addressed through an ODP and further detailed design stages. The road network will need to be planned in accordance with relevant policy and applicable standards so that traffic can be accommodated and safely managed as industrial development occurs over time, in a manner that minimises impacts on the nearby established community.

Environmental Impacts

Careful consideration of the environmental attributes of the amendment area will be required to ensure where possible that significant features can be protected and integrated with industrial development in a sustainable manner. The ODP and further planning will involve various investigations and assessments to be undertaken to demonstrate that the land can sustainably accommodate industrial development proposals, and mitigate detrimental environmental impacts.

*Item 13.5.1 Continued***Amenity Impacts**

It is understandable that landowners within and surrounding the amendment area have concerns regarding the future development of the area and would like to gain an understanding of the type, structure and pattern of development which may occur.

It is acknowledged that the staged transition of the area from large semi-rural landholdings to a functioning industrial estate will invariably result in some form of conflict with the nearby residential areas. Measures will need to be considered to ensure established residential areas will not be excessively impacted by future industrial uses. The precise nature of these measures is a matter that is required to be appropriately addressed through an ODP and more detailed planning stages and may include transitional, complementary land uses or buffers in the form of public open space. Public consultation associated with a proposed ODP will be a critical step in ensuring an appropriate planning framework is established for the area.

CONCLUSION

The proposed amendment to rezone Precinct 1 from General Rural to Business Development is an appropriate approach to preparing the land for future industrialisation, preparation and establishment of an ODP and associated infrastructure cost sharing arrangements.

The proposal is consistent with State Government planning strategies that have identified the land for future industrial development.

It will therefore be recommended that Council grant final adoption to Amendment 126 to TPS 6 without modification.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Town Planning Scheme No. 6.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION**166 Moved Cr R Mitchell Seconded Cr W Barrett**

That Council, pursuant to Regulation 17(1) of the *Town Planning Regulations 1967*, note the submissions received in response to Amendment 126 to Town Planning Scheme No. 6 and endorse the responses to those submissions, as contained within this report and in Appendices 13.5.1A and 13.5.1B.

CARRIED 9/0

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

AGAINST: Nil.

Item 13.5.1 Continued

STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION

167 Moved Cr R Mitchell Seconded Cr W Barrett

That Council, pursuant to Regulation 17(2) of the *Town Planning Regulations 1967*, adopt Amendment No. 126 to Town Planning Scheme No. 6 for the purpose of:

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

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

ATTACHMENT J

Reference No.	DCP 10
Area Name	DCA 10 (Maddington Kenwick Strategic Employment Area - Precinct 1)
Relationship to other planning instruments	This Development Contribution Plan will operate in association with an adopted Outline Development Plan for the Maddington Kenwick Strategic Employment Area - Precinct 1, adopted pursuant to Clause 7.4.15 of the Scheme.
Infrastructure and administration items to be funded	1. General Administration and Studies 2. Common infrastructure works to be determined at the time of preparation of the Development Contribution Plan Report.
Method for calculating contributions	As detailed in the Development Contribution Plan Report.
Period of operation	Five years from the date of Council's adoption of the Development Contribution Plan Report.
Priority and timing	As set out in the Development Contribution Plan Report or in accordance with any relevant Council resolution.
Review process	Council will review the Development Contribution Plan Report annually and will adjust the cost estimate of infrastructure items and land valuations as required."

CARRIED 9/0

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

AGAINST: Nil.

Item 13.5.1 Continued

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

168 Moved Cr R Mitchell Seconded Cr W Barrett

That Council forward Amendment No. 126 to Town Planning Scheme No. 6 documents to the Western Australian Planning Commission for final approval.

CARRIED 9/0

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

AGAINST: Nil.

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

Author: R Munyard
Author's Declaration Nil.
of Interest:
Reference: 307871
Application No: DA12/00283
Applicant: Private Horizons Planning Solutions
Owner: Arvind Pty Ltd Aft Arvind Property Trust
Location: 404 (Lot 1008) Ranford Road, Canning Vale
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 2,714m²
Previous Ref: 14 June 2011 (Resolution 235)
Appendix: 13.5.4A Site, Floor and Elevation Plans

PURPOSE OF REPORT

For Council to consider an application for planning approval for an increase to the customer and staff occupancy for Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale as the proposal is outside the authority delegated to staff due to a variation to the carparking provisions of Town Planning Scheme No. 6 (TPS 6) being sought.

BACKGROUND**Site History**

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

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

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

- Open 24 hours a day, 7 days a week
- Staffed only between 8:30am to 11:30am and 3:30pm to 7:30pm
- Only one staff member is present during these times, with individual patron access outside these times using a swipe card system
- Based on an existing business model for a 500m² gymnasium, the membership is capped at 900 members with 40 members anticipated to use the premises during peak times

Item 13.5.4 Continued

- The gymnasium consists of fitness/exercise machines only. There are no group exercise classes, child minding facilities, swimming pools, steam rooms, saunas or large change rooms.

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

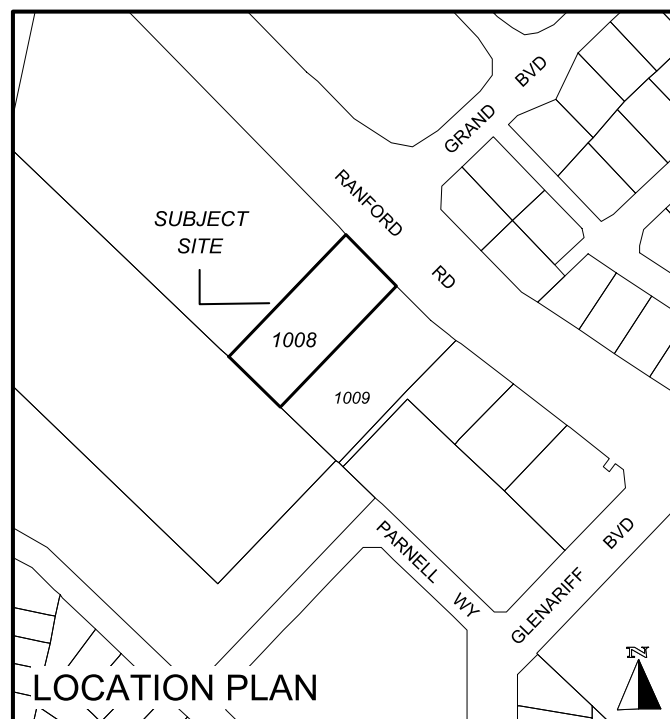
In March 2012, the City received a complaint in regards to the approved gymnasium accepting more than 30 patrons at any one time, which was linked to an observation that attendees of the gymnasium were parking on the adjoining site. In response, the City instigated compliance action which confirmed that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

Site Description and Planning Framework

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

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

A map identifying the location of the subject site follows:



Item 13.5.4 Continued

The current application seeks planning approval for an increase in the maximum capacity (including staff) from 30 to 50. The proposed staffed operating hours have also been modified to be between the hours of 5am to 9am and 4pm to 8pm daily. The subject application is consistent with the previous approval in all other respects.

The site, floor and elevation plans are contained as Appendix 13.5.4A.

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

Car Parking

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

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

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

The current application seeks approval to increase the patron numbers from 30 to 50. In support of the subject application, the applicant has provided a breakdown of the transport mode of the gymnasium patrons, as follows:

Item 13.5.4 Continued

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

A Traffic Report was submitted in support of the subject application which suggests that the average vehicle occupancy for patrons using the gymnasium is approximately 1.1 persons. According to the percentages provided in the above table, the attendance of 50 patrons (including staff) would result in the use of 30 car parking bays. The report contends that there is adequate availability of on-site car parking to accommodate the proposed increase of patronage.

In determining the current application, Council is obliged (under clause 5.13.3 of TPS 6) to consider how any car parking variation would impact on safety, convenience and amenity in the local area. In this regard, the gymnasium tenancy adjoins a bathroom showroom, a real estate agent and is in close proximity to a children's play gymnasium. With the exception of the children's play gymnasium (which operates seven days a week between the hours of 9:30am and 5:30pm) both of the other tenancies operate within standard business hours (with reduced hours on Saturday for the bathroom warehouse). By comparison, the gymnasium operates 24 hours a day, seven days a week, with its peak periods being between the hours of 4pm and 9pm, thus representing a one and a half hour crossover period where parking is used by the numerous tenancies at the same time.

CONCLUSION

The City has received complaints suggesting attendees of the gymnasium have been using the car parking bays of adjoining sites, due to the lack of parking available on Lot 1008.

The City has independently observed that overflow parking has occurred at times when the occupancy of the gymnasium exceeds the limits of the earlier approval. This demonstrates that there are parking issues associated with the subject site. Therefore, approval to increase patronage numbers from 30 to 50 would exacerbate the problem and have a detrimental impact on the convenience of visitors to the adjoining sites.

It will therefore be recommended that the application be refused.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

Item 13.5.4 Continued

VOTING REQUIREMENTS

Simply Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

169 Moved Cr R Mitchell Seconded Cr D Griffiths

That Council refuse the application for an increase in the amount of permitted patrons at Tenancy 1, 404 (Lot 1008) Ranford Road, Canning Vale, dated 10 September 2012 for the following reasons:

1. It is considered that the proposed increase of patronage during peak operating hours of the subject gymnasium conflicts, to a degree, with the adjoining commercial tenancies and will result in the number of carparking bays on the subject site being inadequate.
2. The proposal is considered to have a detrimental impact on the amenity of the locality.
3. The proposed variation to the carparking standards does not comply with clause 5.13.3 of TPS 6.

CARRIED 9/0

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

AGAINST: Nil.

13.5.5 DEVELOPMENT APPLICATION - SIX MULTIPLE DWELLINGS - 11 (LOT 13) MORLEY STREET, MADDINGTON

Author: R Brockman
Author's Declaration Nil.
of Interest:
Reference: 208888
Application No: DA12/00329
Applicant: Domestic Drafting Service
Owner: Mehmet Cakir
Location: 11 (Lot 13) Morley Street, Maddington
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1,214m²
Previous Ref: OCM 12 March 2013 (Resolution 72)
Appendix: 13.5.5A Site, Floor and Elevation Plans

PURPOSE OF REPORT

For Council to reconsider an application for planning approval for six multiple dwellings at 11 (Lot 13) Morley Street, Maddington.

BACKGROUND**Site History**

On 12 March 2013, Council considered the subject proposal and resolved (Resolution 72) to defer its determination of the application to allow the applicant to submit revised plans that comply with Clause 7.1.1 of the Residential Design Codes (R-Codes) in respect to plot ratio requirements.

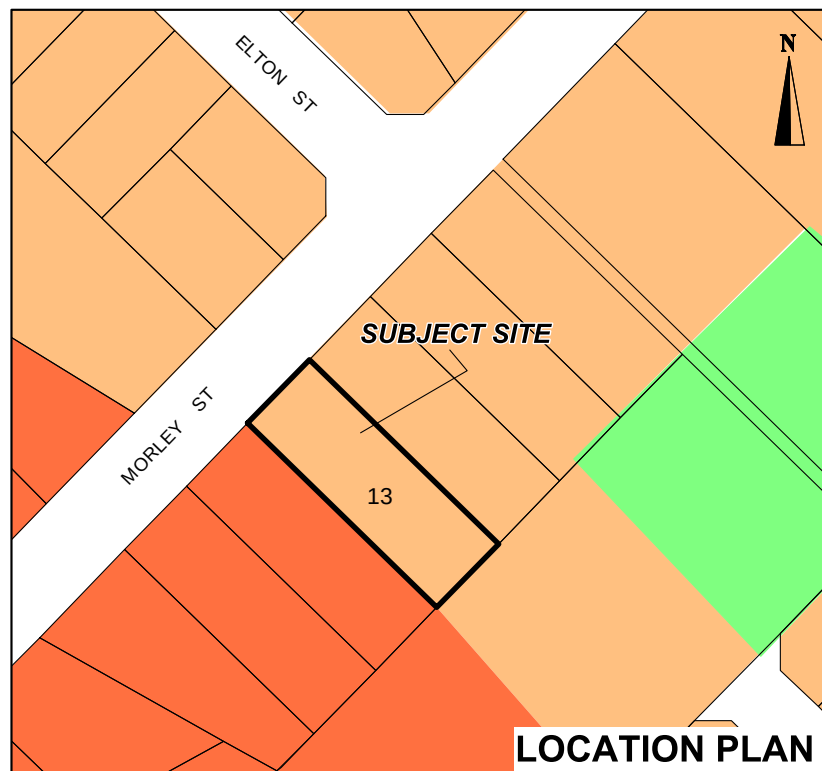
Since that time, the applicant has submitted amended plans that address the issue of plot ratio.

Site Description and Planning Framework

The subject site is located approximately 550m from the Maddington Town Centre and contains an existing dwelling and two outbuildings. The surrounding area comprises of large, under-developed residential lots.

The property is located within the Central Maddington Outline Development Plan (ODP) area, which designates the site as Residential R30.

A map identifying the location of the property, in the context of the Central Maddington ODP, follows:

Item 13.5.5 Continued**Proposal**

The amended application involves the following:

- Retention of the existing dwelling and demolition of the existing outbuildings
- The construction of six multiple dwellings (four two-bedroom, one-bathroom units and two two-bedroom, two-bathroom units) in the form of a single, two storey building.
- The provision of a driveway along the south western boundary of the property providing access to the proposed dwellings
- The provision of two visitor car bays to the rear of the existing dwelling and six single carports for residents of the multiple dwelling
- The provision of a double carport in front of the existing dwelling.

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

Consultation

The original application was advertised for public comment for 14 days in accordance with TPS 6 requirements, during which time five submissions were received, with four objecting to the proposal and one raising no objection. Further details relating to the consultation on the original application were contained in the report presented to Council's 12 March 2013 meeting.

Item 13.5.5 Continued

The amended plans were not readvertised for public comment as they are materially similar to the original plans in terms of the exterior of the proposed development, albeit with a minor (approximately 24m²) reduction in building site cover and changes to the internal floor plans.

DISCUSSION**Town Planning Scheme No. 6**

The subject site is zoned Residential Development under TPS 6, and designated R30 under the Central Maddington ODP. 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 for public comment.

Central Maddington Outline Development Plan

The Central Maddington ODP requires contributions to be paid as part of this development, however, at this stage the contribution arrangement has not been finalised. If the application is approved, it will be recommended that a condition be imposed requiring that arrangements be made to secure the payment of the future developer cost contributions that will apply upon the finalisation of the Development Contribution Arrangement for the ODP area.

Residential Design Codes (R-Codes)

The amended plans comply with all relevant Acceptable Development provisions of the R-Codes (including plot ratio), and therefore, pursuant to Clause 2.5.4 of the R-Codes, Council is required to approve the application.

CONCLUSION

The proposal is supported for the following reasons:

- The proposal is consistent with the R30 coding applicable to the site
- The proposal has been amended to address Council's reason for deferral when it was previously considered.

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
- Central Maddington Outline Development Plan.

*Item 13.5.5 Continued***VOTING REQUIREMENTS**

Simple Majority Required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**170 Moved Cr J Brown Seconded Cr R Mitchell**

That Council approve the application for six multiple dwellings at 11 (Lot 13) Morley Street, Maddington, dated 10 October 2012 (and amended plans dated 28 March 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 Maddington Central Outline Development Plan Development Contribution Arrangement.
2. 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.
3. 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.
4. The common property accessway being constructed and drained at the developer's cost to the specifications and satisfaction of the City.
5. All cut and fill to be retained within the property boundaries by retaining walls designed by a structural engineer and constructed of masonry or similar approved material.
6. The existing dwelling is to be upgraded externally to an equivalent maintenance standard to the rest of the development. A schedule of works for any existing dwelling being retained shall be submitted prior to the lodgement of a Building Permit application, with these new works being completed within six months of the completion of the new dwellings.
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.

Item 13.5.5 Continued

8. 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.
9. The site is to be connected to the reticulated sewerage system.

CARRIED 9/0

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

AGAINST: Nil.

13.5.10 DEVELOPMENT APPLICATION - INDUSTRY - NOXIOUS (RESOURCE RECOVERY AND WASTE ACTIVITIES) - 48 (LOT 280) AND 42 (LOT 281) KELVIN ROAD, MADDINGTON

Author: L Langford
Author's Declaration Nil.
of Interest:
Reference: 205220, 205248
Application No: DA11/00134
Applicant: Talis Consultants
Owner: Allstate Water Cartage Pty Ltd and Silkbeam Holdings Pty Ltd
Location: 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington
Zoning: MRS: Industrial
TPS No. 6: General Industry
Review Rights: Yes. Application is currently before the State Administrative Tribunal on review.
Area: 3.8652ha (combined)
Previous Ref: OCM 18 December 2012 (Resolution 609)
OCM 11 September 2012 (Resolution 427)
Appendices: 13.5.10A Site Photos dated 13 March 2013
13.5.10B Weighbridge and Gatehouse Concept Plans

PURPOSE OF REPORT

For Council to reconsider its position on four conditions of the planning approval granted on 11 September 2012 and amended on 18 December 2012, as requested by the State Administrative Tribunal (SAT).

BACKGROUND**History**

On 11 September 2012, Council resolved (Resolution 427) to approve a retrospective application for Industry - Noxious (Resource Recovery and Waste Activities) at 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington (the All Earth facility). The application sought approval for the following:

- Processing of materials including sorting, crushing and screening of inert materials on Lot 280
- The redistribution and relocation of the various stock piles over the two lots
- Increasing the allowable height limit of the stock piles from 4.5m for green waste and 5m for other materials, to 8.5m
- The construction of a wall/fence along the rear boundary of the property, where it abuts the Bickley Brook Local Open Space Reserve.

Council resolved to restrict the height of the stockpiles to 5m above natural ground level, and to require the installation of two monopole height measuring devices adjacent to the stockpiles so as to easily determine compliance with the height restriction.

On 18 December 2012, Council resolved (Resolution 609) to amend the approval by modifying Conditions 2, 4, 5 and 7 so as to provide for additional time for the Foreshore Management Plan and Boundary Management and Maintenance Plan required by the

Item 13.5.10 Continued

approval to be submitted and implemented and to provide for flexibility in the type of measuring aid used to manage stockpile heights. As part of the conditions amendment request, the applicant requested Council reconsider the maximum height of the stockpiles so as to be increased to 8m. Council did not resolve to modify that related condition (Condition 3).

An application to review Council's decision was subsequently lodged with the SAT. Initially, the applicant sought to review Conditions 1, 2, 3 and 4 however following discussions at an on-site mediation meeting held on 13 March 2013, only Conditions 3, 6, 7 and 8 are now in contention. These conditions currently read:

- "3. The height of the stockpiles not exceeding 5m above natural ground level.*
- 6. Full implementation and compliance with the submitted Dust Management Plan, dated 23 February 2011, within 30 days from the date of Council's resolution. If compliance with the applicant's commitments is not achieved, the City will initiate legal action to achieve compliance without further notice to All Earth.*
- 7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2012 (including modifications required by Condition 1) within 90 days of the City's approval of the plan. If compliance with the applicant's commitments is not achieved, the City will initiate legal action to achieve compliance without further notice to All Earth.*
- 8. Full implementation and compliance with the submitted Environmental Report, dated 9 January 2012, within 30 days from the date of Council's resolution. If compliance with the applicant's commitments is not achieved, the City will initiate legal action to achieve compliance without further notice to All Earth."*

As part of the mediation process, the applicant was ordered to provide additional information to the City to justify the height of the stockpiles at 8m and provide revised wording for any conditions which are in dispute. Furthermore, pursuant to section 31(1) of the *State Administrative Tribunal Act 2004*, Council has been invited to reconsider its decision by 14 May 2013.

Site Description and Planning Framework

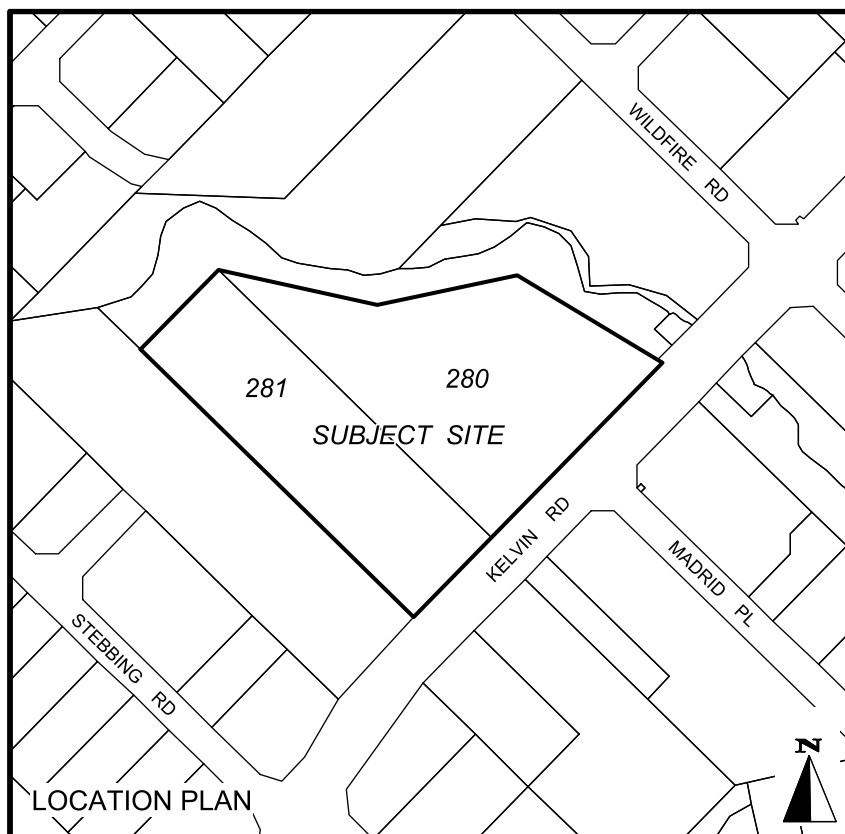
The subject land has high exposure to Kelvin Road and is situated centrally within the General Industry zone. Other industrial activities abut the land with the exception of one dwelling located adjacent to the site on Kelvin Road. The nearest residential zoned properties are approximately 300 metres from the subject property. The significant size, area and frontage of the property, means that it is potentially a landmark in the area and accordingly its presentation to the public realm is very important in terms of defining the character and quality of the area.

The subject land has a combined area of 3.86ha. The majority of the site is not sealed and consists of a compacted limestone surface. The site has been cleared of vegetation with the exception of an area adjacent to the north-eastern boundary which comprises significant portions of vegetation along Bickley Brook.

Item 13.5.10 Continued

A waste transfer station currently operates over the two lots, which accepts inert, green and putrescible waste. A large shed, that is currently partially enclosed, is located on Lot 281 and is used for the sorting of green waste and inert materials. A gatehouse and operational weighbridge are located along the front boundary of the site which is used for the oversight of vehicles accessing the land. A small garden centre is also located near the front boundary of the site which sells recycled products and landscape materials. Some of the stockpiling activities are screened by the main administration building at the front of the property.

A map identifying the location of the subject site follows:

**Proposal**

It has been requested that Council reconsider Conditions 3, 6, 7 and 8 of its approval dated 11 September 2012, and amended on 18 December 2012. The following amended conditions have been proposed by the applicant:

3. The height of the stockpiles not exceeding 8m above natural ground level.
6. Full implementation and compliance with the submitted Dust Management Plan, dated 23 February 2011, within 30 days from the date of Council's resolution.
7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2013 (including modifications required by Condition 1) within 90 days of any revised approval issued by the City.

Item 13.5.10 Continued

8. Full implementation and compliance with the submitted Environmental Report, dated 9 January 2012, within 30 days from the date of Council's resolution.

With regard to Condition 3 and as per the applicant's request to Council at its 18 December 2012 meeting, the modified condition seeks to increase the allowable height limit of the stockpiles from 5m to 8m.

With regard to Conditions 6, 7 and 8, the applicant seeks to remove any reference to the City initiating legal action should the operator not comply with the condition.

With regard to Condition 7, the applicant is seeking to extend the allowable time for the implementation of the Boundary Management and Maintenance Plan from 90 days from the date of Council's amendment to the approval (18 December 2012) to 90 days from the date of any amended approval issued by the City.

Consultation

The original application was advertised for public comment for 14 days in accordance with Council Policy/TPS 6 requirements, during which time 17 submissions were received, eight objecting to the proposal, seven raising no objection and two which provided comment. Further details on the consultation of the original application are contained in the report presented to Council's 11 September 2012 meeting.

DISCUSSION**Invitation to Council to Reconsider its Decision**

As mentioned previously, Council has been invited to reconsider its decisions of 11 September 2012 and 18 December 2012, particularly relating to the maximum height limit imposed on the stockpiles and time limits associated with the implementation of conditions. The options for Council are as follows:

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

The relevant issues associated with this reconsideration request are discussed below.

Condition 3 - Stockpile Height

Council at its meeting of 11 September 2012 imposed a condition limiting the height of the stockpiles to 5m. As part of the amendment request presented to Council on 18 December 2012, the applicant sought for Council to reconsider the stockpiles' height limit imposed to allow for a maximum of 8m, however Council resolved to not modify the related condition due to concerns relating to the size, bulk and visual impact of the stockpiles.

As part of the report presented to Council on 11 September 2012, photos of the stockpiles, as viewed from Kelvin Road, were provided as an attachment to the report to assist Council in its consideration of the application. It should be noted that as part of the mediation process, it became apparent that the stockpiles shown in the photos presented to Council appeared to be much taller than what was on site on the day of mediation, which were approximately 7.5m above natural ground level.

Item 13.5.10 Continued

Photos showing the stockpiles as seen on the day of mediation are contained in Appendix 13.5.10A.

In light of the above, Council now has the opportunity to reconsider whether 8m stockpiles (0.5m more than what is shown in Appendix 13.5.10A) will affect the ability to achieve a desired appearance for the area based on their height and bulk. In considering the proposal, it should be noted that previously it was identified that the sightlines of the stockpiles, as viewed from the public realm, are visible in the following three general locations:

1. The front entrance of the site facing directly into the main driveway access into the site.
2. Approximately 130m south-west of the site entrance along Kelvin Road.
3. On Stebbing Road, at the junction with the Tammin Court road reserve to the south-west of the site.

As discussed in the report presented to Council on 18 December 2012, the applicant is seeking to employ the following measures to screen the stockpiles from public view and therefore alleviate potential amenity impacts associated with the stockpiles:

- Upgrading the weighbridge and gatehouse at the front of the facility such that it will be raised by approximately 6m
- Sealing off the front forecourt area of the existing shed on the site
- Additional landscape screening along Kelvin Road.

In terms of the upgrading of the weighbridge and gatehouse, whilst the applicant is still unable to fully commit to those works being undertaken within a certain timeframe, the applicant has provided a concept plan showing an approximately 6m high weighbridge structure comprising of an inspection platform and office. This plan also shows upgraded boundary fencing, signage and landscaping along the front boundary. These concept plans are contained as Appendix 13.5.10B.

With regards to the sealing of the front forecourt area of the existing shed on the site, it should be noted that this work is required to be done as part of a separate approval relating to the processing of putrescible waste which is anticipated to occur in September 2013, or before such time that the site begins to process putrescible waste.

In terms of the view of the stockpiles from locations 1 and 2, it is clear from the attached photos that the bulk of the stockpiles are significantly less than originally identified. As such, it is considered that the stockpiles measured at 8m would not be of a scale that would give them prominence in their setting. With its setting in an industrial area, the impacts on the streetscape would be negligible. Furthermore, it is considered that any future upgrades to the entrance to the site (weighbridge, landscaping and signage), will further screen the stockpiles and thereby enhance the appearance of the site.

In terms of the view of the stockpiles from location 3 mentioned above, it is considered that neighbouring industrial uses will partially screen the site as viewed from that location therefore the activities occurring on the subject site will be in the background and not visually dominant or impactful.

Item 13.5.10 Continued

Conditions 6, 7 and 8 - Advice of Legal Action

The applicant has raised concerns with regards to the following wording being included as part of Conditions 6, 7 and 8:

"If compliance with the applicant's commitments is not achieved, the City will initiate legal action to achieve compliance without further notice to All Earth."

Council at its meeting of 18 December 2012 was requested to reconsider the above wording being included as part of the abovementioned conditions. It was highlighted in the report that it is considered to be necessary to ensure that compliance is maintained for the life of the operation and therefore if compliance is not maintained then it is standard practice for the City to initiate legal action against the offenders. As such, the removal of the above wording from these conditions was not supported.

In further considering this request, it should be noted that Council Policy 5.4.41 - Compliance and Enforcement Policy would provide the authority for the City to initiate legal action to achieve compliance should the conditions not be complied with. As such, the abovementioned wording in Conditions 6, 7 and 8 is not strictly necessary and therefore could be removed without affecting the City's ability to initiate legal action in the future, if required.

Condition 7 - Implementation of Boundary Management and Maintenance Plan

As mentioned above, the applicant is seeking to amend Condition 7 to extend the allowable time for the implementation of the Boundary Management and Maintenance Plan from 90 days from the date of Council's amendment to the approval (18 December 2012) to 90 days from the date of any revised approval issued by the City.

Given that this condition was indirectly affected by the application for review with the SAT, it is acknowledged that additional time will now be required to fulfil this condition. In terms of the proposed wording put forward by the applicant, it is considered appropriate to refer to a specific date, but also provide flexibility to the applicant, in the event that a modification to the Plan is approved by the City. As such, it is considered that the following wording is appropriate:

7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2013 (including modifications required by Condition 1) by 13 August 2013 or, if applicable, within 90 days from the date of any approval by the City to revise the Plan.

It is considered that the above wording would allow for additional time to comply with the condition and it will therefore be recommended that Council apply the above amended condition.

Condition 2 - Submission of Foreshore Management Plan

Although not requested by the applicant, it has been identified that Condition 2 also provides insufficient time for the submission of a Foreshore Management Plan and it is suggested that it be revised such that it be submitted within 90 days from the date of an amended approval. Similar to Condition 7, it is considered that Condition 2 should be amended to allow for additional time for the submission of a Foreshore Management

Item 13.5.10 Continued

Plan, given that the condition was affected by the application for review. As such, it is considered that the following revised wording is appropriate:

2. A Foreshore Management Plan shall be prepared to the City's satisfaction by 13 August 2013. The plan should address, but not be limited to, the following issues:
 - i) Removal of equipment and materials from the foreshore reserve.
 - ii) Weed management - program for management of weed species present, including complete removal of any Declared Plant species under the *Agricultural and Related Resources Protection Act 1976*.
 - iii) Revegetation of Waterway - proposed revegetation plan including species, planting densities and survival criteria.
 - iv) Erosion Control - required erosion control measures for the subject lot, including deep ripping parallel to the watercourse.
 - v) Management of industrial activities to ensure no damage to waterway vegetation/revegetation, control of sediment potentially entering the waterway and vehicle movements.

CONCLUSION

The requested amendment of conditions is generally supported for the following reasons:

- In terms of the stockpile heights, a maximum height limit of 8m is supported as it is considered that it would not be of a prominent scale and any streetscape amenity impacts would be negligible.
- It is considered to be unnecessary for Conditions 6, 7 and 8 to have wording advising of the City's ability to initiate legal action.
- With regards to Condition 2 and 7, it is considered to be reasonable to allow for additional time to comply with these conditions given that they were affected by the application for review which ultimately could have impacted on the outcome of these conditions.

It will therefore be recommended that Council vary its previous decisions of 11 September 2012 and 18 December 2012 and modify Conditions 2, 3, 6, 7 and 8 as listed in the staff recommendation.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6
- *State Administrative Tribunal Act 2004*.

*Item 13.5.10 Continued***VOTING REQUIREMENTS**

Absolute Majority required.

STAFF RECOMMENDATION

Moved Cr R Mitchell Seconded Cr R Lawrence

That Council, pursuant to Section 31 of the State Administrative Tribunal Act 2004, vary the planning approval granted on 11 September 2012 and amended on 18 December 2012 for an Industry - Noxious (Resource Recovery and Waste Activities) at 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington, by amending Conditions 2, 3, 6, 7 and 8 to read as follows:

2. A Foreshore Management Plan shall be prepared to the City's satisfaction by 13 August 2013. The plan should address, but not be limited to, the following issues:
 - i) Removal of equipment and materials from the foreshore reserve.
 - ii) Weed management - program for management of weed species present, including complete removal of any Declared Plant species under the *Agricultural and Related Resources Protection Act 1976*.
 - iii) Revegetation of Waterway - proposed revegetation plan including species, planting densities and survival criteria.
 - iv) Erosion Control - required erosion control measures for the subject lot, including deep ripping parallel to the watercourse.
 - v) Management of industrial activities to ensure no damage to waterway vegetation/revegetation, control of sediment potentially entering the waterway and vehicle movements.
3. The height of the stockpiles not exceeding 8m above natural ground level.
6. Full implementation and compliance with the submitted Dust Management Plan, dated 23 February 2011, within 30 days from the date of Council's resolution.
7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2013 (including modifications required by Condition 1) by 13 August 2013 or, if applicable, within 90 days from the date of any approval by the City to revise the Plan.
8. Full implementation and compliance with the submitted Environmental Report, dated 9 January 2012, within 30 days from the date of Council's resolution.

Item 13.5.10 Continued

Amendment

During debate Cr O Searle moved the following amendment to the staff recommendation:

"That Council amend the staff recommendation by altering 'condition 3' to read;

- "3. The height of the stockpiles not exceeding 5m above natural ground level, until such time as the exact height of the proposed weighbridge gatehouse is detailed, after which Council will reconsider the maximum permissible stockpile height".*

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

"To provide the opportunity for an increase in height in the stockpile subject to the weighbridge height being known".

Cr K Jones Seconded Cr O Searle's proposed amendment.

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

Moved Cr O Searle Seconded Cr K Jones

That Council amend the staff recommendation by altering 'condition 3' to read;

- "3. The height of the stockpiles not exceeding 5m above natural ground level, until such time as the exact height of the proposed weighbridge gatehouse is detailed, after which Council will reconsider the maximum permissible stockpile height."

with the amended recommendation to read;

"That Council, pursuant to Section 31 of the State Administrative Tribunal Act 2004, vary the planning approval granted on 11 September 2012 and amended on 18 December 2012 for an Industry - Noxious (Resource Recovery and Waste Activities) at 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington, by amending Conditions 2, 3, 6, 7 and 8 to read as follows:

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 - iii) Revegetation of Waterway - proposed revegetation plan including species, planting densities and survival criteria.

Item 13.5.10 Continued

- iv) Erosion Control - required erosion control measures for the subject lot, including deep ripping parallel to the watercourse.
 - v) Management of industrial activities to ensure no damage to waterway vegetation/revegetation, control of sediment potentially entering the waterway and vehicle movements.
3. The height of the stockpiles not exceeding 5m above natural ground level, until such time as the exact height of the proposed weighbridge gatehouse is detailed, after which Council will reconsider the maximum permissible stockpile height.
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7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2013 (including modifications required by Condition 1) by 13 August 2013 or, if applicable, within 90 days from the date of any approval by the City to revise the Plan.
8. Full implementation and compliance with the submitted Environmental Report, dated 9 January 2012, within 30 days from the date of Council's resolution."

LOST 3/6

FOR: Cr T Brown, Cr K Jones and Cr O Searle.

AGAINST: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr R Lawrence, Cr R Mitchell, and Cr D Griffiths.

Notation

8.49pm The Director Infrastructure left the meeting.

8.51pm The Director Infrastructure returned to the meeting.

The amendment having been lost, the Mayor then put the staff recommendation, which read.

STAFF RECOMMENDATION

LOST

Moved Cr R Mitchell Seconded Cr R Lawrence

That Council, pursuant to Section 31 of the State Administrative Tribunal Act 2004, vary the planning approval granted on 11 September 2012 and amended on 18 December 2012 for an Industry - Noxious (Resource Recovery and Waste Activities) at 48 (Lot 280) and 42 (Lot 281) Kelvin Road, Maddington, by amending Conditions 2, 3, 6, 7 and 8 to read as follows:

2. A Foreshore Management Plan shall be prepared to the City's satisfaction by 13 August 2013. The plan should address, but not be limited to, the following issues:

Item 13.5.10 Continued

- i) Removal of equipment and materials from the foreshore reserve.
 - ii) Weed management - program for management of weed species present, including complete removal of any Declared Plant species under the *Agricultural and Related Resources Protection Act 1976*.
 - iii) Revegetation of Waterway - proposed revegetation plan including species, planting densities and survival criteria.
 - iv) Erosion Control - required erosion control measures for the subject lot, including deep ripping parallel to the watercourse.
 - v) Management of industrial activities to ensure no damage to waterway vegetation/revegetation, control of sediment potentially entering the waterway and vehicle movements.
3. The height of the stockpiles not exceeding 8m above natural ground level.
6. Full implementation and compliance with the submitted Dust Management Plan, dated 23 February 2011, within 30 days from the date of Council's resolution.
7. Full implementation and compliance with the submitted Boundary Management and Maintenance Plan, dated 9 January 2013 (including modifications required by Condition 1) by 13 August 2013 or, if applicable, within 90 days from the date of any approval by the City to revise the Plan.
8. Full implementation and compliance with the submitted Environmental Report, dated 9 January 2012, within 30 days from the date of Council's resolution.

LOST AS ABSOLUTE MAJORITY WAS NOT ACHIEVED

FOR: Cr W Barrett, Cr J Brown, Cr G Dewhurst, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.

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

12. REPORTS OF COMMITTEE MEETINGS

Nil.

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

13.1.1 REDUCTION IN THE NUMBER OF COUNCILLOR POSITIONS

Author: I Cowie
Author's Declaration Nil.
of Interest:
Previous Ref: SCM 23 April 2013 (Resolution 126)
Appendix: Nil.

PURPOSE OF REPORT

For Council to consider a reduction in the number of Councillor positions from 12 to 11.

BACKGROUND

In 2012, Cr Liz Griffiths resigned, with her resignation becoming effective on 29 October 2012. On 23 October 2012, Council resolved to seek the approval of the Electoral Commissioner to allow the vacancy to remain unfilled until the 2013 Ordinary Elections (Resolution 511). The Electoral Commission subsequently provided this approval.

On 23 April 2013, four Councillors requested a Special Council Meeting to consider Councillor numbers. At this meeting, it was resolved:

That Council authorise the Chief Executive Officer to prepare a report to be presented at the earliest available Council meeting to facilitate the City making a proposal to the Local Government Advisory Board to make an order under section 2.18(3) of the Local Government Act 1995 to reduce the number of offices of Councillor on the Council from 12 to 11, to be implemented at the 2013 local government ordinary election. (Resolution 126).

This report responds to the resolution of the Special Council Meeting.

Prior to this report, the number of Councillor positions was last considered at a Council meeting in April 2009 when a report on the review of ward boundaries was presented.

DISCUSSION

A reduction of one Councillor position on a Council with no wards would, almost certainly, be viewed as a minor amendment by the Local Government Advisory Board because there is no impact on a ward structure. The process for such an amendment includes the following stages which are administered by the Department of Local Government.

The Department is responsible for:

- Preparing reports for the Local Government Advisory Board which considers such proposals and makes recommendations to the Minister

Item 13.1.1 Continued

- Preparing briefings for the Minister for Local Government in response to Local Government Advisory Board recommendations
- Gazetting changes to Councillor numbers following Ministerial approval.

Following Council's resolution at the Special Council Meeting, the matter was raised with the Department of Local Government on 24 April in light of its administrative role.

The Department has informed the City that it will not be able to process a change to Councillor numbers, should Council resolve to seek a reduction, before the October Ordinary Elections.

The Department notes that the Western Australian Electoral Commission requires all changes to Councillor numbers to be gazetted prior to 30 June and the timelines associated with the above stages in the process could not be completed within this timeframe.

Consequently, the City will be required to fill the vacancy left by Cr Liz Griffiths.

While it now appears to be a moot point, in accordance with the resolution of the Special Council Meeting, the following brief comments are made in relation to Councillor numbers.

It is important to remember that there is no right or wrong answer to the number of Councillors a local government should have. A smaller number of elected members potentially allows a Council to operate more efficiently although it also potentially creates a greater workload for that smaller number of Councillors.

In this instance, Cr Liz Griffiths' position has been vacant for over seven months, so Councillors are in a position to evaluate how workloads may change with a reduction in one position. Councillor fees and allowances are under review at this point in time so the direct costs associated with each position are unclear.

The size of a local government and the diversity of its community are likely to have a strong impact on Councillor numbers. As Gosnells is currently the fifth largest local government in Western Australia, and has a very diverse community, it could logically be argued that Gosnells should have more Councillor positions than most Western Australian local governments. In this regard, a Council with either 12 or 11 Councillors would be comparatively large in a Western Australian context.

It is also worthwhile noting that several years ago, the then Minister for Local Government, the Hon John Castrilli MLA, announced a view that a Council should have no more than nine Elected Members. This issue was not addressed in the recommendations of the Metropolitan Review Panel (the Robson Report) which was established by the then Minister to consider structural reform. The new Minister, the Hon Tony Simpson MLA, has provided no indication as to his view of an appropriate number of Councillors.

FINANCIAL IMPLICATIONS

Nil.

*Item 13.1.1 Continued***STATUTORY IMPLICATIONS**

Clause 2.18 of the *Local Government Act 1995* (the Act) allows for a change in the number of Elected Members. Subclause (3) indicates that the Governor needs to make an order for such a change on the recommendation of the Minister following a recommendation to the Minister from the Local Government Advisory Board. Schedule 2.2 of the Act provides a process for a local government to recommend a minor adjustment to Elected Member numbers and guides the Board in dealing with such a request.

VOTING REQUIREMENTS

Simple Majority required. (Note: an absolute majority would be required for any motion to change numbers).

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**171 Moved Cr R Mitchell Seconded Cr G Dewhurst**

That Council note the advice of the Department of Local Government that there is no time to process a proposal to reduce the number of Councillor positions prior to the 2013 Ordinary Council Elections.

CARRIED 9/0

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

AGAINST: Nil.

13.2 COMMUNITY ENGAGEMENT

Nil.

13.3 CORPORATE SERVICES

13.3.1 BUDGET VARIATIONS

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

PURPOSE OF REPORT

To seek approval from Council to adjust the 2012/13 Municipal Budget.

BACKGROUND

Nil.

DISCUSSION

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

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

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

FINANCIAL IMPLICATIONS

Account Number	Type	Account Description	Debit \$	Credit \$
JL15-60397-3384-741	Increase Expenditure	Sutherlands Park Reserve H - Irrigation - Carry forward expenditure	25,000	
JL15-60283-3384-741	Decrease Expenditure	Tom Bateman Reserve South - Renew Mainline - Carry forward expenditure		25,000
REASON:	Additional funds to complete the irrigation requirements for the new archery arena at Sutherlands Park from savings at Tom Bateman Reserve.			
JL15-60144-3384-741	Increase Expenditure	Footbridge Canning Reserve - Carry forward expenditure	113,840	
JL15-60277-3384-741	Decrease Expenditure	Admin pump station renewal - Irrigation Renewal - Carry forward expenditure		30,113
JL15-60283-3384-741	Decrease Expenditure	Tom Bateman Reserve South Renew Mainline - Irrigation Renewal - Carry forward Expenditure		26,227

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
JL15-60287-3384-741	Decrease Expenditure	Pioneer Park boardwalk - replace sections of timber deck - Carry forward expenditure		57,500
REASON:	Funds no longer required for the Centennial Pioneer Park boardwalk and savings to the administration pump station renewal and Tom Bateman project to be transferred to the Canning River Footbridge project to fund bridge and accommodation works.			
JL15-60361-3800-741	Increase Expenditure	Ailsworth Reserve Fencing around playground - Capital Purchases	55,504	
JL15-60348-3800-741	Decrease Expenditure	Greentree Dr Reserve Rubber softfall - Capital Purchases		8,048
JL15-60349-3800-741	Decrease Expenditure	Waterperry Reserve Rubber softfall - Capital Purchases		4,601
JL15-60374-3800-741	Decrease Expenditure	Tenterden Reserve Playground renewal - Capital Purchases		34,000
JL15-60390-3800-741	Decrease Expenditure	Prince Regent St Reserve - Shade Sails - Capital Purchases		5,579
JL15-60391-3800-741	Decrease Expenditure	Jenkins Lane Reserve - Shade Sails - Capital Purchases		3,276
REASON:	To provide additional funding for new fencing and softfall containment, to the play area at Ailsworth Reserve from savings in other projects.			
JL15-60346-3384-741	Increase Expenditure	Yilgarn Way Neighbourhood Parks Development - Carry forward expenditure	149,200	
JL15-60269-3384-741	Decrease Expenditure	Rede St Reserve Park Development - Carry forward expenditure		105,216
JL15-60342-3384-741	Decrease Expenditure	Keston Place Reserve Park Development - Carry forward expenditure		43,984
REASON:	Additional funds from surplus on Rede and Keston St Reserves to cover additional works undertaken, due to asbestos amelioration at Yilgarn Way Reserve and altering drainage capacity within the Reserve.			
JL14-88034-3384-499	Increase Expenditure	Storm water Monitoring equipment - Carry forward expenditure	2,596	
JL14-88037-3384-499	Decrease Expenditure	Corfield St/ Astinal Dr drainage - Drainage upgrade - Carry forward expenditure		2,596
REASON:	To reallocate balance of funds from completed project to facilitate installation of stormwater monitoring equipment.			
JL14-86016-3384-499	Increase Expenditure	Gosnells Bowling Club Car park - Carry forward expenditure	4,665	
JL14-86016-3800-499	Increase Expenditure	Gosnells Bowling Club Car park - Capital Purchases	30,000	
JL14-86011-3384-499	Decrease Expenditure	Les Sands Pavilion Car park - Carry forward expenditure		4,665
JL14-86015-3800-499	Decrease Expenditure	Beckenham Community Centre Car park - Capital Purchases		30,000
REASON:	To fund priority project at Gosnells Bowling Club car park through reallocation of funds remaining from car park renewal program after reprioritisation and balance funding of completed project at Les Sands.			
JL14-88000-3384-499	Increase Expenditure	Drainage problems - various - Carry forward expenditure	4,900	
JL14-88000-3800-499	Increase Expenditure	Drainage problems - various - Capital Purchases	100,000	
JL14-88024-3384-499	Decrease	Landsdowne Park - Drainage		4,900

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
	Expenditure	Upgrade - Carry forward expenditure		
JL14-88042-3800-499	Decrease Expenditure	Regency Dr - Drainage Upgrade - Capital Purchases		100,000
REASON:	Reallocation of drainage funds following detailed site investigation of Regency Drive which are no longer required. Funds to be reallocated to targeted drainage problems that are currently being investigated.			
JL94-94021-3769-000	Increase Expenditure	Bushfire Brigade - Donation Expense	15,180	
JL13-30172-1501-000	Increase Income	Truck - 10T International Water - 9FD632 - Profit - Sale of Assets Proceeds		15,180
REASON:	Return of Water Truck back to FESA in line with the Emergency Services levy capital grant process, replacement water truck received 2011/12 year.			
JL14-86018-3800-499	Increase Expenditure	Sutherlands Park Pavilion Car park - Capital Purchases	79,441	
JL14-86014-3800-499	Decrease Expenditure	Castle Glen Car park - Capital Purchases		4,441
JL14-86015-3800-499	Decrease Expenditure	Beckenham Community Centre Car park - Capital Purchases		75,000
REASON:	Reallocate surplus funds from completed Castle Glen and cancelled Beckenham Community Centre Car park jobs to undertake rehabilitation of Sutherlands Park Pavilion car park.			
JL14-85065-3800-499	Increase Expenditure	Maddington Road path Rehabilitation - Tonkin Highway underpass - Capital Purchases	20,869	
JL14-85055-3800-499	Decrease Expenditure	Mildenhall/Matilda St to Nethercott St Footpath - Capital Purchases		3,368
JL14-85056-3800-499	Decrease Expenditure	Warton/Matilda St to Mildenhall St Footpath - Capital Purchases		17,501
REASON:	Reallocate surplus funds from completed Mildenhall St and Matilda St path rehabilitation to Maddington Road path rehabilitation job.			
JL14-84155-3384-499	Increase Expenditure	William St and Tooting St - Install Roundabout - Carry forward expenditure	155,572	
JL14-80162-3384-499	Decrease Expenditure	Warton Rd - Garden St to Ranford Rd - Carry forward expenditure		140,879
JL14-80211-3384-499	Decrease Expenditure	Stage 3 - Warton Rd - Garden St to Ranford Rd - Carry forward expenditure		14,693
REASON:	To facilitate commencement of roundabout installation - stage 2 at William St/Tooting St/ Diamond St intersection not funded by black spot program. Surplus funds are from completed Warton Road project (stage 1, 2 & 3).			
JL32-95301-2635-000	Increase Expenditure	Urban Water Management Plan / Monitoring - Transfer to Reserve Operating - West Canning Vale ODP Common Infrastructure Works	8,660	
JL32-95301-3384-000	Decrease Expenditure	Urban Water Management Plan / Monitoring - Carry forward Expenditure		8,660
REASON:	Reimbursement of surplus funds into the West Canning Vale ODP Contribution Arrangement, arising from savings made in the completion of the urban water management project for the area.			

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-84152-3800-499	Increase Expenditure	Stage 1 Yale Rd and Murdoch Rd - Install Roundabout - Capital Purchases	133,500	
JL14-80223-3800-499	Decrease Expenditure	Roundabout - Stage 2 - Yale and Murdoch Roads - Capital Purchases		133,500
REASON:	Stage 1 of Yale and Murdoch Rd roundabout is costing more than initially estimated due to changes in Western Power works costing and incorporation of Stage 2 electrical services into delivery as part of Stage 1 works. Stage 2 civil works should therefore cost less as services have been moved to Stage 1, therefore budget has been adjusted to balance costs.			
JL14-80228-3384-499	Increase Expenditure	Campbell Rd/The Bridgeway Traffic Calming - Carry forward expenditure	15,026	
JL14-84157-1359-498	Decrease Income	Forest Lakes Dr - Install Median Islands - State Black Spot Funding	7,000	
JL14-84157-3384-499	Decrease Expenditure	Forest Lakes Dr - Install Median Islands - Carry forward Expenditure		22,026
REASON:	The Forest Lakes Drive median strip project was completed under budget therefore \$7,000 of the State Black Spot grant could not be claimed. The budget needs to be adjusted accordingly. The remainder of the unspent funds budgeted to the project can be transferred to the Campbell Rd/The Bridgeway Traffic Calming project as construction cost estimates show that extra funds are needed.			
JL87-96300-3048-000	Increase Expenditure	Human Resources - Safety Program	29,245	
JL87-96300-1851-000	Increase Income	Human Resources - Other Revenue		29,245
REASON:	Good driver rebate received from the City's insurance company to be allocated to the safety program.			
JL14-85058-3800-499	Increase Expenditure	Farrington Wy - Footpath Construction - Capital Purchases	9,816	
JL14-85061-3800-499	Decrease Expenditure	Hinkler St - Footpath Construction - Capital Purchases		5,315
JL14-85059-3800-499	Decrease Expenditure	O'Dell St - Footpath Construction - Capital Purchases		4,501
REASON:	Reallocate surplus funds from completed Hinkler Street and O'Dell Street Footpath construction to accommodate cost increase of Farrington Way Footpath construction due to increase in width of path construction from 1.5m to 2m.			
JL14-84210-3800-499	Increase Expenditure	Davison St - Malcolm Rd to Alloa Rd - Rd Rehab - Capital Purchases	8,235	
JL14-84213-3800-499	Decrease Expenditure	Helm St - Carisbrooke St to Westfield St Road Rehabilitation - Capital Purchases		6,381
JL14-84209-3800-499	Decrease Expenditure	Spencer Rd - View Av to Hester St - Road Rehabilitation - Capital Purchases		1,854
REASON:	Reallocate surplus funds from completed Spencer Road and Helm Street Renewal jobs to accommodate some additional costs of Davison St renewal job.			
JL14-80025-3800-499	Increase Expenditure	Kerb Replacement - Various locations - Capital Purchases	11,211	

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
JL14-84190-3800-499	Decrease Expenditure	Hayward Rd to Cul-de-sac overlay - Capital Purchases		1,722
JL14-84204-3800-499	Decrease Expenditure	Corfield St Fremantle Rd - Rehabilitation MRWA - Capital Purchases		1,040
JL14-84205-3800-499	Decrease Expenditure	Corfield St - Kindred St to Corfield St Roundabout - Capital Purchases		2,836
JL14-84211-3800-499	Decrease Expenditure	Fremantle Rd - House 80 to House 107 - Rd Rehab - Capital Purchase		5,613
REASON:	Reallocate surplus funds from completed Hayward Rd, Corfield St and Fremantle Rd renewal jobs to accommodate additional kerb replacement projects.			
JL14-84183-3800-499	Increase Expenditure	Baker St - Overlay & kerbing - Capital Purchases	9,514	
JL14-84185-3800-499	Decrease Expenditure	Burnley St - Overlay & kerbing - Capital Purchases		4,364
JL14-84193-3800-499	Decrease Expenditure	Matfield Wy - Overlay/kerbing - Capital Purchases		5,150
REASON:	Reallocate surplus funds from completed Burnley St & Matfield Way renewal jobs to accommodate additional cost of Baker St renewal job.			
JL14-84186-3800-499	Increase Expenditure	Chevalier Wy - Overlay and kerbing - Capital Purchases	12,500	
JL14-84190-3800-499	Decrease Expenditure	Hayward Rd - Overlay - Capital Purchases		12,500
REASON:	Reallocate surplus funds from completed Hayward Rd renewal job to accommodate additional cost of Chevalier Way renewal job.			
JL14-84186-3800-499	Increase Expenditure	Grainger Wy - Overlay & kerbing - Capital Purchases	30,269	
JL14-84198-3800-499	Decrease Expenditure	Sydenham St - Overlay/minor kerbing - Capital Purchases		30,269
REASON:	Reallocate surplus funds from completed Sydenham Street renewal job to accommodate additional cost of Grainger Way renewal job.			
JL14-84191-3800-499	Increase Expenditure	Lowth Rd - Overlay/minor kerbing - Capital Purchases	6,414	
JL14-84198-3800-499	Decrease expenditure	Sydenham St - Overlay/minor kerbing - Capital Purchases		6,414
REASON:	Reallocate surplus funds from completed Sydenham Street renewal jobs to accommodate additional cost of Lowth Road renewal job.			
JL14-84192-3800-499	Increase Expenditure	Lynstead St - Overlay/minor kerbing - Capital Purchases	8,785	
JL14-84198-3800-499	Decrease Expenditure	Sydenham St - Overlay/minor kerbing - Capital Purchases		8,785
REASON:	Reallocate surplus funds from completed Sydenham Street renewal job to accommodate additional cost of Lynstead Street renewal job.			
JL14-84195-3800-499	Increase Expenditure	Osprey Way - Overlay/kerbing - Capital Purchases	22,662	
JL14-84198-3800-499	Decrease Expenditure	Sydenham St - Overlay/minor kerbing - Capital Purchases		7,697
JL14-84187-3800-499	Increase Expenditure	Corfield St and Fremantle Rd - Overlay - Capital Purchases		14,965
REASON:	Reallocate surplus funds from completed Sydenham St and Corfield St/Fremantle Rd renewal jobs to accommodate additional cost of Osprey Way renewal Job.			
JL14-84197-3800-499	Increase	Revesby St - Overlay/kerbing/geo	4,974	

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
	Expenditure	fabric - Capital Purchases		
JL14-84209-3800-499	Decrease Expenditure	Spencer Rd - View Av to Hester St - Road Rehabilitation - Capital Purchases		4,974
REASON:	Reallocate surplus funds from completed Spencer Road renewal job to accommodate increased cost of Revesby St renewal job.			
JL14-84200-3800-499	Increase Expenditure	Young St - Overlay/kerbing - Capital Purchases	10,324	
JL14-84209-3800-499	Decrease Expenditure	Spencer Rd - View Av to Hester St - Rd Rehab - Capital Purchases		10,324
REASON:	Reallocate surplus funds from completed Spencer Road renewal job to accommodate increased cost of Young St renewal job.			
JL14-84184-3800-499	Increase Expenditure	Beckenham St - Overlay & kerbing - Capital Purchases	1,347	
JL14-84184-3384-499	Increase Expenditure	Beckenham St - Overlay & kerbing - Carry forward Expenditure	9,373	
JL14-84214-3800-499	Decrease Expenditure	Longfield Rd - Birch Street to Cul de Sac - Capital Purchases		1,347
JL14-84201-3384-499	Decrease Expenditure	Verna St - Overlay/kerbing - Carry Forward Expenditure		9,373
REASON:	Reallocate surplus funds from Longfield Rd and Verna St road renewal jobs to accommodate increased cost of Beckenham Street due to higher cost of Stone Mastic Asphalt treatment. Stone Mastic Asphalt overlay gives lower life cycle cost and appropriate treatment for heavily cracked surface layer at Beckenham St even though its initial cost is higher than dense graded mix.			
JL14-84188-3800-499	Increase Expenditure	Denham Wy - Overlay/kerbing - Capital Purchases	25,752	
JL14-84196-3800-499	Decrease Expenditure	Pitt Rd - Overlay - Capital Purchases		23,465
JL14-84199-3800-499	Decrease Expenditure	Thursley Wy - Overlay/kerbing - Capital purchases		2,287
REASON:	Reallocate surplus funds from Pitt Road and Thursley Way renewal jobs to accommodate increased cost of Denham Way due to higher cost of Stone Mastic Asphalt treatment. Stone Mastic Asphalt Overlay gives lower life cycle cost and most appropriate treatment for heavily cracked Denham Street surface layer even though its initial cost is higher than dense graded mix.			
JL14-84194-3800-499	Increase Expenditure	Ningaloo Wy - Overlay/kerbing - Capital Purchases	20,809	
JL14-84196-3800-499	Decrease Expenditure	Pitt Rd - Overlay - Capital Purchases		20,809
REASON:	Reallocate surplus funds from Pitt Road renewal job to accommodate increased cost of Ningaloo Way due to the higher cost of Stone Mastic Asphalt treatment. Stone Mastic Asphalt overlay gives a lower life cycle cost and most appropriate treatment for heavily cracked surface layer at Ningaloo Way even though its initial cost is higher than dense graded mix.			
JL14-85057-3800-499	Increase Expenditure	Lester Dr - Footpath Construction - Capital Purchases	12,451	
JL14-85061-3800-499	Decrease Expenditure	Hinkler St - Footpath Construction - Capital Purchases		12,451
REASON:	Reallocate surplus funds from completed Hinkler			

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
		Street Footpath construction to accommodate increased cost of Lester Dr Footpath construction due to increase in width of path construction from 1.5m to 2m.		
JL14-84202-3800-499	Increase Expenditure	Corfield St Roundabout to Bridge - Rehabilitation - Capital Purchases	26,513	
JL14-84206-3800-499	Increase Expenditure	Corfield St - Bridge Deck to Roundabout - Capital Purchases	13,791	
JL14-84212-3800-499	Increase Expenditure	Fremantle Rd - Chilcott Gardens to Roundabout - Capital Purchases	22,591	
JL14-84203-3800-499	Decrease Expenditure	Corfield Roundabout/Kindred - Road Rehabilitation - Capital Purchases		18,521
JL14-84187-3800-499	Decrease Expenditure	Corfield St and Fremantle Rd - Overlay - Capital Purchases		44,374
REASON:		All of the above jobs are part of a single project to rehabilitate Corfield Street roundabout and adjacent road sections. Therefore reallocate surplus funds from completed Corfield street roundabout jobs to more specific job categories which have been overspent.		
JL14-85066-3800-499	Increase Expenditure	Warton Road Gay St - Garden St Footpath Construction - Capital Purchases	31,175	
JL14-85066-3384-499	Increase Expenditure	Warton Road Gay St - Garden St Footpath Construction - Carry forward Expenditure	10,000	
JL14-85060-3800-499	Decrease Expenditure	Brabham St - Footpath Construction - Capital purchases		31,175
JL14-85053-3384-499	Decrease Expenditure	Bus Stop Accessibility Upgrade - Carry forward expenditure		10,000
REASON:		Reallocate surplus funds from completed Brabham St Footpath construction and Bus Stop Accessibility Upgrade to allow for work on Warton Road (Gay Street to Garden Street) being a new Footpath construction job.		
JL14-85067-3800-499	Increase Expenditure	Longshaw Circuit facing Warton Rd Footpath - Capital Purchases	27,717	
JL14-85067-3384-499	Increase Expenditure	Longshaw Circuit facing Warton Rd Footpath - Carry forward expenditure	8,683	
JL14-85062-3800-499	Decrease Expenditure	Hilton Cr - Footpath Construction - Capital Purchases		27,717
JL14-85053-3384-499	Decrease Expenditure	Bus Stop Accessibility Upgrade - Carry forward expenditure		8,683
REASON:		Reallocate surplus funds from completed Hilton Cr Footpath construction and Bus Stop Accessibility Upgrade to allow for work on Longshaw Crt (facing Warton Road) being a new Footpath construction job.		
JL14-84208-3800-499	Increase Expenditure	Burslem Dr - Spencer Rd - 110m North bound - Capital Purchases	5,790	
JL14-84209-3800-499	Decrease Expenditure	Spencer Rd - View Av to Hester St - Rd Rehab - Capital Purchases		5,790
REASON:		Reallocate surplus funds from completed Spencer Road renewal job to accommodate increased scope of work of Burslem Dr renewal job.		
JL92-20085-3126-000	Increase Expenditure	Thornlie Library - Library Book Purchases	2,155	
JL92-20085-3125-000	Increase Expenditure	Thornlie Library - Minor Equipment	700	

Item 13.3.1 Continued

Account Number	Type	Account Description	Debit \$	Credit \$
JL92-20085-3313-000	Decrease Expenditure	Thornlie Library - Lost Books		2,855
REASON:	Due to centralisation of library administration processes and ongoing customer education, the amount of lost and damaged stock at Thornlie Library has been reduced thus decreasing the City's debt to State Library of WA for lost and damaged stock. Savings made are to be directed towards purchases of new library stock and materials to display new stock to the public.			
JL14-88030-3800-499	Increase Expenditure	Kelvin Road Rain Garden project - Capital Purchases	93,000	
JL14-88030-1301-498	Increase Income	Kelvin Road Rain Garden project - Government Grant		93,000
REASON:	Grant funding provided through Urban Waterways renewal funding program for construction of two Rain Gardens in Kelvin Road, Maddington.			
JL13-30913-3800-000	Increase Expenditure	Canopy for Ranger Vehicles - Capital Purchases	114,541	
JL13-30913-2407-000	Increase Expenditure	Canopy for Ranger Vehicles - Transfer from Reserve		114,541
REASON:	Replace existing canopies for Ranger vehicles that are outdated or unserviceable from Reserve fund.			

STATUTORY IMPLICATIONS

Section 6.8 of the *Local Government Act 1995*.

VOTING REQUIREMENTS

Absolute Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

172 Moved Cr J Brown Seconded Cr R Lawrence

That Council approve the following adjustments to the 2012/13 Municipal Budget:

Account Number	Account Description	Debit \$	Credit \$
JL15-60397-3384-741	Sutherlands Park Reserve H - Irrigation - Carry forward expenditure	25,000	
JL15-60283-3384-741	Tom Bateman Reserve South - Renew Mainline - Carry forward expenditure		25,000
JL15-60144-3384-741	Footbridge Canning Reserve - Carry forward expenditure	113,840	
JL15-60277-3384-741	Admin pump station renewal -Irrigation Renewal - Carry forward expenditure		30,113
JL15-60283-3384-741	Tom Bateman Reserve South Renew Mainline - Irrigation Renewal - Carry forward Expenditure		26,227
JL15-60287-3384-741	Pioneer Park boardwalk - replace sections of timber deck - Carry forward expenditure		57,500
JL15-60361-3800-741	Ailsworth Reserve Fencing around	55,504	

Item 13.3.1 Continued

Account Number	Account Description	Debit \$	Credit \$
	playground - Capital Purchases		
JL15-60348-3800-741	Greentree Dr Reserve Rubber softfall - Capital Purchases		8,048
JL15-60349-3800-741	Waterperry Reserve Rubber softfall - Capital Purchases		4,601
JL15-60374-3800-741	Tenterden Reserve Playground renewal - Capital Purchases		34,000
JL15-60390-3800-741	Prince Regent St Reserve - Shade Sails - Capital Purchases		5,579
JL15-60391-3800-741	Jenkins Lane Reserve - Shade Sails - Capital Purchases		3,276
JL15-60346-3384-741	Yilgarn Way Neighbourhood Parks Development - Carry forward expenditure	149,200	
JL15-60269-3384-741	Rede St Reserve Park Development - Carry forward expenditure		105,216
JL15-60342-3384-741	Keston Place Reserve Park Development - Carry forward expenditure		43,984
JL14-88034-3384-499	Storm water Monitoring equipment - Carry forward expenditure	2,596	
JL14-88037-3384-499	Corfield St/ Astinal Dr drainage - Drainage upgrade - Carry forward expenditure		2,596
JL14-86016-3384-499	Gosnells Bowling Club Car park - Carry forward expenditure	4,665	
JL14-86016-3800-499	Gosnells Bowling Club Car park - Capital Purchases	30,000	
JL14-86011-3384-499	Les Sands Pavilion Car park - Carry forward expenditure		4,665
JL14-86015-3800-499	Beckenham Community Centre Car park - Capital Purchases		30,000
JL14-88000-3384-499	Drainage problems - various - Carry forward expenditure	4,900	
JL14-88000-3800-499	Drainage problems - various - Capital Purchases	100,000	
JL14-88024-3384-499	Landsdowne Park - Drainage Upgrade - Carry forward expenditure		4,900
JL14-88042-3800-499	Regency Dr - Drainage Upgrade - Capital Purchases		100,000
JL94-94021-3769-000	Bushfire Brigade - Donation Expense	15,180	
JL13-30172-1501-000	Truck - 10T International Water - 9FD632 - Profit - Sale of Assets Proceeds		15,180
JL14-86018-3800-499	Sutherlands Park Pavilion Car park - Capital Purchases	79,441	
JL14-86014-3800-499	Castle Glen Car park - Capital Purchases		4,441
JL14-86015-3800-499	Beckenham Community Centre Car park - Capital Purchases		75,000
JL14-85065-3800-499	Maddington Road path Rehabilitation - Tonkin Highway underpass - Capital Purchases	20,869	
JL14-85055-3800-499	Mildenhall/Matilda St to Nethercott St Footpath - Capital Purchases		3,368
JL14-85056-3800-499	Warton/Matilda St to Mildenhall St Footpath - Capital Purchases		17,501
JL14-84155-3384-499	William St and Tooting St - Install Roundabout - Carry forward expenditure	155,572	
JL14-80162-3384-499	Warton Rd - Garden St to Ranford Rd - Carry forward expenditure		140,879
JL14-80211-3384-499	Stage 3 - Warton Rd - Garden St to Ranford Rd - Carry forward expenditure		14,693
JL32-95301-2635-000	Urban Water Management Plan / Monitoring - Transfer to Reserve Operating - West	8,660	

Item 13.3.1 Continued

Account Number	Account Description	Debit \$	Credit \$
	Canning Vale ODP Common Infrastructure Works		
JL32-95301-3384-000	Urban Water Management Plan / Monitoring - Carry forward Expenditure		8,660
JL14-84152-3800-499	Stage 1 Yale Rd and Murdoch Rd - Install Roundabout - Capital Purchases	133,500	
JL14-80223-3800-499	Roundabout - Stage 2 - Yale and Murdoch Roads - Capital Purchases		133,500
JL14-80228-3384-499	Campbell Rd/The Bridgeway Traffic Calming - Carry forward expenditure	15,026	
JL14-84157-1359-498	Forest Lakes Dr - Install Median Islands - State Black Spot Funding	7,000	
JL14-84157-3384-499	Forest Lakes Dr - Install Median Islands - Carry forward Expenditure		22,026
JL87-96300-3048-000	Human Resources - Safety Program	29,245	
JL87-96300-1851-000	Human Resources - Other Revenue		29,245
JL14-85058-3800-499	Farrington Wy - Footpath Construction - Capital Purchases	9,816	
JL14-85061-3800-499	Hinkler St - Footpath Construction - Capital Purchases		5,315
JL14-85059-3800-499	O'Dell St - Footpath Construction - Capital Purchases		4,501
JL14-84210-3800-499	Davison St - Malcolm Rd to Alloa Rd - Rd Rehab - Capital Purchases	8,235	
JL14-84213-3800-499	Helm St - Carisbrooke St to Westfield St Road Rehabilitation - Capital Purchases		6,381
JL14-84209-3800-499	Spencer Rd - View Av to Hester St - Road Rehabilitation - Capital Purchases		1,854
JL14-80025-3800-499	Kerb Replacement - Various locations - Capital Purchases	11,211	
JL14-84190-3800-499	Hayward Rd to Cul-de-sac overlay - Capital Purchases		1,722
JL14-84204-3800-499	Corfield St Fremantle Rd - Rehabilitation MRWA - Capital Purchases		1,040
JL14-84205-3800-499	Corfield St - Kindred St to Corfield St Roundabout - Capital Purchases		2,836
JL14-84211-3800-499	Fremantle Rd - House 80 to House 107 - Rd Rehab - Capital Purchase		5,613
JL14-84183-3800-499	Baker St - Overlay & kerbing - Capital Purchases	9,514	
JL14-84185-3800-499	Burnley St - Overlay & kerbing - Capital Purchases		4,364
JL14-84193-3800-499	Matfield Wy - Overlay/kerbing - Capital Purchases		5,150
JL14-84186-3800-499	Chevalier Wy - Overlay and kerbing - Capital Purchases	12,500	
JL14-84190-3800-499	Hayward Rd - Overlay - Capital Purchases		12,500
JL14-84186-3800-499	Grainger Wy - Overlay & kerbing - Capital Purchases	30,269	
JL14-84198-3800-499	Sydenham St - Overlay/minor kerbing - Capital Purchases		30,269
JL14-84191-3800-499	Lowth Rd - Overlay/minor kerbing - Capital Purchases	6,414	
JL14-84198-3800-499	Sydenham St - Overlay/minor kerbing - Capital Purchases		6,414
JL14-84192-3800-499	Lynstead St - Overlay/minor kerbing - Capital Purchases	8,785	
JL14-84198-3800-499	Sydenham St - Overlay/minor kerbing - Capital Purchases		8,785
JL14-84195-3800-499	Osprey Way - Overlay/kerbing - Capital	22,662	

Item 13.3.1 Continued

Account Number	Account Description	Debit \$	Credit \$
	Purchases		
JL14-84198-3800-499	Sydenham St - Overlay/minor kerbing - Capital Purchases		7,697
JL14-84187-3800-499	Corfield St and Fremantle Rd - Overlay - Capital Purchases		14,965
JL14-84197-3800-499	Revesby St - Overlay/kerbing/geo fabric - Capital Purchases	4,974	
JL14-84209-3800-499	Spencer Rd - View Av to Hester St - Road Rehabilitation - Capital Purchases		4,974
JL14-84200-3800-499	Young St - Overlay/kerbing - Capital Purchases	10,324	
JL14-84209-3800-499	Spencer Rd - View Av to Hester St - Rd Rehab - Capital Purchases		10,324
JL14-84184-3800-499	Beckenham St - Overlay & kerbing - Capital Purchases	1,347	
JL14-84184-3384-499	Beckenham St - Overlay & kerbing - Carry forward Expenditure	9,373	
JL14-84214-3800-499	Longfield Rd - Birch Street to Cul de Sac - Capital Purchases		1,347
JL14-84201-3384-499	Verna St - Overlay/kerbing - Carry Forward Expenditure		9,373
JL14-84188-3800-499	Denham Wy - Overlay/kerbing - Capital Purchases	25,752	
JL14-84196-3800-499	Pitt Rd - Overlay - Capital Purchases		23,465
JL14-84199-3800-499	Thursley Wy - Overlay/kerbing - Capital purchases		2,287
JL14-84194-3800-499	Ningaloo Wy - Overlay/kerbing - Capital Purchases	20,809	
JL14-84196-3800-499	Pitt Rd - Overlay - Capital Purchases		20,809
JL14-85057-3800-499	Lester Dr - Footpath Construction - Capital Purchases	12,451	
JL14-85061-3800-499	Hinkler St - Footpath Construction - Capital Purchases		12,451
JL14-84202-3800-499	Corfield St Roundabout to Bridge - Rehabilitation - Capital Purchases	26,513	
JL14-84206-3800-499	Corfield St - Bridge Deck to Roundabout - Capital Purchases	13,791	
JL14-84212-3800-499	Fremantle Rd - Chilcott Gardens to Roundabout - Capital Purchases	22,591	
JL14-84203-3800-499	Corfield Roundabout/Kindred - Road Rehabilitation - Capital Purchases		18,521
JL14-84187-3800-499	Corfield St and Fremantle Rd - Overlay - Capital Purchases		44,374
JL14-85066-3800-499	Warton Road Gay St - Garden St Footpath Construction - Capital Purchases	31,175	
JL14-85066-3384-499	Warton Road Gay St - Garden St Footpath Construction - Carry forward Expenditure	10,000	
JL14-85060-3800-499	Brabham St - Footpath Construction - Capital purchases		31,175
JL14-85053-3384-499	Bus Stop Accessibility Upgrade - Carry forward expenditure		10,000
JL14-85067-3800-499	Longshaw Circuit facing Warton Rd Footpath - Capital Purchases	27,717	
JL14-85067-3384-499	Longshaw Circuit facing Warton Rd Footpath - Carry forward expenditure	8,683	
JL14-85062-3800-499	Hilton Cr - Footpath Construction - Capital Purchases		27,717
JL14-85053-3384-499	Bus Stop Accessibility Upgrade - Carry forward expenditure		8,683
JL14-84208-3800-499	Burslem Dr - Spencer Rd - 110m North	5,790	

Item 13.3.1 Continued

Account Number	Account Description	Debit \$	Credit \$
	bound - Capital Purchases		
JL14-84209-3800-499	Spencer Rd - View Av to Hester St - Rd Rehab - Capital Purchases		5,790
JL92-20085-3126-000	Thornlie Library - Library Book Purchases	2,155	
JL92-20085-3125-000	Thornlie Library - Minor Equipment	700	
JL92-20085-3313-000	Thornlie Library - Lost Books		2,855
JL14-88030-3800-499	Kelvin Road Rain Garden project - Capital Purchases	93,000	
JL14-88030-1301-498	Kelvin Road Rain Garden project - Government Grant		93,000
JL13-30913-3800-000	Canopy for Ranger Vehicles - Capital Purchases	114,541	
JL13-30913-2407-000	Canopy for Ranger Vehicles - Transfer from Reserve		114,541

CARRIED BY ABSOLUTE MAJORITY 8/1**FOR:** Cr W Barrett, Cr J Brown, Cr T Brown, Cr G Dewhurst, Cr K Jones, Cr R Lawrence, Cr R Mitchell and Cr D Griffiths.**AGAINST:** Cr O Searle.

13.3.2 PROPOSED 2013/14 DIFFERENTIAL RATES AND MINIMUM RATE

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

PURPOSE OF REPORT

To seek Council approval to publish a notice indicating the differential general rates and minimum rate intended for the 2013/14 financial year.

BACKGROUND

Before imposing any differential general rates for the 2013/14 financial year Council is required, in accordance with section 6.36 of the *Local Government Act 1995*, to give local public notice of its intention to do so.

Differential rates for the 2012/13 financial year were as follows:

2012/13	Rate-in-Dollar cents	Minimum Rate
Gross Rental Values (GRV)		
Residential Improved	6.342	\$814
Residential Vacant	8.245	\$814
Commercial Improved	6.342	\$814
Commercial Vacant	8.245	\$814
Industrial Improved	6.342	\$814
Industrial Vacant	8.245	\$814
Kennel Area Improved	6.342	\$814
Rural GRV	7.610	\$814
Residential Development GRV	7.610	\$814
Extractive Industry	12.050	\$814
Gosnells Town Centre	7.293	\$814
Tenancy Agreements	6.842	\$814
Unimproved Values (UV)		
Rural UV	0.2250	\$814
Rural UV Agricultural Concession	0.1800	\$814
Residential Development UV	0.1350	\$814

DISCUSSION

The Ten-Year Financial Plan presented to Councillors at the Budget Workshop held on 19 February 2013 recommended a rate increase of 3% for 2013/14. This rate increase was drawn from the Local Government Cost Index provided by the Western Australian Local Government Association (WALGA) at the time. An updated cost index percentage is expected shortly which could be significantly higher or lower as a major component of the index is still to be finalised.

There is also uncertainty regarding the fees and allowances paid to Elected Members as the current inquiry is yet to produce its determination. These uncertainties could ultimately create a shortfall in the Budget of up to \$450,000 which would require

Item 13.3.2 Continued

another 0.9% rate increase. It will therefore be recommended that Council consider advertising the differential rates at a 3.9% increase over last year's rates. If a higher amount is advertised, this does not preclude Council adopting a lower amount at the Special Council Meeting to adopt the Budget. However, Council could not adopt a higher amount.

As discussed at the Councillor Workshop held on 16 April 2013, it is recommended that Council amalgamate all its Residential, Commercial, Industrial, Residential Development and Kennel Area rating categories, both improved and vacant, and that the new category be referred to as General GRV.

This change is recommended to avoid delays in obtaining Ministerial approval for the differential rate for vacant land which exceeded the maximum number of minimum rateable properties allowed under section 6.35 of the *Local Government Act 1995* and also because the Residential Development category is no longer appropriate due to the extended application of the Residential Development zone throughout the City.

As identified at the Councillor Workshop, the amalgamation of these categories into one, and applying the rate-in-the-dollar previously applied to the Residential, Commercial, Industrial and Kennel (Improved) categories would result in a shortfall of approximately \$182,000.

This shortfall can be met by a small increase in both the minimum rate and rates-in-the-dollar for each category.

The Residential Development UV category is also recommended to be grouped together with those properties in the Rural UV category. The four remaining properties in the Residential Development zone are owned by developers and will eventually be subdivided. The loss of the reduced rate-in-the-dollar that was previously available under the Residential Development UV category will therefore only have a short-term impact until the land is developed.

The relativities between the remaining rate categories are recommended to remain the same as they were in 2012/13. The retention of these relativities and a maximum 3.9% increase to the rate-in-the-dollar and minimum rate would result in the following differential rates and minimum rate:

2013/14	Rate-in-Dollar cents	Minimum Rate
Gross Rental Values (GRV)		
General GRV	6.612	\$850
Rural GRV	7.934	\$850
Extractive Industry	12.563	\$850
Gosnells Town Centre	7.604	\$850
Tenancy Agreements	7.112	\$850
Unimproved Values (UV)		
Rural UV	0.2190	\$850
Rural UV Agricultural Concession	0.1752	\$850

Item 13.3.2 Continued

Every twelve months the Valuer General's Office re-values all properties with an unimproved value. The valuations provided for 2013/14 have not changed significantly from 2012/13 and therefore a uniform increase to both GRV and UV rates of 3.9% can be applied.

FINANCIAL IMPLICATIONS

Only upon final adoption of the 2013/14 budget will the financial implications of a rate increase be realised.

STATUTORY IMPLICATIONS

Local Government Act 1995, section 6.36.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**173 Moved Cr G Dewhurst Seconded Cr R Lawrence**

That Council authorise the following differential rates and minimum rate to be published in a local newspaper in accordance with section 6.36 of the *Local Government Act 1995*:

2013/14	Rate-in-Dollar cents	Minimum Rate
Gross Rental Values (GRV)		
General GRV	6.612	\$850
Rural GRV	7.934	\$850
Extractive Industry	12.563	\$850
Gosnells Town Centre	7.604	\$850
Tenancy Agreements	7.112	\$850
Unimproved Values (UV)		
Rural UV	0.2190	\$850
Rural UV Agricultural Concession	0.1752	\$850

CARRIED 9/0

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

AGAINST: Nil.

13.4 INFRASTRUCTURE

13.4.1 PETITION RECEIVED FROM MS GEMMA TUOHEY, HAIRDRESSER AT THE ADDIE MILLS CENTRE

Author: B Keating
Author's Declaration of Interest: Nil.
Previous Ref: OCM 12 March 2013 Resolution 69
Appendix: Nil.

PURPOSE OF REPORT

For Council to consider a report on a petition received from Ms Gemma Tuohey, the current hirer of the hairdressing room at the Addie Mills Centre.

BACKGROUND

There has been a hairdresser at the Addie Mills Centre for a number of years. The current hairdresser Gemma Tuohey has been in occupation of this designated space since 17 February 2009 and has a current rental agreement until 30 June 2013.

Following a proposal to locate essential Information Technology (IT) equipment to the room used by the hairdresser, a petition containing 120 signatures was presented to the Ordinary Council Meeting of 12 March 2013 requesting that the hairdresser's agreement be renewed from the end of June 2013.

DISCUSSION

Recently it has become apparent that the City's Information Technology Branch urgently needed to locate essential IT equipment away from the existing server at the Civic Centre to minimise risk.

The hairdressing room at Addie Mills was identified as an ideal space for this in terms of both location and size and as the hairdresser rental agreement runs out on 30 June 2013 a proposal was made to use the room for IT needs.

As a result of advice to this effect given to Ms Tuohey, a petition to keep the hairdressing function was organised, which is the subject of this report.

Since the Ordinary Council Meeting of 12 March 2013 the sole user group of the Walker Room at The Agonis has cancelled its booking. Since this room gets very little use and has been deemed suitable for the IT equipment it is proposed to locate the equipment there which negates the need to relocate the hairdresser.

As the hairdresser, Gemma Tuohey, is the sole user of the hairdressing room it will be recommended that a five-year lease be entered into with her in accordance with City Policy 2.1.12 - Tenancy Agreements (Leases and Licences) for City Property.

FINANCIAL IMPLICATIONS

Nil.

*Item 13.4.1 Continued***STATUTORY IMPLICATIONS**

Nil.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION**174 Moved Cr G Dewhurst Seconded Cr O Searle**

That Council authorise the City to prepare a five-year lease with Ms Gemma Tuohey of 3/1 Hardy Street, South Perth, WA 6151 for the hairdressing room at the Addie Mills Centre in accordance with Policy 2.1.12 - Tenancy Agreements (Leases and Licences) for City Property with a further report on the details of the lease to be presented to a future Ordinary Council Meeting.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION**175 Moved Cr G Dewhurst Seconded Cr O Searle**

That Council approve the use of the Walker Room at The Agonis for the installation of essential information technology equipment.

CARRIED 9/0

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

AGAINST: Nil.

13.5 PLANNING AND SUSTAINABILITY

**13.5.1 AMENDMENT NO. 126 TO TOWN PLANNING SCHEME NO. 6 -
MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT
1 - FINALISATION (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)**

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

13.5.2 DRAFT MODIFIED LOCAL PLANNING POLICY - OUTBUILDINGS AND SEA CONTAINERS

Author: L Gibson

Author's Declaration Nil.

of Interest:

Application No: PF12/00022

Previous Ref: Nil.

Appendices: 13.5.2A Adopted Local Planning Policy 2.2 - Outbuildings
13.5.2B Adopted Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers
13.5.2C Draft Modified Local Planning Policy 2.2 - Outbuildings and Sea Containers

PURPOSE OF REPORT

For Council to consider the following:

- The revocation of Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers
- Endorsing, for the purpose of public consultation, a draft modified Outbuildings Policy.

BACKGROUND

Local Planning Policy 2.2 - Outbuildings provides guidance on the assessment and determination of proposals involving outbuildings. Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers provides assessment criteria for sea containers. Whilst that latter policy does provide useful assessment criteria, those criteria are more appropriately contained within a Local Planning Policy, rather than a Council Policy. A review of both policies is therefore warranted.

The above policies are contained as Appendices 13.5.2A and 13.5.2B.

DISCUSSION

The policy review was recently discussed at a Councillor workshop and the following changes were raised at the time:

- Providing for the siting of outbuildings in relation to screening and setbacks from boundaries
- Clarifying that sea containers are generally not supported in a residential area.

Proposed Modification

The most significant changes proposed in the draft modified policy are as follows:

- Clarifying that, for the purposes of Town Planning Scheme No. 6, what does and does not constitute an outbuilding

Item 13.5.2 Continued

- Providing clarification as to when a sea container can be placed on a property without requiring planning approval
- Providing parameters for the assessment of planning applications for sea containers on rural zoned properties. These assessment parameters are generally consistent with those contained in Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers.
- Relaxing the locational requirement for outbuildings in rural areas, provided the outbuilding is not visible from the street.

A copy of the draft modified Local Planning Policy is contained as Appendix 13.5.2C.

Statutory ProcessDraft Modified Local Planning Policy

In accordance with Clause 2.4 of TPS 6, if Council supports the draft modified Policy, with or without any further modifications, it must be advertised for public comment for a period of not less than 21 days. Advertising is proposed to be undertaken in the following manner, consistent with the requirements of TPS 6:

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

After the closure of the advertising period, Council is required to review the draft modified Policy in light of any submissions received and may either adopt the Policy with or without further modifications or not proceed with the Policy.

Revocation of Council Policy

In accordance with Clause 6.3 of Council Policy 5.4.5 - Council Policy Management and Regulation 10 of the *Local Government (Administration) Regulations 1996*, the revocation of Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers must be supported by an Absolute Majority of Council.

To ensure consistency, the proposed revocation of the Council Policy will be advertised as part of the advertising of the draft Policy.

CONCLUSION

The draft modified local planning policy will provide an improved decision-making tool to guide the assessment and determination of development applications that involve sea containers.

It will therefore be recommended that Council:

- Adopt the draft modified Local Planning Policy - Outbuilding and Sea Containers, for the purpose of advertising for public comment
- Advertise its intention to revoke Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers.

*Item 13.5.2 Continued***FINANCIAL IMPLICATIONS**

The cost of advertising the draft modified Policy can be met from the Planning Implementation branch's operational budget.

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005*
- Town Planning Scheme No. 6
- Council Policy 5.4.5 - Council Policy Management
- Local Government (Administration) Regulations 1996 - Regulation 10.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**176 Moved Cr G Dewhurst Seconded Cr K Jones**

That Council, pursuant to Clause 2.4 of Town Planning Scheme No. 6, advertise the draft modified Local Planning Policy - Outbuildings and Sea Containers, as contained in Appendix 13.5.2C and its intention to revoke Council Policy 5.1.8 - Second Hand Railway Carriages and Sea Containers, for a period of not less than 21 days by way of:

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

CARRIED 9/0

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

AGAINST: *Nil.*

13.5.3 DEVELOPMENT APPLICATION - 22 GROUPED DWELLINGS - 39 (LOT 200) BROOKLAND STREET, BECKENHAM

Author: A Thompson
Author's Declaration Nil.
of Interest:
Reference: 222762
Application No: DA12/00099
Applicant: J-Corp T/as Impressions the Home Builder
Owner: Herdsman Technology Pty Ltd
Location: 39 (Lot 200) Brookland Street, Beckenham
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 5.14ha
Previous Ref: 27 November 2012 OCM (Resolution 592)
Appendix: 13.5.3A Site Plan

PURPOSE OF REPORT

For Council to consider an application for planning approval for 22 Grouped Dwellings at 39 (Lot 200) Brookland Street, Beckenham as the proposal was previously considered by Council.

BACKGROUND**Site History**

On 27 November 2012 Council considered the subject proposal and resolved (Resolution 592) as follows:

"That Council defers consideration of the development of 22 grouped dwellings at 39 (Lot 200) Brookland Street, Beckenham, pending the receipt of revised plans which accord with the provisions of the Residential Design Codes in relation to the required width of the driveways."

Since that time, the applicant has submitted amended plans that address the issue of the width of the common property driveway.

Site Description and Planning Framework

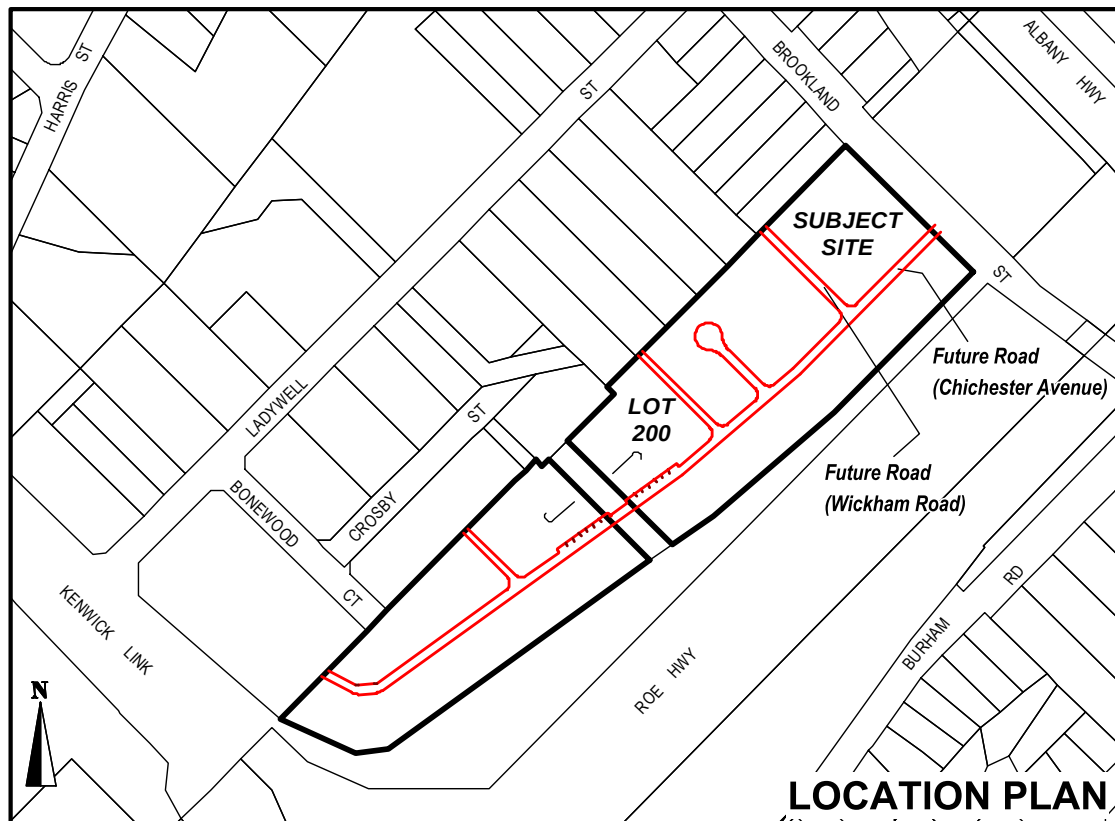
The subject lot is a vacant site bound by Brookland Street to the north-east, Roe Highway to the south-east, Kenwick Link to the south-west and residential lots to the north-west.

The subject application relates to a 5,504m² area of land in the northern corner of Lot 200. For ease of reference that area will hereafter be referred to as the subject site.

Item 13.5.3 Continued

The subject site is zoned Residential Development under Town Planning Scheme No. 6 (TPS 6) and is designated as Residential R40 under the Yule Brook Precinct 1 Outline Development Plan (ODP). The ODP proposes future roads to be developed along two boundaries of the subject site.

A map identifying the location of the property follows:

**Proposal**

The amended application involves the following:

- The construction of 22 single-storey grouped dwellings, typically comprising three bedrooms and two bathrooms each
- The construction of two new public roads (Chichester Avenue and Wickham Road)
- Lots 1, 2, 9, 10 and 11 are accessed from the future Wickham Road
- Lots 3 to 8 are to be accessed from a common property driveway
- Lots 12 - 16 are to be accessed from the future Chichester Avenue
- Lots 17 - 22 are to be accessed from Brookland Street.

A site plan is contained as Appendix 13.5.3A.

*Item 13.5.3 Continued***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 TPS 6 and designated R40 under the Yule Brook Precinct 1 Outline Development Plan. 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.

Yule Brook Precinct 1 Outline Development Plan

As previously detailed the subject site forms part of the Yule Brook Precinct 1 ODP, which designates the subject site as Residential R40 and provides for new public roads along two boundaries of the site. The subject proposal relies on the construction of those roads to provide vehicular access to Lots 1 to 16 and it will therefore be recommended that a condition be imposed requiring the creation of those roads.

Residential Design Codes (R-Codes)

The R-Codes include Acceptable Development Criteria (prefixed by "A") and Performance Criteria (prefixed by "P"). Applications not complying with the Acceptable Development Criteria can be assessed against relevant Performance Criteria, 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 performance criteria of the R-Codes are met (column B)
- Standards of development the City considers to be unacceptable (Column C).

The plans previously considered by Council for this site did not comply with Clause 6.5.4 of the R-Codes, as they proposed a common property driveway which did not allow two-way access for the entire length.

The application has since been amended and proposes a common property driveway width of 6m for its entire length, thus allowing two-way access. The proposal now complies with the Acceptable Development provisions of Clause 6.5.4 in terms of road width.

The subject proposal complies with all relevant Acceptable Development provisions of the R-Codes or Column B criteria of LPP 1.1.1, with the exception of those detailed in the following table.

R-Code and Policy Provision		Assessment/Comment
1.	6.5.4 Vehicular Access A4.3 Formed driveways: • No closer than 0.5m to a side lot boundary or street pole.	The common property formed driveway is proposed to be located with no setback to the side strata lot boundaries.

Item 13.5.3 Continued

R-Code and Policy Provision	Assessment/Comment
P4 Vehicular access provided so as to minimise the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape. LPP 1.1.1 Column B - Development that complies with 6.5.4 Acceptable Development provisions A4.1 - A4.4. Column C - Development that does not comply with 6.5.4 Acceptable Development provisions A4.1 - 4.4.	It is considered that the nil setback will detract from the streetscape in its current form as it allows no opportunities for landscaping down the length of the common property. As mentioned above, the development does not comply with the Acceptable Development provisions A4.3 and therefore does not meet the Column B criteria. The development proposal is considered unacceptable by virtue of the Column C criteria and a variation to the Policy is not considered appropriate in this instance. Rather than refusing the application, it will be recommended that Council approve it, subject to the imposition of a condition requiring an amended plan to be submitted showing the formed driveway reduced in width to 5m and setback 0.5m from each side lot boundary. A 5m wide formed driveway would still achieve two way access and also allows the formed driveway to be setback 0.5m from each side lot boundary. This would ensure compliance with Clause 6.5.4, above, and allow opportunities for landscaping down the common property, providing an attractive streetscape.

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

The subject site is located directly abutting Roe Highway (including the passenger and freight railway line) and is within close proximity to Kenwick Link and Albany Highway. The development site is therefore subject to the requirements of State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4). SPP 5.4 outlines various requirements for development abutting certain roads and rail lines in order to minimise potential noise impacts to such development.

SPP 5.4 identifies that for any new noise sensitive development, noise assessments should be conducted as early as practicable in the planning process, typically at the scheme amendment or structure planning stage. In this instance a noise assessment was provided with the Yule Brook Precinct 1 ODP. The submitted noise assessment recommends that in order to address potential noise impacts from Roe Highway and Kenwick Link, the developer of Lot 200 would be required to construct a 2.8m high noise wall around the boundary of Lot 200, where it abuts Roe Highway and Kenwick Link.

It will therefore be recommended that if the application is approved, a condition be imposed requiring the construction of the noise wall.

CONCLUSION

The proposal is supported for the following reasons:

Item 13.5.3 Continued

- The development complies with the Residential R40 designation under the Yule Brook Precinct 1 ODP
- The proposal complies with the R-Codes and the City's Residential Development Policy
- The proposal is generally compliant with the requirements of the R-Codes, and where non-compliant, it can be made compliant through the imposition of a condition.

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
- Yule Brook Precinct 1 Outline Development Plan.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

177 Moved Cr G Dewhurst Seconded Cr J Brown

That Council approve the application for 22 grouped dwellings at 39 (Lot 200) Brookland Street, Beckenham, dated 18 April 2012 and amended plans dated 4 July 2012, received 3 October 2012 subject to the following conditions:

1. The submission of an amended site plan, generally in accordance with the submitted plans but modified so that the common property formed driveway width is reduced to 5m and setback 0.5m from each side lot boundary, in accordance with Clause 6.5.4 of the R-Codes. The plan is to be submitted to the satisfaction of the City prior to the lodgement of a Building Permit application.
2. A geotechnical report is to be submitted (i) certifying that the land is physically capable of development and (ii) detailing site conditions with respect to soil, groundwater and stormwater disposal, to the satisfaction of the City.
3. The on-street carparking bay is to be provided, prior to the occupation of the buildings. The car bay is to be paved, drained and marked to the City's standards in accordance with the approved plan.

Item 13.5.3 Continued

4. Arrangements being made, to the satisfaction of the City, for a contribution towards the provision of one on-street parking bay on the future Wickham Road.
5. The applicant shall submit details prescribing a functional drainage system, including detailed engineering drawings, and necessary technical information to demonstrate functionality of the design to the satisfaction of the City of Gosnells.
6. The site is to be connected to the reticulated sewerage system.
7. Bin collection areas capable of accommodating the number of bins required for the development are to be identified and if necessary, constructed to the satisfaction of the City.
8. The common property accessway being constructed and drained at the subdivider's cost to the specifications and satisfaction of the City.
9. A landscape plan for the development site and the adjoining road verge(s) is to be submitted in accordance with the City's Local Planning Policy LPP 4.5 – Development – Landscaping and approved by the City, prior to the lodgement of a building permit.
10. 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.
11. All cut and fill to be retained within the property boundaries by retaining walls designed by a structural engineer and constructed of masonry or similar approved material.
12. Transformer compounds are to be located and screened to the satisfaction of the City. In this respect, copies of Council's Policy and specifications are available from the City's Infrastructure Directorate.
13. All lots being provided with full frontage to a constructed and dedicated road connected to the local road system, with such roads being constructed and drained at the developer's cost, to the City's satisfaction prior to the occupation of the development.
14. A noise attenuation wall along the boundary of Lot 200 abutting the Roe Highway and Kenwick Link road reserves (with the exception of the pedestrian access way (PAW)) to be constructed in accordance with the previously submitted noise assessment, to the satisfaction of the City.

CARRIED 9/0

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

AGAINST: Nil.

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

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

13.5.5 DEVELOPMENT APPLICATION - SIX MULTIPLE DWELLINGS - 11 (LOT 13) MORLEY STREET, MADDINGTON (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

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

**13.5.6 RETROSPECTIVE DEVELOPMENT APPLICATION - LAND FILL - LOT 66
BROOK ROAD, KENWICK**

Author: R Munyard
Author's Declaration Nil.
of Interest:
Reference: 223823
Application No: DA06/02710
Applicant: Roxanne Balchin
Owner: Roxanne Balchin and Kevin Balchin
Location: Lot 66 Brook Road, Kenwick
Zoning: MRS: Rural
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 4.04ha
Previous Ref: OCM 12 February 2013 (Resolutions 32 and 33)
Appendix: Nil.

PURPOSE OF REPORT

For Council to consider an application for retrospective planning approval for land fill at Lot 66 Brook Road, Kenwick. Council's consideration has been requested by the State Administrative Tribunal (SAT).

BACKGROUND**Site History**

In 2002, fill was placed on the subject site without planning approval, for the purpose of providing a level surface for the grazing of horses. The horse grazing is in association with the abutting Foxwood Farm Equestrian Centre, located on Lots 63-65 Brook Road, Wattle Grove within the Shire of Kalamunda.

Since that time, it has become apparent that:

- i) The fill was not tested as to its composition and may contain contamination
- ii) The area which has been subjected to filling included a declared wetland, which was of interest to the Department of Environment and Conservation (DEC).

The land owner has made considerable effort in satisfying the DEC that the fill was not contaminated, which resulted in the DEC declassifying the wetland categorisation assigned to the land.

The City also sought a development application for the fill and this was partly submitted in November 2006, but was not formally determined.

In April 2012, the application was deemed refused on the basis that information that was needed to complete the application had not been submitted.

In May 2012 the applicant lodged an appeal to the SAT. During the (ongoing) SAT process, the applicant provided the City with a report revealing an unknown degree of contamination in parts of the fill.

Item 13.5.6 Continued

These test results were referred to the DEC for review.

In December 2012, the SAT invited the City to reconsider its deemed refusal determination. On 12 February 2013, Council considered the application and resolved (Resolution 32) to approve it, subject to the following conditions:

1. The landowner is to demonstrate within 30 days of the date of notice of Council's determination that the placement (and any levelling, if required) of the fill has not compromised the disposal of stormwater from the subject site as well as the wider drainage scenario of the immediate surrounding lots (including the road reserve), to the satisfaction of the City.
2. All visible asbestos-containing-material fragments and any other visible suspected contamination is to be removed from surface soils and stockpiles (and safely disposed at a licensed landfill facility) by a suitably qualified professional within 60 days of the date of notice of Council's determination or prior to levelling of the fill, whichever occurs first. The removal is to be undertaken to the satisfaction of the City on the advice of the DEC.
3. The fill material is not to be spread beyond its current footprint on the site. In particular, the fill must not be spread any closer to the Conservation Category Wetland on the subject site or Yule Brook.
4. The landowner is to implement measures to minimise dust generation during levelling of the fill material, to the satisfaction of the City on the advice of the DEC, so as to avoid potential release of asbestos fibres and ensure that visible dust is not released beyond the site boundaries.

In April 2013, the SAT invited the City to reconsider Condition 2 of the planning approval. This reconsideration request is the basis for this report.

Site Description and Planning Framework

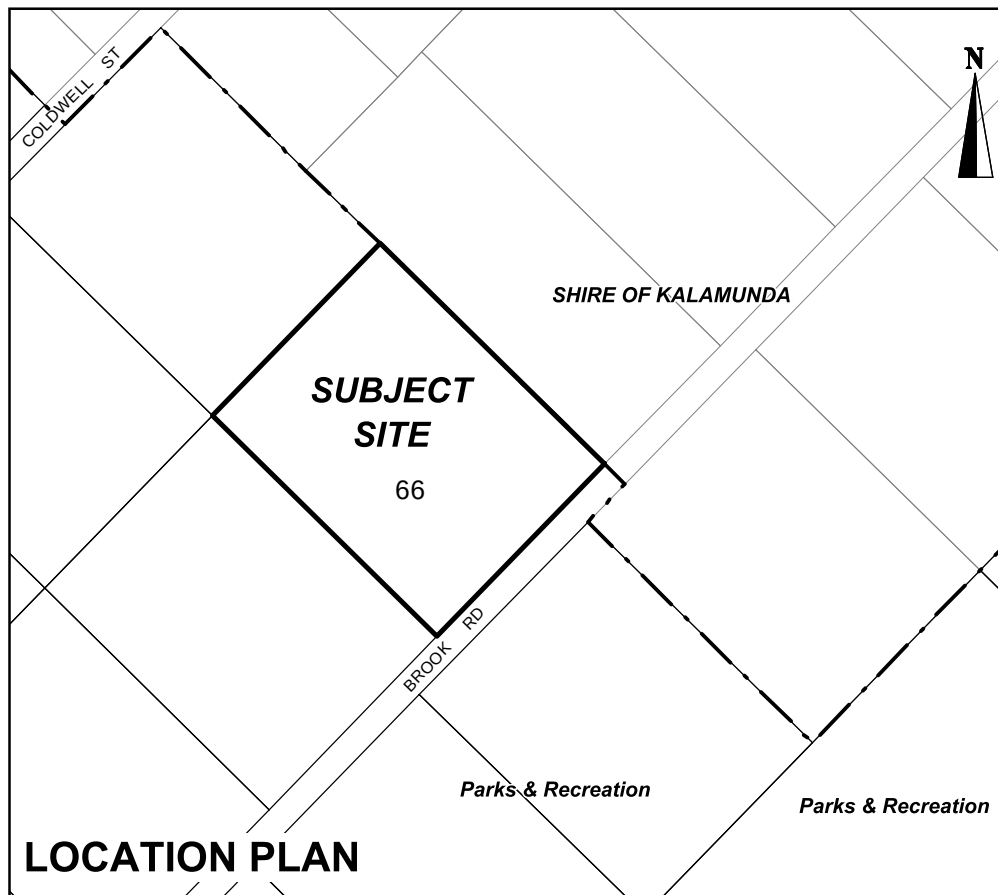
The subject site abuts the Municipal boundary between the City of Gosnells and the Shire of Kalamunda and is vacant.

The property is located within Precinct 3B of the Maddington Kenwick Strategic Employment Area (MKSEA) which is currently being investigated for possible industrial land uses in the future.

Nearby land uses include similarly sized lots which generally accommodate rural residential uses. Located directly opposite the subject site are a number of similar sized lots which form part of a large Parks and Recreation reservation associated with the Greater Brixton Street Wetlands Bush Forever site.

Item 13.5.6 Continued

A map identifying the location of the subject site follows:



Proposal

The applicant has requested Council modify Condition 2 so as to allow the works to be completed by 31 July 2013, on the basis that that works were unable to be completed within 60 days due to the matter being before the SAT.

DISCUSSION

Whilst the additional delay is not ideal, it is not considered that the extension will not lead to any significant issues. It will therefore be recommended that Council vary Condition 2 accordingly.

CONCLUSION

The proposed modification is considered minor and is supported.

FINANCIAL IMPLICATIONS

Nil.

*Item 13.5.6 Continued***STATUTORY IMPLICATIONS**

- Town Planning Scheme No. 6
- Local Planning Policy 2.9 - Landfill.

VOTING REQUIREMENTS

Absolute Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**178 Moved Cr J Brown Seconded Cr R Mitchell**

That Council amend the previous approval for landfill at Lot 66 Brook Road, Kenwick, dated 12 February 2013 by modifying Condition 2 to read as follows:

2. All visible asbestos-containing-material fragments and any other visible suspected contamination is to be removed from surface soils and stockpiles (and safely disposed at a licensed landfill facility) by a suitably qualified professional by 31 July 2013 or prior to levelling of the fill, whichever occurs first. The removal is to be undertaken to the satisfaction of the City on the advice of the Department of Environment and Conservation (DEC).

CARRIED 9/0

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

AGAINST: *Nil.*

13.5.7 PROPOSED DETAILED AREA PLAN - 43 (LOT 35) OSMOND STREET, KENWICK

Author: A Thompson
Author's Declaration Nil.
of Interest:
Reference: 225510
Application No: PF11/00037
Applicant: Gray and Lewis Land Use Planners
Owner: Goldspire Corporation
Location: 43 (Lot 35) Osmond Street, Kenwick
Zoning: MRS: Urban, Urban Deferred
TPS No. 6: Residential Development
Review Rights: Yes. The application is currently subject to review by the State Administrative Tribunal
Area: 1.23ha
Previous Ref: OCM 18 December 2012 (Resolution 642)
Appendices: 13.5.7A Original Refused Detailed Area Plan
13.5.7B Proposed Amended Detailed Area Plan

PURPOSE OF REPORT

For Council to consider a proposed amended Detailed Area Plan (DAP) for 43 (Lot 35) Osmond Street, Kenwick as directed by the State Administrative Tribunal (SAT).

BACKGROUND**History**

On 18 December 2012, Council considered an application for a proposed DAP for the subject site, and resolved (Resolution 642) to refuse the proposal for the following reasons:

- "1. *Non-compliance with LPP 1.1.1 - Residential Development*
2. *The cumulative affect of the variations proposed will facilitate overdevelopment of the site and the variations are not in keeping with the desired streetscape for the area."*

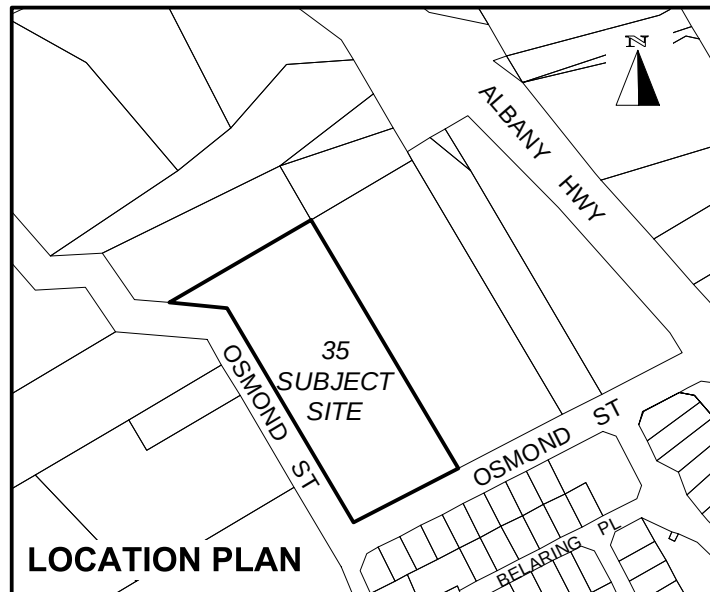
The applicant lodged an appeal to the SAT for a review of the decision to refuse the application. Following mediation, the SAT issued orders requiring the Council to consider an amended DAP for the subject site.

Site Description and Planning Framework

The subject site is bound by Osmond Street to the west and south. To the east lies Residential zoned land and the land to the north is designated as a Parks and Recreation Reserve under the Metropolitan Region Scheme (MRS). The subject site is currently vacant.

Item 13.5.7 Continued

A map identifying the location of the subject property follows:

**Original Proposal**

The original application proposed a number of outcomes including a number of variations to the Residential Design Codes (R-Codes), and Council's Local Planning Policy 1.1.1 - Residential Development (LPP 1.1.1), as follows:

- A provision allowing a minimum 35% private open space associated with each dwelling, in lieu of the required 45%
- A provision allowing a minimum of 2m, average 3m and maximum of 4m primary street setback, in lieu of the minimum of 2m and average of 4m
- A provision allowing a minimum of 2m and maximum of 4m garage setback
- The designation of building envelopes
- The inclusion of 'designated' and 'recommended' garage locations
- A provision requiring a 1m secondary street setback
- A provision permitting walls to be built up to two side boundaries
- A provision stating that the DAP replaces the need for planning approval for all single lot development proposed on the subject property where the proposal complies with the provisions of the DAP, R-Codes and LPP 1.1.1.

A copy of the refused DAP is contained in Appendix 13.5.7A.

Consultation

As part of the original assessment, the application was advertised for 14 days to the owners/occupiers of surrounding properties.

Item 13.5.7 Continued

At the completion of the advertising period three submissions were received; one raising an objection and two which provided comment. A summary of the original submissions received and comments thereon was contained in the report presented to Council on 18 December 2012.

The main issues of concern raised by submitters related to:

- Reduced setbacks
- Car parking.

DISCUSSION**Invitation to Council to Reconsider an Amended Proposal**

The SAT has invited Council to reconsider an amended DAP proposal put forward by the applicant. The options are as follows:

- Approve the amended proposal
- Refuse the amended proposal.

Amended Application

The amended DAP proposes the following:

- A provision allowing a minimum 40.5% private open space associated with each dwelling, in lieu of the required 45%
- A provision allowing a minimum 2m, average 3m and maximum of 4m primary street setback, in lieu of the minimum of 2m and average of 4m
- A provision allowing a minimum 4.05m garage setback to primary streets
- The designation of building envelopes
- The inclusion of 'designated' and 'recommended' garage locations
- A provision requiring a 1m secondary street setback
- A provision permitting walls to be built up to two side boundaries
- A provision detailing Column B criteria of LPP 1.1.1, as it relates to street setbacks
- A provision stating that the DAP replaces the need for planning approval for all single lot development proposed on the subject property, where the proposal complies with the provisions of the DAP, R-Codes and LPP 1.1.1.

A copy of the proposed amended DAP is contained as Appendix 13.5.7B

*Item 13.5.7 Continued***Residential Design Codes**

The proposed DAP is intended to guide future residential development of the subject lot and as such is required to be assessed against the R-Codes and LPP 1.1.1.

The R-Codes include Acceptable Development Criteria (prefixed by "A") and Performance Criteria (prefixed by "P"). Applications not complying with the Acceptable Development Criteria can be assessed against relevant Performance Criteria, with that assessment guided by LPP 1.1.1. LPP 1.1.1 prescribes:

- Standards used to determine whether certain performance criteria of the R Codes are met (Column B)
- Standards of development the City considers to be unacceptable (Column C).

The amended proposal has addressed previous concerns relating to non-compliance with the R-Codes and LPP 1.1.1 and now complies with all relevant Acceptable Development provisions of the R-Codes or Column B criteria of LPP 1.1.1 including those provisions relating to open space and building setbacks, with the exception of that detailed in the table below.

R-Code and Policy Provision	Assessment/Comment
1. 6.5.4 Vehicular Access A4.3 Formed Driveways: • No closer than 6m to a street corner or the point at which a carriageway begins to deviate. P4 Vehicular access provided so as to minimise the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape. LPP 1.1.1 Column B - Development that complies with 6.5.4 Acceptable Development provisions A4.1 - 4.4. Column C - Development that does not comply with 6.5.4 Acceptable Development provisions A4.1 - 4.4.	The garage locations remain unchanged to what was previously considered by Council, but all garages for corner sites are now identified as a 'designated garage location', whereas under the previous plan, Lot 315 had a 'recommended garage location'. The garage locations for these corner lots are shown to be approximately 4m from the street corners, causing the associated driveway to be located within 6m from the street corner. As the proposal does not comply with the Acceptable Development provisions, assessment against the Performance Criteria is therefore required. With the exception of Lot 305, the driveways are considered to be located a sufficient distance from the corners, thereby allowing appropriate sight line distances. The DAP does not comply with Acceptable Development provision A4.3. Whilst the DAP does not comply with the Acceptable Development provisions A4.3, it does comply (with the exception of Lot 305) with the associated Performance Criteria. Therefore, subject to the garage for Lot 305 being relocated, a variation to the Policy is considered acceptable in this instance.

*Item 13.5.7 Continued***CONCLUSION**

The proposal, subject to one change, is supported as it complies with the stated Performance Criteria of the R-Codes. As Council is unable to approve a DAP subject to modifications, it will therefore be recommended that it be refused. It will however, also be recommended that Council advise the State Administrative Tribunal and the applicant that it would support the proposed amended Detailed Area Plan if it were modified by relocating of the designated garage location of Lot 305 so as to be accessed from the secondary street, at least 6m from the street corner, in accordance with Clause 6.5.4 of the R-Codes.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- *State Administrative Tribunal Act 2004*
- Town Planning Scheme No. 6
- Residential Design Codes
- Local Planning Policy 1.1.1 - Residential Development.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION (1 OF 3) AND COUNCIL RESOLUTION**179 Moved Cr G Dewhurst Seconded Cr J Brown**

That Council, pursuant to Clause 7.6.1(c) (ii) of Town Planning Scheme No. 6 and Section 31 of the *State Administrative Tribunal Act 2004*, refuse the amended Detailed Area Plan prepared by Gray and Lewis for 43 (Lot 35) Osmond Street, Kenwick, as contained in Appendix 13.5.7B, as it does not comply with Clause 6.5.4 A4.3 of the R-Codes and LPP 1.1.1 and the variations proposed in relation to Lot 305 presents traffic safety issues.

CARRIED 9/0

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

AGAINST: *Nil.*

*Item 13.5.7 Continued***STAFF RECOMMENDATION (2 OF 3) AND COUNCIL RESOLUTION****180 Moved Cr G Dewhurst Seconded Cr J Brown**

That Council advise the State Administrative Tribunal and the applicant that it would support the proposed amended Detailed Area Plan, as contained in Appendix 13.5.7B, if it were modified by relocation of the designated garage location of Lot 305 so as to be accessed from the secondary street, at least 6m from the street corner, in accordance with Clause 6.5.4 of the R-Codes.

CARRIED 9/0

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

AGAINST: *Nil.*

STAFF RECOMMENDATION (3 OF 3) AND COUNCIL RESOLUTION**181 Moved Cr G Dewhurst Seconded Cr J Brown**

That Council authorise the Manager Planning Implementation to determine any future Detailed Area Plan for 43 (Lot 35) Osmond Street, Kenwick, which complies with Residential Design Codes and the Local Planning Policy 1.1.1 - Residential Development.

CARRIED 9/0

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

AGAINST: *Nil.*

13.5.8 DEVELOPMENT APPLICATION - FOUR GROUPED DWELLINGS - 3 (LOT 40) MORLEY STREET, MADDINGTON

Author: R Brockman
Author's Declaration Nil.
of Interest:
Reference: 208832
Application No: DA12/00351
Applicant: J Corp Pty Ltd T/A Impressions
Owner: Booley Corporation
Location: 3 (Lot 40) Morley Street, Maddington
Zoning: MRS: Urban
TPS No. 6: Residential Development
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1,114m²
Previous Ref: Nil.
Appendix: 13.5.8A Site Plans, Floor Plans and Elevations

PURPOSE OF REPORT

For Council to consider an application for planning approval for four grouped dwellings at 3 (Lot 40) Morley Street, Maddington as determination of the proposal is outside the authority delegated to staff due to non-compliance with Local Planning Policy 5.1 - Maddington Town Centre Development (LPP 5.1).

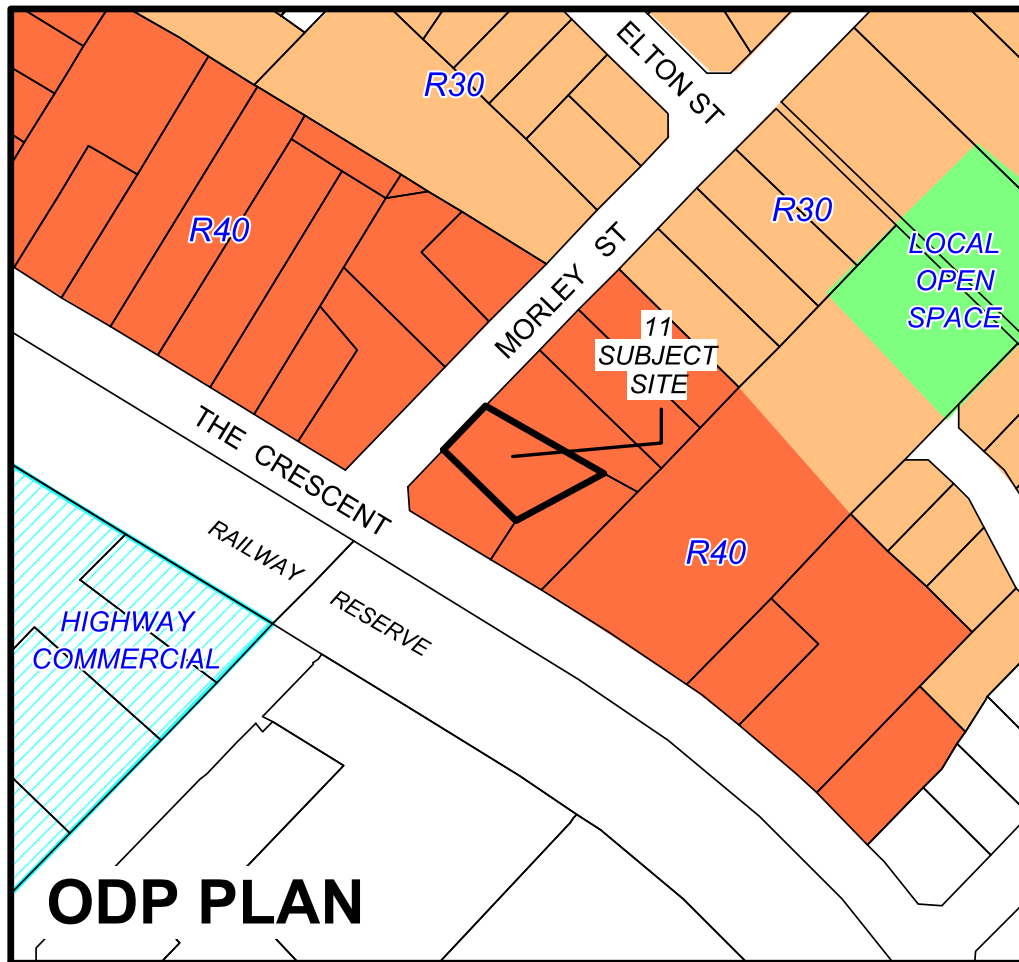
BACKGROUND**Site Description and Planning Framework**

The subject site is located approximately 250m from the Maddington Town Centre and is currently vacant. The surrounding area comprises of large, under-developed residential lots.

The property is located within the Central Maddington Outline Development Plan (ODP) area, which designates the site as Residential R40. The site is surrounded by land coded R40 of similar size.

A plan identifying the location of the subject site in the context of the ODP follows:

Item 13.5.8 Continued

**Proposal**

The application involves the construction of four single-storey grouped dwellings, with access to three of the units proposed via a 3m wide internal driveway and access to the other unit by a crossover to Morley Street.

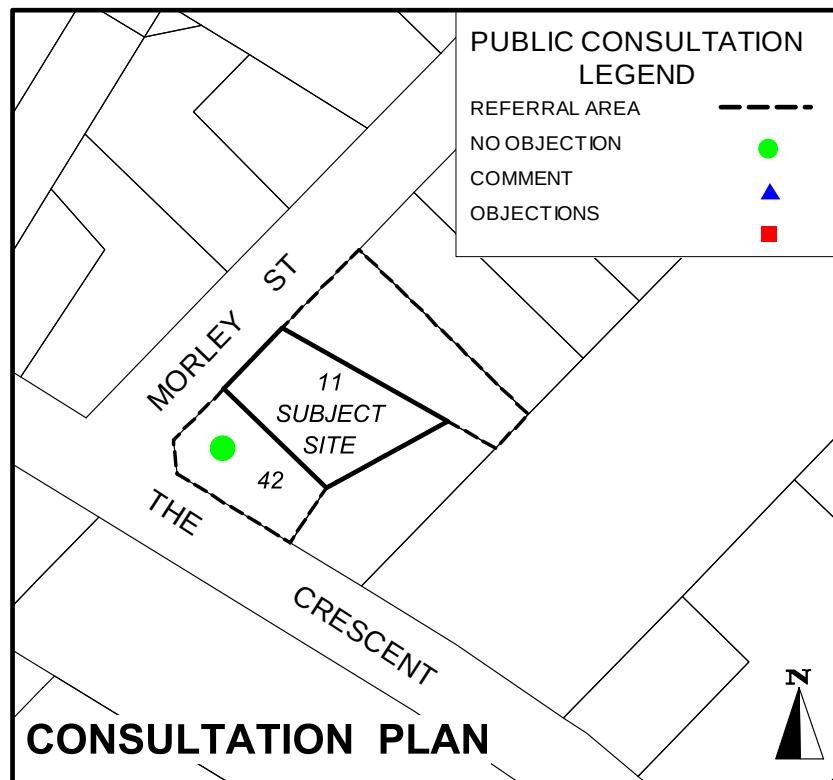
The submitted plans are contained in Appendix 13.5.8A.

Consultation

The proposal was required to be advertised for public comment as it involves two boundary walls. One submission was received during the advertising period, raising no-objection to the proposal.

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

Item 13.5.8 Continued

**DISCUSSION****Town Planning Scheme No. 6**

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.

Central Maddington Outline Development Plan

The ODP requires contributions to be paid as part of this development, however, at this stage the contribution arrangement has not been finalised. If the application is approved, it will be recommended that a condition be imposed requiring that arrangements be made to secure the payment of the future developer cost contributions that will apply upon the finalisation of the Development Contribution Arrangement for the ODP area.

Residential Design Codes (R-Codes)

The R-Codes include Acceptable Development Criteria (prefixed by "A") and Performance Criteria (prefixed by "P"). Applications not complying with the Acceptable Development Criteria can be assessed against relevant Performance Criteria, 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 performance criteria of the R-Codes are met (column B)

Item 13.5.8 Continued

- Standards of development the City considers to be unacceptable (Column C).

The subject proposal complies with all relevant Acceptable Development provisions of the R-Codes or Column B criteria of LPP 1.1.1, with the exception of those detailed in the table below.

R-Code Clause/Requirement		Assessment/Comment
1.	6.3.1 Buildings Setback from the Boundary A1 Buildings which are setback in accordance with the following provisions, subject to any additional measures in other elements of the codes: i) Buildings setback from boundaries other than street boundaries in accordance with table 1, tables 2a and 2b (for wall heights 10m and less), figures 2a-2e. P1 Buildings setback from boundaries other than street boundaries so as to: - Provide adequate direct sun and ventilation to the building; - Ensure adequate direct sun and ventilation being available to adjoining properties - Provide adequate direct sun to the building and appurtenant open spaces; - Assist with protection of access to direct sun for adjoining properties; - Assist in ameliorating the impacts of building bulk on adjoining properties; and - Assist in protecting privacy between adjoining properties. LPP 1.1.1 - Residential Development Column B - Buildings set back in accordance with Acceptable Development provisions of 6.4, 6.7, 6.8 and 6.9.	Table 2a specifies a minimum setback requirement of 1.5m. The proposals involve a 1m setback to the south west boundary where it abuts Lot 1. As the proposal does not comply with the Acceptable Development standards, an assessment against the Performance Criteria is required. The development is generally consistent with the Performance Criteria, in that the setback variations will not compromise direct sun and ventilation for the subject buildings, adjoining properties or open spaces, there will not be excess building bulk on adjoining properties and privacy between adjoining properties is maintained. Acceptable Development Provisions 6.4, 6.7, 6.8 and 6.9 relate to Open Space, Building Height, Privacy and Design for Climate Requirements. While the development complies with 6.7, 6.8 and 6.9, proposed Lot 4 does not comply with Acceptable Development provisions of 6.4 (Open Space) in that two of the units are provided with less than 45% open space. It should be noted however that the Open Space aspect of the proposal complies with Column B of the Residential Development Policy.

Item 13.5.8 Continued

R-Code Clause/Requirement	Assessment/Comment
Column C - Development which does not comply with Acceptable Development provisions of 6.4, 6.7, 6.8 and 6.9 and the cumulative effects of variations to these provisions is considered to represent overdevelopment.	As detailed above, the proposal does not comply with the Acceptable Development provisions of 6.4 (Open Space) and would therefore generally be refused. In considering the matter, the following is relevant: • The development proposes only a minor (0.5m) variation to the setback requirements of the R-Codes. • The proposal complies with the related Performance Criteria. • The subject site has an awkward lot configuration. • The affected adjoining landowners did not object to the proposal. Based on the above, the proposal is not considered to constitute overdevelopment and is therefore viewed as acceptable in this instance.

Local Planning Policy 5.1 - Maddington Town Centre Development Policy

The subject site is located within the Maddington Town Centre Development Policy Area where development is guided by LPP 5.1 - Maddington Town Centre Development Policy. The proposal is compliant with the Policy, with the exception of those elements detailed in the following table:

Policy Clause Requirements	Assessment/Comment
1. Presentation of Buildings to Public Streets d) All development must provide vehicle parking areas to the rear of the building. j) Residential development must be setback no more than 2.0m from the primary street boundary.	The proposal includes vehicle parking for Unit 4 to be located on Morley Street representing a variation to the Policy. Given the garage is R-Code compliant, and located behind the main dwelling alignment, it is deemed acceptable in so far as it will not dominate the streetscape. The proposed dwellings are setback 2.298m from the primary street, representing a minor variation to the Policy. The setbacks are generally compliant against the R-Codes and considered not to compromise the streetscape.
2. Building Placement Scale and Design a) All development must present a minimum two storey building to the public street.	The proposal involves only single storey dwellings, which represents a variation to the policy. The intent of this policy provision is to achieve development that provides interest and surveillance to the streetscape. The proposed development incorporates numerous windows facing the street and the elevation incorporates various materials along the façade. The proposal meets the general intent of the policy provision and as such, a variation is considered acceptable in this instance, particularly given that the subject land is located at the periphery and not the core of the Maddington Town Centre Policy area where the promotion of two storey development is not as critical.

Item 13.5.8 Continued

Policy Clause Requirements		Assessment/Comment
	f) Provide vehicle parking areas to the rear of the building, which are designed to support the amenity of the development through features such as articulated entrance, trees within parking areas, complementary materials and finishes, and other detail to create an attractive courtyard setting.	As detailed in 1 above.
3.	Location of Vehicle Parking Areas Vehicle parking areas, carports and garages must be located at the rear of buildings, and should not be located so as to face the primary street boundary.	As detailed in 1 above.
4.	Passive Surveillance b) Buildings facing streets, laneways, car parking areas, the Railway Station or any other public space must incorporate balconies overlooking public spaces to assist in the provision of passive surveillance of these areas. Balustrading to balconies must be at least 50% visually permeable.	As the proposal only involves single storey dwellings, no balconies are proposed, which represents a variation to the policy. The intent of this policy provision is to achieve development that provides surveillance of the streetscape. The proposed development incorporates numerous windows facing the future street as well as an entry door. The proposal meets the general intent of the policy provision and as such, a variation is considered acceptable in this instance.

State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning

The subject site is located 65m from the Perth-Armadale railway line and is therefore subject to the requirements of State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning (SPP 5.4). SPP 5.4 outlines various requirements for development abutting certain roads and rail lines in order to minimise potential noise impacts to such development.

SPP 5.4 identifies that for any new noise sensitive development, noise assessments should be conducted as early as practicable in the planning process, typically at the scheme amendment or structure planning stage. In this instance a noise assessment was provided with the Central Maddington ODP. The submitted noise assessment recommends that, in order to address potential noise impacts from the passenger railway, developers should be required to construct "quiet house" designs. In the instances where new dwellings are built behind existing dwellings abutting the rail reserve, only the dwellings abutting the road reserve require an acoustic barrier. As another property is located between the passenger rail and the subject site, any development on the adjoining property would provide a sufficient noise buffer and no further physical noise barriers need to be constructed.

In any event, should the landowner ever apply to subdivide the land, it will be recommended that a condition be imposed requiring notification on the property title advising of the possibility of noise nuisance associated with the Perth-Armadale railway line.

Item 13.5.8 Continued

CONCLUSION

The proposal is supported for the following reasons:

- The proposal is consistent with the R40 coding applicable to the site
- The proposal is generally compliant with the requirements of LPP 1.1.1 and 5.1, and where non-compliant, the variations to the Policies are considered acceptable.

It will therefore be 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 of Western Australia
- Local Planning Policy 1.1.1 - Residential Development
- Local Planning Policy 5.1 - Maddington Town Centre Development Policy
- Central Maddington Outline Development Plan
- State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

182 Moved Cr R Mitchell Seconded Cr R Lawrence

That Council approve the application for four grouped dwellings at 3 (Lot 40) Morley Street, Maddington dated 22 October 2012, subject to the following conditions:

1. Arrangements being made to the satisfaction of the City of Gosnells, for the landowner to contribute towards development infrastructure, as established through the finalisation of the draft Central Maddington Outline Development Plan Development Contribution Arrangement.

Item 13.5.8 Continued

2. 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.
3. 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.
4. Any easements necessary to facilitate maintenance access to drainage installations being provided at the developer's cost.
5. The common property accessway being constructed and drained at the developer's cost to the specifications and satisfaction of the City.
6. Existing vehicle crossovers that are not required as part of the development shall be removed and the verge reinstated to the satisfaction of the City.
7. All cut and fill to be retained within the property boundaries by retaining walls designed by a structural engineer and constructed of masonry or similar approved material.
8. The proponent is to install (prior to the occupation of any of the dwellings) and thereafter maintain, landscaping (i) on the verge in accordance with the City's guidelines on permissible verge treatments and (ii) to the development site in accordance with the Residential Design Codes, to the satisfaction of the City.
9. The site is to be connected to the reticulated sewerage system.
10. A rubbish bin storage area shall be provided, located and screened from view from all units and the street to the satisfaction of the City.

CARRIED 9/0

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

AGAINST: Nil.

13.5.9 RETROSPECTIVE DEVELOPMENT APPLICATION - HOME BUSINESS (MOBILE TYRE FITTING BUSINESS) - 389 (LOT 9) KELVIN ROAD, ORANGE GROVE

Author: R Munyard
Author's Declaration Nil.
of Interest:
Reference: 205647
Application No: DA12/00101
Applicant: Kevin Sullivan and Ludovic Volpi
Owner: Kevin Sullivan and Beverly Sullivan
Location: 389 (Lot 9) 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: 2.29ha
Previous Ref: Nil.
Appendix: 13.5.9A Site, Floor and Signage Plans

PURPOSE OF REPORT

For Council to consider an application for retrospective planning approval for a Home Business at 389 (Lot 9) Kelvin Road, Orange Grove as determination of the proposal is outside the authority delegated to staff due to an objection being received during the consultation period.

BACKGROUND

An application for a mobile tyre fitting business operating from the subject property was lodged in April 2012. The delay in presenting it to Council was due to the need to obtain the appropriate advertising fee from the applicant, prior to the consultation period commencing.

In February 2013, the applicant advised that they were to relocate the business to a property in Armadale, but still wish to seek planning approval for the subject proposal for emergency-only situations, with the anticipated frequency of this occurring only being confirmed in April 2013.

Site Description and Planning Framework

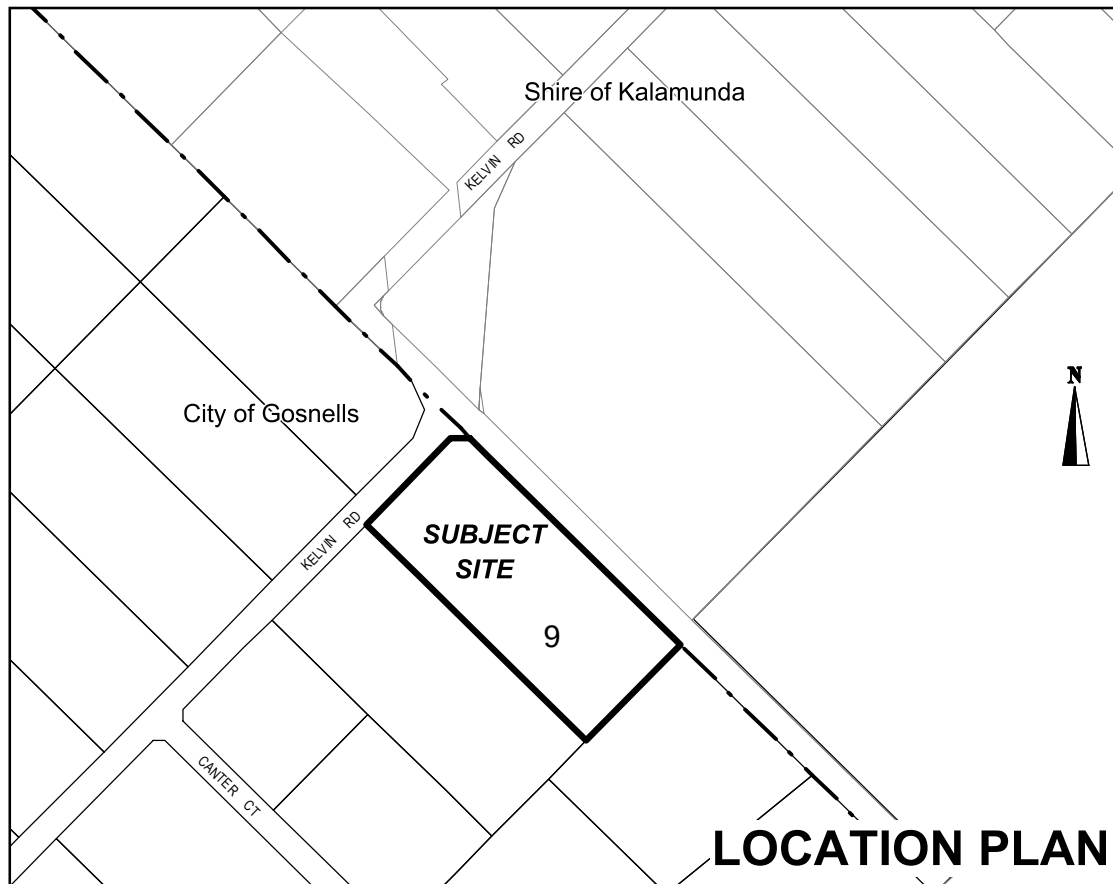
The subject site abuts the municipal boundary of the City of Gosnells and the Shire of Kalamunda and is located within Precinct Three of the City's draft Foothills Rural Strategy.

Existing development on the site consists of a single house, an outbuilding and a hardstand area for vehicle access and parking. An electricity transmission tower and powerlines are located 50m from the front of the property, within the boundaries of the subject site.

Nearby land is characterised by similar sized lots, which generally accommodate rural residential uses, with the exception of the Crystal Brook Caravan Park, which is located directly opposite the subject site and the Camp Wattle Grove, which is located on the abutting Lot 19 Kelvin Road.

Item 13.5.9 Continued

A map identifying the location of the subject site follows:

**Proposal**

The original application (which was advertised to surrounding land owners for comment) involved the following:

- The operation of a mobile tyre fitting business on site
- The business will be conducted predominantly off-site, however, occasionally clients will require car tyres to be fitted on the subject site
- All equipment will be stored within the existing outbuilding on the subject site. The storage component and operating area occupy a total area of 53.1m².
- A 26.25m² portion of an existing sand pad will be used for the storage of vehicle rims. This area will be screened by a 1.5m high shade cloth fence.
- Operating hours will be from 8am to 5pm, Monday to Friday and from 8am to noon on Saturdays
- Deliveries to the site will be via a utility vehicle or a three tonne truck, twice a week between Monday and Friday, between noon and 2pm
- Old, scrap tyres will be taken away from the subject site approximately once per fortnight
- No retail sales will occur on the subject site
- There will be a total of two employees, one of whom is the landowner

Item 13.5.9 Continued

- There will be one sign advertising the business, which is a total of 1.15m in diameter
- The provision of five on-site carparking spaces.

The site, floor and signage plans are contained as Appendix 13.5.9A.

The modified application is consistent with the original application, with the exception that there will be no storage of equipment or scrap tyres, no fitting of tyres and reduced frequency of deliveries, restricted to maintain stock for emergencies. It is however proposed to store six spare tyres (pre-fitted on vehicle rims) on the subject site, which would be used in the infrequent, emergency-only situations.

This situation would involve one of the employees picking up the required number of tyres and delivering them to a customer who has been stranded by a damaged tyre. The damaged tyres will be repaired and refitted at the Armadale property and not at Orange Grove. There will be no use of any tools on the subject site and any deliveries or pick ups in association with the modified application would be on an "as required" basis.

Consultation

The original application was advertised for public comment for 14 days in accordance with the requirements of TPS 6, during which time three submissions were received; one raising objection and two raising no objection. A summary of these submissions and comments thereon follow.

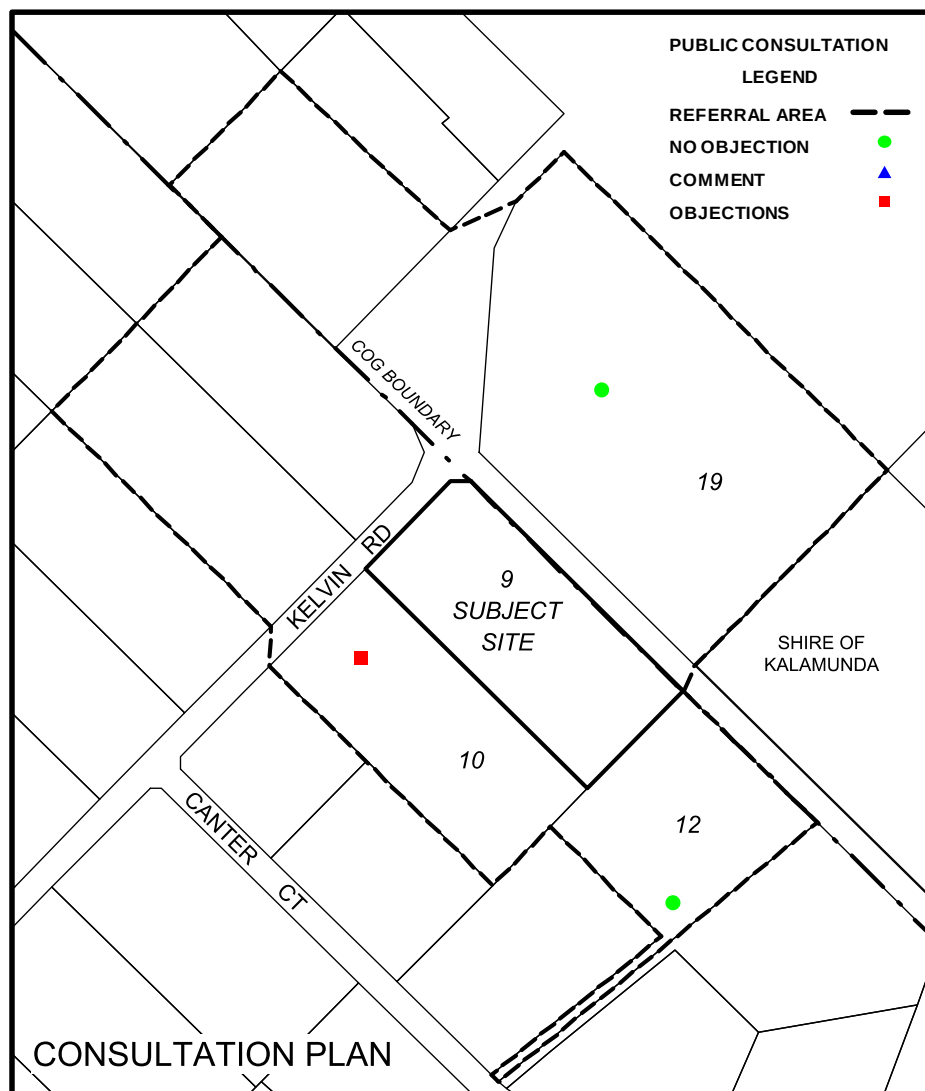
1.	Affected Property: 373 (Lot 10) Kelvin Road Orange Grove	Postal Address: PO Box 70 MIDLAND DC WA 6936
Summary of Submission		Comment
Objection to application I object to the inconsistent manner the City approached the problems of businesses operating from properties within this area. The bylaws are only applied when personalities appeal to them.		Noted. The comment does not relate specifically to this current application. The City assesses each application on its merits and having regard to the provisions of TPS 6.

Item 13.5.9 Continued

2.	Affected Property: 59 (Lot 19) Kelvin Road Wattle Grove	Postal Address: 59 Kelvin Road WATTLE GROVE WA 6107
Summary of Submission		Comment
No objection to application.		Noted.

3.	Affected Property: 31 (Lot 12) Canter Court Orange Grove	Postal Address: PO Box 48 KUKERIN WA 6352
Summary of Submission		Comment
No objection to application.		Noted.

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



Item 13.5.9 Continued

Referrals

The proposal was referred to Western Power for comment due to the presence of an electricity transmission tower and powerlines within the subject site. Western Power advised that it had no objection to the application.

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned General Rural under TPS 6. In accordance with TPS 6, a Home Business is a "D" use in the General Rural 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)

The application has been assessed against LPP 2.5 and complies in all regards.

Traffic

The portion of Kelvin Road fronted by the subject site is classified as a District Distributor B Road. The applicant has advised that proposed vehicle movements to and from the site would only occur infrequently when an emergency situation occurs requiring employees picking up tyres to deliver them to a customer who has been stranded by tyre damage.

These proposed vehicle movements are not considered significant in terms of Kelvin Road's design capacity. Furthermore, the internal hardstand area layout of the site has been designed in such a way that vehicular access to and from the site will be in a forward motion.

For the above reasons it is expected that the proposed activities will not create traffic volumes that are beyond the capacity of Kelvin Road or will have a detrimental impact on the amenity of the locality. Furthermore, the scale and frequency of vehicle movements is not considered to be in excess of a typical road serving rural zoned land.

Noise

The applicant has advised that the proposal will be low impact in terms of noise generation as no machinery is proposed to be used on-site in association with the business. Rather, the proposal is for the storage of six spare tyres (pre-fitted on vehicle rims), which would be used in infrequent, emergency-only situations and therefore the land use is not anticipated to create any noise impacts on the rural amenity of the immediate locality. In any event, the use would be required to comply with the *Environmental Protection (Noise) Regulations 1997* at all times, with the onus on the applicant to comply with these regulations.

In the event of Council approval, it will be recommended that a condition be imposed restricting the fitting of tyres on the subject site to ensure there are no detrimental impacts on the rural amenity of the locality.

*Item 13.5.9 Continued***CONCLUSION**

The proposal is supported for the following reasons:

- The proposal is not expected to create traffic issues beyond the capacity of Kelvin Road
- The scale and frequency of vehicle movements is not considered to be in excess of a typical road serving rural zoned land
- The limited on-site nature of the proposal is not considered to have a detrimental impact on the rural amenity of the surrounding locality.

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.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**183 Moved Cr R Lawrence Seconded Cr R Mitchell**

That Council approve the application for a Home Business at 389 (Lot 9) Kelvin Road, Orange Grove, dated 23 April 2012, the amended plans dated 30 July 2012, and the modified details dated 18 April 2013, subject to the following conditions:

1. Fitting, changing or balancing of tyres on the subject site, in association with the Home Business use, is prohibited.
2. The Home Business is limited to a maximum incidental storage capacity of six tyres pre-fitted on vehicle rims.
3. The Home Business use shall not employ more than one person not a member of the occupier's household and shall not involve the retail sale, display or hire of any goods.
4. The operating hours are limited to between 8am to 5pm, Monday to Friday and 8am to noon on Saturdays.

CARRIED 9/0

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

AGAINST: Nil.

13.5.10 DEVELOPMENT APPLICATION - INDUSTRY - NOXIOUS (RESOURCE RECOVERY AND WASTE ACTIVITIES) - 48 (LOT 280) AND 42 (LOT 281) KELVIN ROAD, MADDINGTON (*ITEM BROUGHT FORWARD - REFER TO ITEM 11*)

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

**13.5.11 DEVELOPMENT APPLICATION - FAMILY DAY CARE - 27 (LOT 608)
TULLAMORE AVENUE, THORNLIE**

Author: K Ivory
Author's Declaration Nil.
of Interest:
Reference: 201838
Application No: DA13/00027
Applicant: Sharmin Shultana
Owner: Muhammad Rashed Rahman and Sharmin Shultana
Location: 27 (Lot 608) Tullamore Avenue, Thornlie
Zoning: MRS: Urban
TPS No. 6: Residential R17.5
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 929m²
Previous Ref: Nil.
Appendix: Nil.

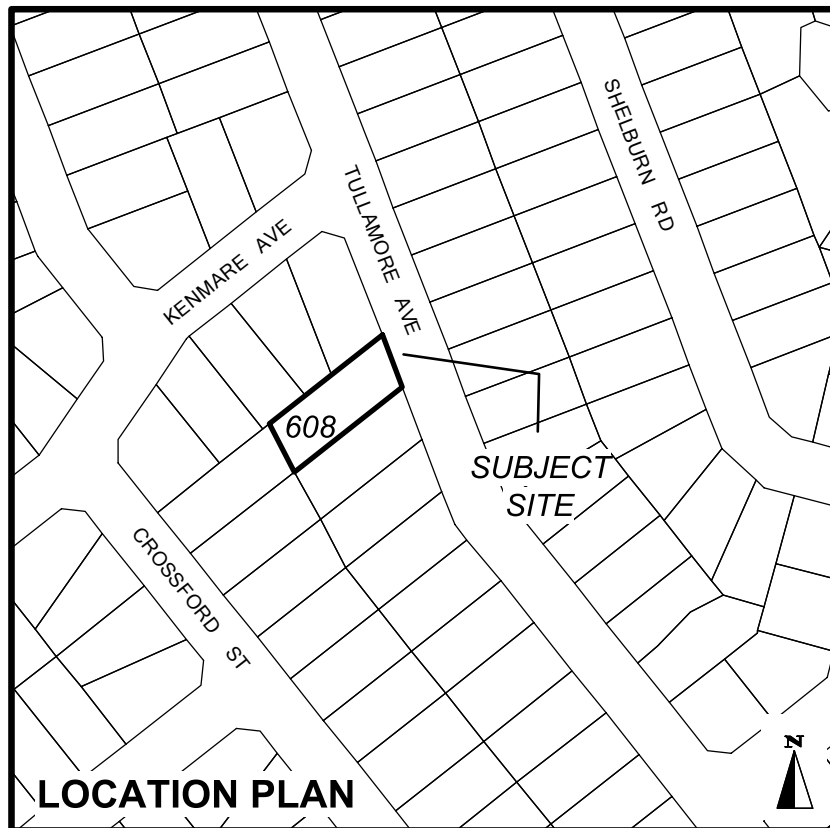
PURPOSE OF REPORT

For Council to consider an application for planning approval for a Family Day Care at 27 (Lot 608) Tullamore Avenue, Thornlie as the proposal is outside the authority delegated to staff due to objections received during the consultation period.

BACKGROUND**Site Description and Planning Framework**

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

A location plan of the site follows:

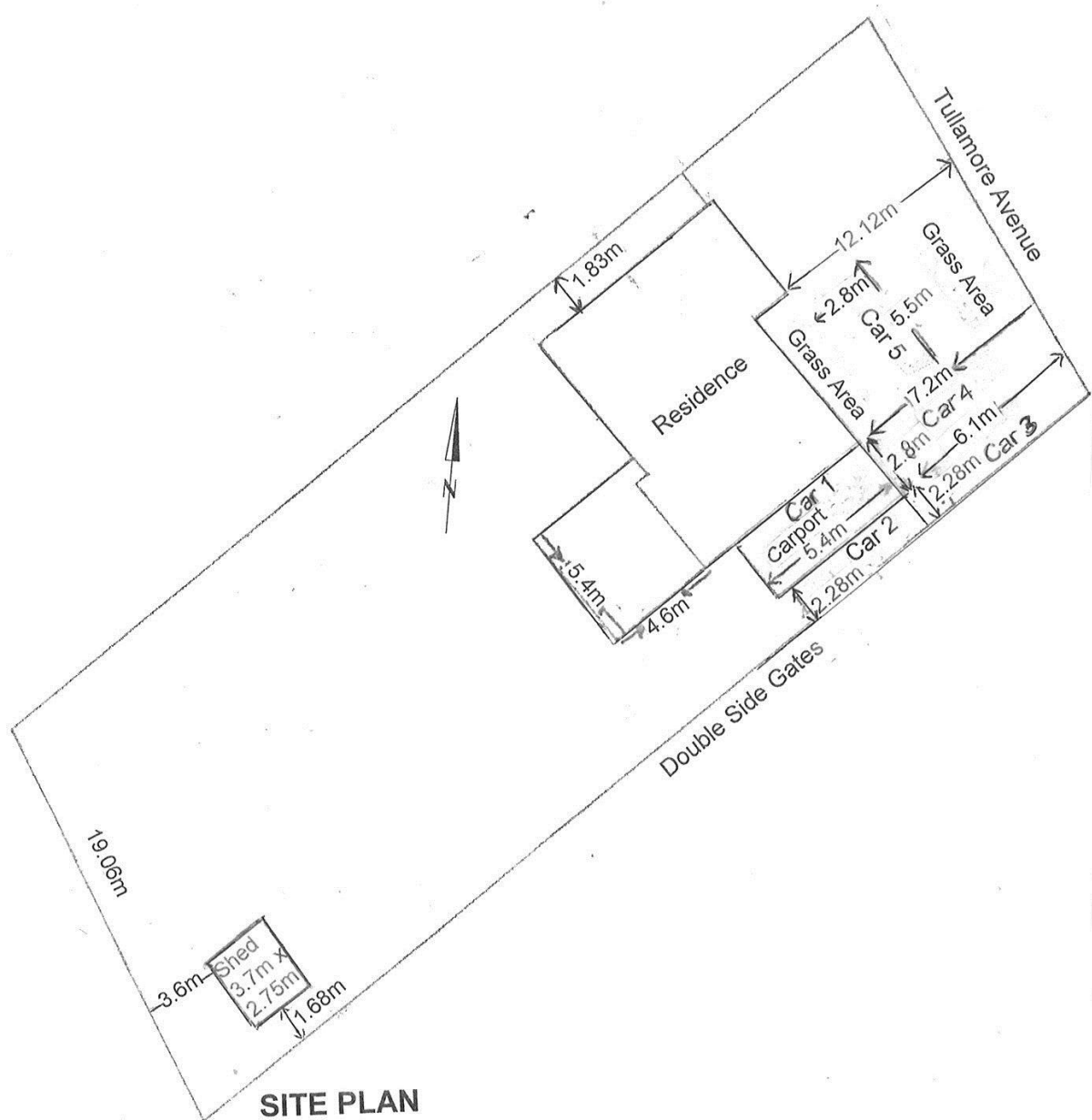
Item 13.5.11 Continued

The application involves the following:

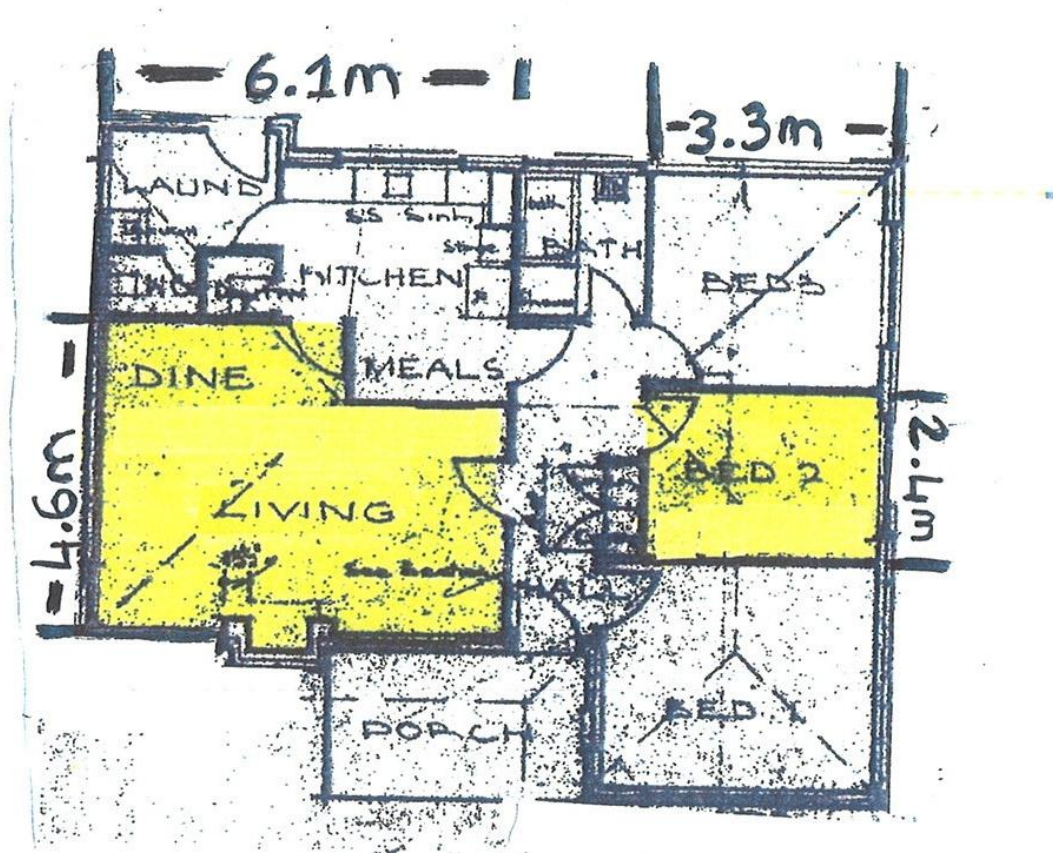
- The hours of operation will be Monday to Friday between 6am and 7pm and Saturdays between 7am and 6pm
- The Family Day Care will involve a maximum of seven children (including the applicant's two children)
- The children will occupy the living room/dining room and bedroom two of the house
- The provision of three car parking bays, contained on the existing driveway, within the front setback area.

A site plan and floor plans follows:

Item 13.5.11 Continued



Item 13.5.11 Continued



Consultation

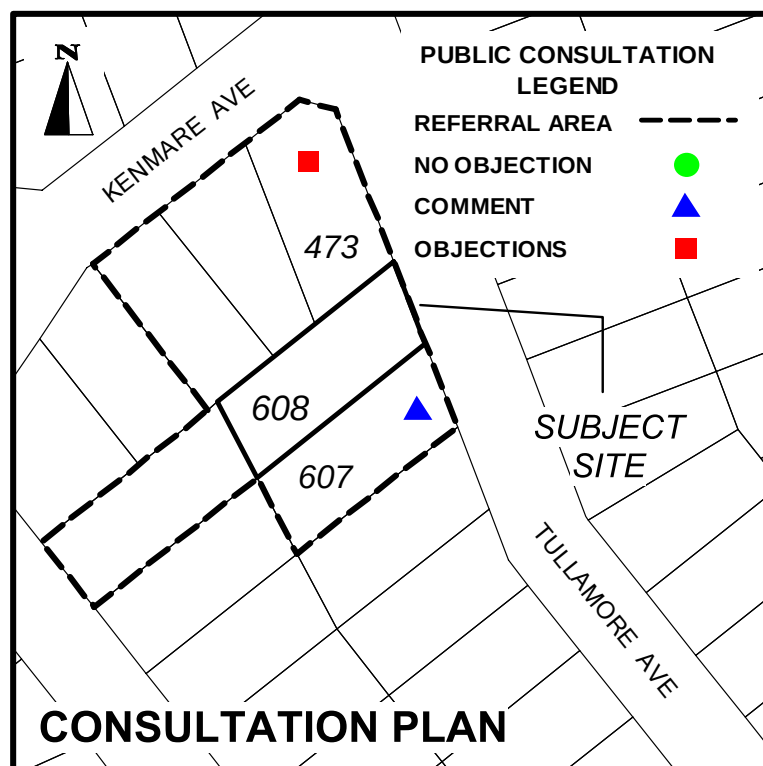
The proposal was advertised for public comment for 14 days in accordance with Local Planning Policy 2.5 - Home Based Activities, during which time two submissions were received, one objecting to the proposal and one commenting on the proposal. A summary of these submissions and comments thereon are provided below.

1.	Affected Property: 43 (Lot 473) Kenmare Avenue Thornlie	Postal Address: 43 Kenmare Avenue THORNIE WA 6108
Summary of Submission		Comment
Object to the proposal.		
1.1	Potential noise impacts on surrounding properties.	See discussion under noise and Local Planning Policy 2.5 - Home Based Activities.
1.2	Traffic impacts on the surrounding area.	See discussion under traffic and Local Planning Policy 2.5 - Home Based Activities.

Item 13.5.11 Continued

2.	Affected Property: 6 (Lot 601) Gallinule Loop Southern River	Postal Address: 6 Gallinule Loop SOUTHERN RIVER WA 6110
Summary of Submission		Comment
Comment on the Proposal		
2.1	Clients should not park on the street as it will impede the bus stop located to the front of the property.	The application involves the provision of three car parking bays, in addition to the two required for the dwelling.
2.2	Suggest that 6.30am is a more appropriate start time on weekdays.	See discussion under noise and Local Planning Policy 2.5 - Home Based Activities.

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



Discussion

Town Planning Scheme No. 6 (TPS 6)

The subject site is zoned Residential R17.5 under Town Planning Scheme No. 6 (TPS 6). In accordance with TPS 6, a Family Day Care is "P" use in the Residential zone, which means the use is permitted, providing it complies with the relevant development standards and the requirements of TPS 6. There is, however, an obligation to consider the suitability of the proposal in the context of the surrounding residential environment.

*Item 13.5.11 Continued***Local Planning Policy 2.5 - Home Based Activities (LPP 2.5)**

LPP 2.5 provides guidance on determining Home Business, Home Occupation 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.

Policy Requirements		Assessment/Comment
5.1(f)	A Family Day care 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 size of 450m ² .	The subject site is 929m 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.	Three visitors' car 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 operate between 6am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays.	The proposal is to operate between 6am and 7pm Monday to Friday and between 7am and 6pm on Saturdays.
5.2(e)	Any outdoor play is to be a minimum of 1.0m from lot boundaries. Play areas may be required to be separated from the boundary by a physical barrier.	The outdoor play area has not been designated on the plans however, should approval be granted it will be recommended that a condition be imposed to ensure any outdoor play area is to be a minimum of 1m from lot boundaries.

As demonstrated above, the application complies with the requirements of LPP 2.5.

AmenityNoise

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.

In any event, the use of the site is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Car Parking and 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 two of the applicant's own children), it would be expected that there would be up to ten vehicle movements per day associated with the Family Day Care.

Item 13.5.11 Continued

An increase of ten 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 three 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 will therefore be 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.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

184 Moved Cr T Brown Seconded Cr G Dewhurst

That Council approve the application for Family Day Care at 27 (Lot 608) Tullamore Avenue, Thornlie, dated 26 January 2013 subject to the following conditions:

1. A minimum of three 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 7am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays.

Item 13.5.11 Continued

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, in accordance with the *Child Care Services (Child Care) Regulations 2006*, and the requirements of the Department for Communities, Child Care Licensing and Standards Unit.
5. Any outdoor play area is to be a minimum of 1m from all lot boundaries.

CARRIED 9/0

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

AGAINST: Nil.

**13.5.12 DEVELOPMENT APPLICATION - COMMERCIAL VEHICLE PARKING - 18
(LOT 93) STANILAND STREET, ORANGE GROVE**

Author: K Ivory
Author's Declaration Nil.
of Interest:
Reference: 305049
Application No: DA12/00355
Applicant: Chad William Dalglish
Owner: Chad William Dalglish
Location: 18 (Lot 93) Staniland Street, Orange Grove
Zoning: MRS: Rural
TPS No. 6: General Rural
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 1ha
Previous Ref: Nil.
Appendix: 13.5.12A Schedule of Submissions

PURPOSE OF REPORT

For Council to consider an application for planning approval for commercial vehicle parking at 18 (Lot 93) Staniland Street, Orange Grove as the proposal is outside the authority delegated to staff due to objections being received during the advertising period.

BACKGROUND**Site Description and Planning Framework**

The subject lot is occupied by a single residence and an outbuilding. The surrounding area is comprised of similarly sized General Rural zoned lots.

A map identifying the location of the subject site follows:

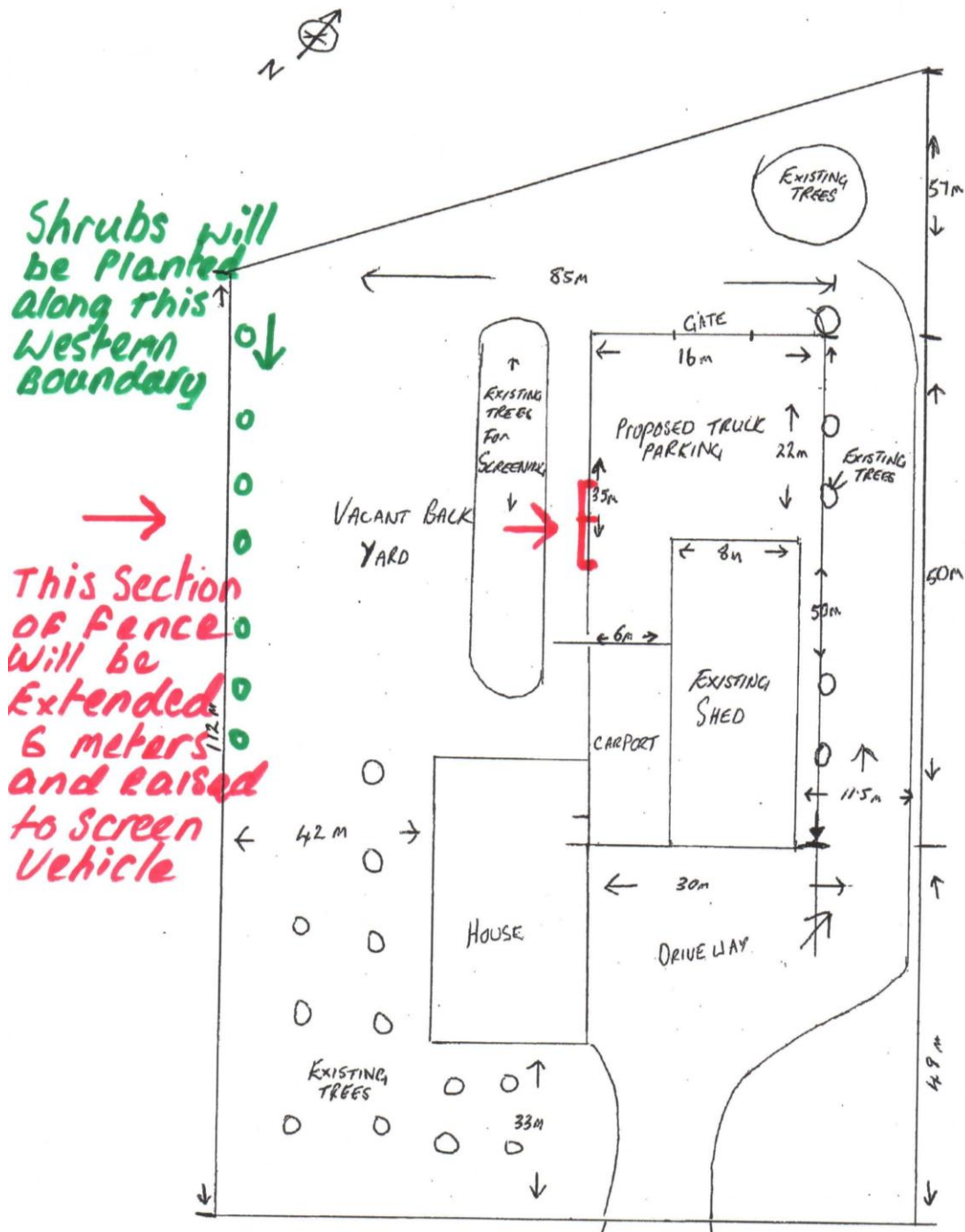
Item 13.5.12 Continued**Proposal**

The application involves the following:

- The parking of one commercial vehicle on the subject site. The vehicle is a 2003 Isuzu Tipper two - axle Rigid Truck and is 7.2m long and 3m high
- The vehicle is to be parked approximately 64m from the front boundary of the property behind the existing shed
- The vehicle will be driven between 7am and 4pm, Monday to Friday
- The vehicle will only be driven by one of the occupants of the property
- The provision of additional screening of the parking area by way of vegetation planting and an extension to the existing fence.

A site plan follows:

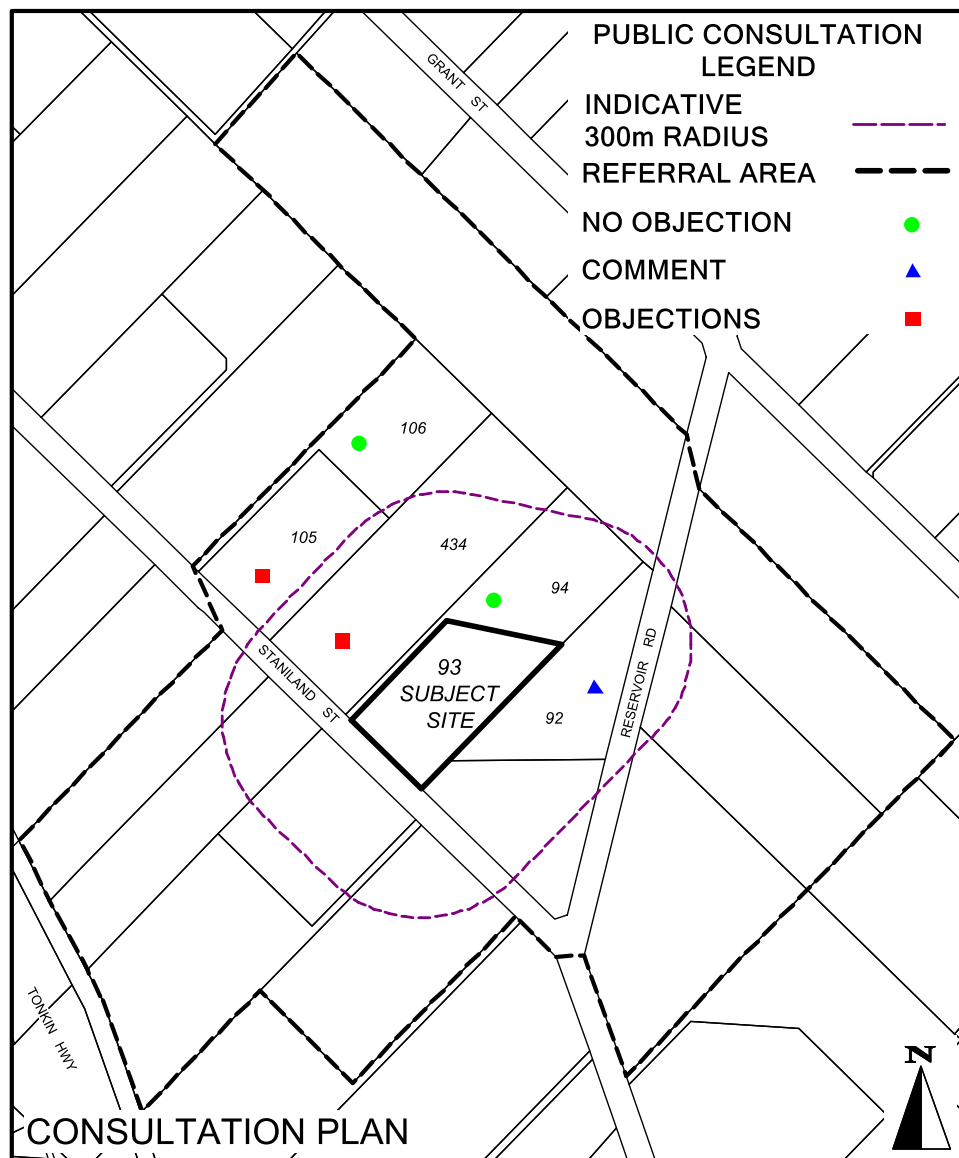
Item 13.5.12 Continued

**Consultation**

The proposal was advertised for public comment for 14 days in accordance with Local Planning Policy 2.1 - Commercial Vehicle Parking, during which time five submissions were received, two objecting to the proposal, two raising no objection and one which provided comment. A summary of these submissions and comments thereon are contained in Appendix 13.5.12A.

Item 13.5.12 Continued

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

**DISCUSSION****Town Planning Scheme No. 6**

In accordance with TPS 6, Commercial Vehicle Parking in the General Rural zone is a 'D' use, which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Local Planning Policy 2.1 (LPP 2.1) - Commercial Vehicle Parking

Council's Commercial Vehicle Parking Policy provides assessment criteria to determine applications for commercial vehicle parking.

Item 13.5.12 Continued

The Policy sets out acceptable criteria (Column A) for parking and where variations to the acceptable criteria may be considered, subject to advertising for public comment (Column B). The Policy also sets out unacceptable criteria (Column C) and states that applications meeting one or more of these criteria should generally be refused.

The application meets all of the requirements of Columns A and B and therefore is deemed acceptable.

Traffic

Under the City's adopted Road Network Hierarchy, Staniland Street is designated as a Local Access Road, which is able to accommodate a maximum desirable volume of 3,000 vehicles per day. It is considered that the Local Access Roads of the immediate locality would be able to sufficiently accommodate the two daily vehicle movements proposed.

Noise

Two submissions raised concerns relating to noise. As mentioned above, there is expected to be two vehicle movements each weekday when the truck leaves the property at 7am and returns to the property at 4pm. LPP 2.1 does not stipulate acceptable operational hours for Commercial Vehicle Parking but indicates that the intended frequency of movement should not unreasonably impact on the function of prevailing traffic conditions in the locality. Vehicle movements between the abovementioned hours are considered unlikely to have any significant impact on nearby properties and are therefore considered acceptable.

Visual Amenity

Two submissions raised concerns about the impacts of the commercial vehicle on the amenity of the locality.

One of the submitters has noted that the vehicle is partially visible from their property. It is considered that the lack of appropriate screening will have a detrimental impact on the residential amenity of the adjoining property. Since the advertising period, the applicant has proposed additional screening of the parking area by way of vegetation planting and an extension to the existing fence. The proposed screening measures are considered acceptable in order to mitigate the visual impacts the commercial vehicle will have on the neighbouring properties.

CONCLUSION

The proposal is generally compliant with the City's Commercial Vehicle Parking Policy and is not anticipated to have a detrimental impact on the rural amenity of the local area.

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

FINANCIAL IMPLICATIONS

Nil.

*Item 13.5.12 Continued***STATUTORY IMPLICATIONS**

- Town Planning Scheme No. 6
- Local Planning Policy 2.1 - Commercial Vehicle Parking.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**185 Moved Cr R Lawrence Seconded Cr R Mitchell**

That Council approve the application for Commercial Vehicle Parking at 18 (Lot 93) Staniland Street, Orange Grove, dated 24 October 2012 subject to the following conditions:

1. The proponent is to install within 21 days of the date of this approval and thereafter maintain, landscaping as shown on the approved site plan, to the satisfaction of the City.
2. The proponent is to install within 21 days of the date of this approval fencing as shown on the approved site plan, to the minimum specification as required by the City's Fencing Local Laws.
3. The area approved to park the vehicle must be constructed of sealed/dust free hard standing material (for example, asphalt, bitumen, concrete or block paving) and drained to the City's satisfaction.
4. Only routine maintenance of a minor nature, such as servicing or wheel changing, is to be carried out on the subject property. No panel beating, spray painting or the removal of major body or engine parts is permitted.
5. Washing of the commercial vehicle on the subject lot is to be limited to the use of water and mild detergent, but not involve the use of any solvents, degreasing substances, steam cleaning and any other processes which may cause pollution or degradation of the environment.
6. Approval of the parking activity does not include allowance for the loading or unloading of the commercial vehicle or the storage of goods in transit.
7. The approval shall be personal to the applicant and shall not be transferred or assigned to any other person.

CARRIED 9/0

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

AGAINST: *Nil.*

13.5.13 DEVELOPMENT APPLICATION - MEDICAL CENTRE - 34 (LOT 2) AND 38 (LOT 142) MURDOCH ROAD AND 120 (LOT 518) SHILLINGTON WAY, THORNLIE

Author: R Brockman
Author's Declaration Nil.
of Interest:
Reference: 214837
Application No: DA12/00402
Applicant: NZ Building and Renovations
Owner: Gazalla Nominees Pty Ltd
Location: 34 (Lot 2) and 38 (Lot 142) Murdoch Road and 120 (Lot 518) Shillington Way, Thornlie
Zoning: MRS: Urban
TPS No. 6: Residential 17.5
Review Rights: Yes. State Administrative Tribunal against any discretionary decision of Council.
Area: 3,056m² (Combined area)
Previous Ref: OCM 24 July 2012 (Resolution 366)
OCM 22 November 2011 (Resolution 565)
Appendices: 13.5.13A Site, Floor and Elevation Plans (approved 24 July 2012)
13.5.13B Site, Floor and Elevation Plans (current proposal)
13.5.13C Schedule of Submissions

PURPOSE OF REPORT

For Council to consider an application for planning approval for a Medical Centre at 34 (Lot 2) and 38 (Lot 142) Murdoch Road and 120 (Lot 518) Shillington Way, Thornlie as the proposal is outside the authority delegated to staff due to objections received during the consultation period.

BACKGROUND**Site History**

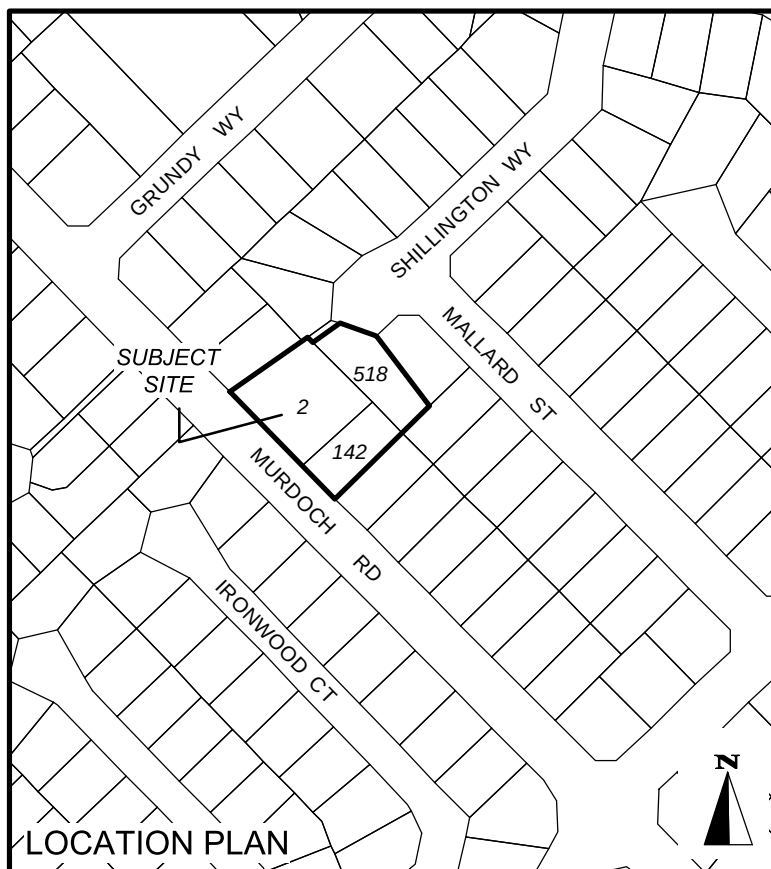
On 22 November 2011, Council resolved (Resolution 565) to approve an application for the extension of an existing medical centre building which was to be used for Educational Establishment purposes. Since the approval was issued, it became apparent that the existing diagnostic centre building could not structurally support a second storey, and as such the approval was not acted upon.

On 24 July 2012, Council resolved (Resolution 366) to approve an application for a Medical Centre and Educational Establishment, which entailed the demolition of the single storey diagnostic centre/educational establishment and the construction of a new two-storey diagnostic centre/educational establishment being setback 23m from Murdoch Road. A total of 47 car parking bays were to be provided across the three sites. Plans showing the approved development are contained in Appendix 13.5.13A.

*Item 13.5.13 Continued***Site Description and Planning Framework**

The subject sites are located within 800m of the Forest Lakes Shopping Centre. Lots 2 and 142 contain existing medical centres that have separate vehicular access to Murdoch Road and Lot 518 Shillington Way contains an existing dwelling. Lot 2 is used as a general medical centre, which is serviced by five general practitioners, two nurses and four administrative staff. Lot 142 is currently used as a diagnostic centre which is occupied by two pathologists and a physiotherapist. Lot 518 has an existing hardstand area constructed at the rear of the dwelling that is currently being used for parking.

A map identifying the location of the subject site follows:

**Proposal**

The application is largely the same as was given approval by Council on 24 July 2012, with the following exceptions:

- Internal alterations of the approved diagnostic building on Lot 142 for the purpose of a dispensary (in lieu of the approved educational establishment)
- The dispensary to be used for the sale of prescriptions only to patients who have attended the medical centre and will not have a shop front or separate pharmacy function

Item 13.5.13 Continued

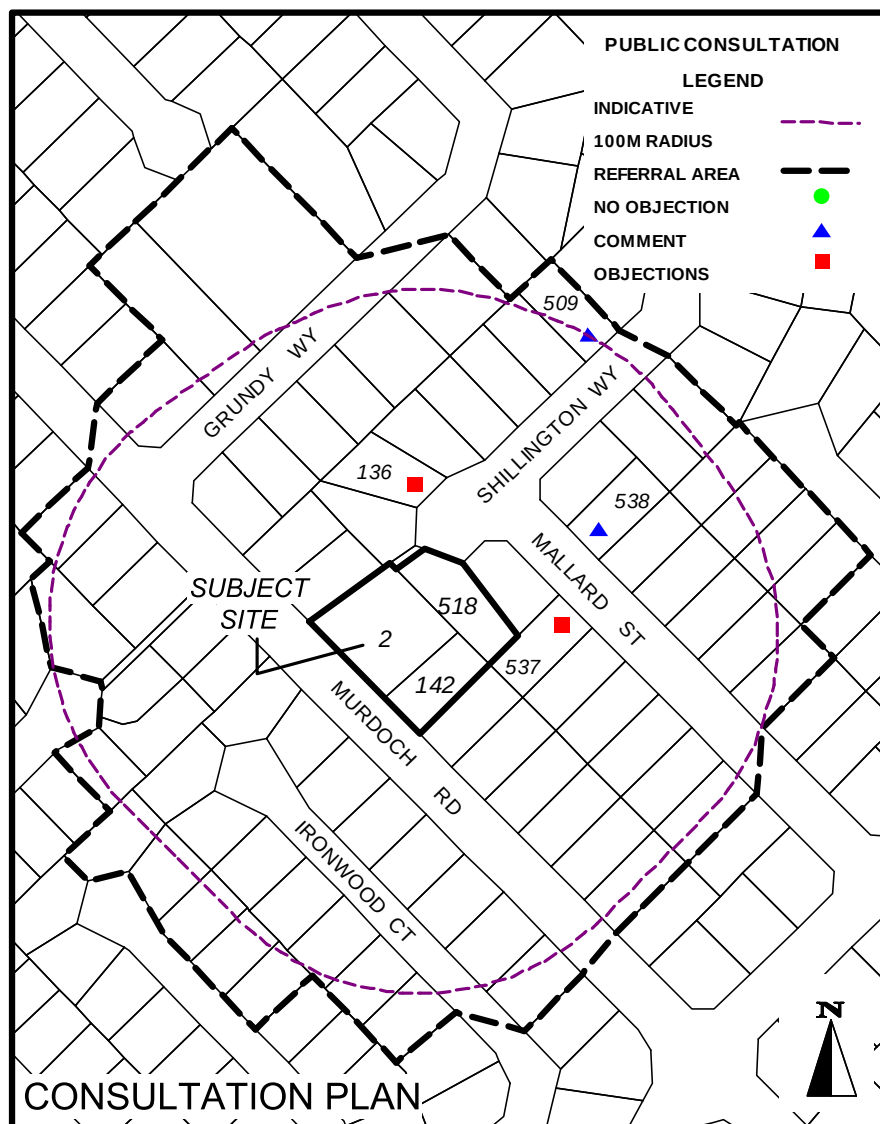
- One additional employee, namely the pharmacist to staff the dispensary
- The provision of 46 car parking bays across the three sites, being one bay less than required by the previous approval.

The submitted plans are contained in Appendix 13.5.13B.

Consultation

The proposal was required to be advertised for public comment for 14 days in accordance with TPS 6 requirements, during which time four submissions were received; two objecting to the proposal and two which provided comment. A summary of these submissions and comments thereon are provided in Appendix 13.5.13C.

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



Item 13.5.13 Continued

The main issues raised in the submissions are as follows:

- Access and associated security
- Increased traffic
- Visual privacy and overshadowing.

Each issue 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 R17.5 under TPS 6. In accordance with TPS 6, a Medical Centre 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.

With regards to the proposed dispensary, whilst it will involve the retail sale of prescription medication, it is not considered to be a Shop for the purposes of TPS 6 as it will not have an active shopfront and will only be open to patients who have already attended the associated medical centre.

Car Parking

There is no car parking standard under Table 3A of TPS 6 for a medical centre land use. The previous Council requirements for the medical centre on Lot 2 established that the 28 car parking bays provided on site were suitable for the six medical practitioners. This equated to 4.66 bays for each practitioner. This was considered to reflect the TPS 6 requirements for a 'Consulting Room' in which 4 bays for every consulting room is required.

The current proposal involves an additional four consulting rooms on Lot 142, being two physiotherapy rooms, a pathology room and a day surgery room. The dispensary will be staffed by only one pharmacist and is not considered a consulting room. The additional four consulting rooms will generate a requirement for an additional 16 car parking bays and a total requirement of 44 car parking bays across the entire facility.

The application involves the provision of a total of 46 car parking bays on the subject site, which complies with the requirements of the previous approval and the new diagnostic building, the subject of this application.

Access and Associated Security

There will be no access to the proposed parking areas via Shillington Way or Mallard Street. No security gate is proposed along Murdoch Road to either parking areas, however, a fence exists on Lot 518 between both parking areas and the residential component, effectively preventing vehicular and pedestrian access. There will be no verge parking on Mallard Street or Shillington Way.

*Item 13.5.13 Continued***Traffic**

As only one additional employee will result from this proposal, namely the pharmacist who will only provide services to those already attending the medical centre, there is no foreseen increase in traffic.

Visual Privacy and Overshadowing

Highlight windows and minor openings have been provided to walls fronting residential lots. Major openings have been provided to walls fronting the primary street (Murdoch Drive) and the parking area to the rear of the building effectively providing passive surveillance to these areas. Therefore no overlooking of outdoor areas of private property will occur.

CONCLUSION

The proposal is supported for the following reasons:

- The application does not propose any changes to the approved land uses or their operation
- The application does not require additional car parking under TPS 6
- The proposed building will be setback and designed in the same manner as the building previously approved.

It will therefore be 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.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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186 Moved Cr G Dewhurst Seconded Cr T Brown

That Council approve the application for a Medical Centre at 34 (Lot 2) and 38 (Lot 142) Murdoch Road and 120 (Lot 518) Shillington Way, Thornlie, dated 30 November 2012, subject to the following conditions:

Item 13.5.13 Continued

1. The amalgamation and resubdivision of Lots 518, 142 and 2 is to occur prior to the lodgement for a building permit, to address the encroachment of the proposed building and shared car parking areas across existing property boundaries as marked on the approved plan.
2. The existing dwelling on Lot 518 is only to be used for residential purposes.
3. 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.
4. 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.
5. The proposed hardstand area is to be paved, sealed and drained to the City's satisfaction.
6. All cut and fill is to be retained within the property boundaries by retaining walls designed by a structural engineer and constructed of masonry or a similar approved material.
7. Existing structures nominated on the approved plan on the lot(s) are to be demolished to the satisfaction of the City.
8. Fire hydrants are to be provided to the City's satisfaction with the required pressure and flow being verified by a recognised testing authority.
9. The site is to be connected to the reticulated sewerage system.
10. The car parking bays are to be provided over Lots 2, 142 and 518, 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.
11. The dispensary is not to be used as a general Shop and may only be used to sell prescription medications to patients who have already visited the Forest Lakes Medical Centre.

CARRIED 9/0

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

AGAINST: Nil.

13.5.14 SOUTH EAST REGIONAL ENERGY GROUP - DRAFT BUSINESS PLAN 2012-13 TO 2014-15

Author: J McMinn

Author's Declaration Nil.

of Interest:

Previous Ref: OCM 9 March 2010 (Resolution 88)
OCM 11 March 2008 (Resolution 81)
OCM 24 April 2007 (resolutions 162 and 163)
OCM 23 May 2006 (Resolution 248)
OCM 17 December 2002 (Resolution 1041)

Appendix: 13.5.14A South East Regional Energy Group Draft Business Plan 2012-13 to 2014-15

PURPOSE OF REPORT

For Council to consider:

- Endorsement of the South East Regional Energy Group (SEREG) draft Business Plan 2012-13 to 2014-15
- Endorsement of a budget variation in accordance with section 6.8(1)(b) of the *Local Government Act 1995* to approve a \$14,376.40 adjustment to the 2012-13 Municipal Budget.

BACKGROUND

In 2002 the Cities of Gosnells and Armadale and the Shire of Serpentine-Jarrahdale developed a partnership to encourage energy efficient and waste reducing behaviour, with the goal of minimising regional greenhouse gas emissions. This resulted in the establishment of the *Switch your thinking!* program and the three partner Councils work together as the SEREG to co-ordinate the *Switch your thinking!* program.

The SEREG comprises Councillor Delegates and senior staff representation from the three partner Councils as well as the *Switch your thinking!* Program Co-ordinator and Program Officer. At its bi-monthly meetings, the SEREG receives reports on the implementation of the *Switch your thinking!* program and considers the direction and function of program activity in accordance with the schedule and budget outlined in the adopted Business Plan.

The SEREG has prepared a new three-year draft Business Plan for the *Switch your thinking!* program for the 2012-13 to 2014-15 financial years (attached as Appendix 13.5.14A). This would be the SEREG's fourth such Business Plan.

The success of the *Switch your thinking!* program during the period of the previous Business Plan is demonstrated through the achievement of the following awards:

Awards	Category
National Banksia Awards	Education Category Winner (2010)
KABC Sustainable Cities Awards	Environmental Innovation Category Winner (2010)
WA Environmental Awards	Resource and Waste Category Winner (2010)

Item 13.5.14 Continued

Under the previous SEREG Business Plan (2009-10 to 2011-12), the partner Councils jointly contributed \$277,750 to the *Switch your thinking!* program. During the same period the program attracted \$404,586 in corporate sponsorship and external grants. This represents a return of \$1.45 for each dollar invested by partner Councils.

Additionally, during this period the program was replicated by six local governments outside the south-east metropolitan region through an Intellectual Property Licence Agreement (IPLA).

DISCUSSION**Business Plan Preparation Delays**

Unfortunately there has been a significant delay in producing the current draft Business Plan for consideration by the partner Councils. There are several reasons for this delay which include:

- Disagreements between partner Council stakeholders regarding the scope of the Business Plan
- Differing opinions between partner Council stakeholders regarding the strategic direction of the *Switch your thinking!* program
- Growth of the *Switch your thinking!* program has created resourcing pressures to meet operational needs.

The most critical reason for the delay in preparing the draft Business Plan has been the operational resourcing pressures experienced by the *Switch your thinking!* program caused by:

- Changes to emissions reporting legislation
- Increased funding opportunities for partner Councils to undertake emissions reduction projects
- Increased community interest due to rising utility prices and increased environmental awareness
- Additional interest from external local governments to join the *Switch your thinking!* program (two additional Councils joined the program in the 2012-13 financial year increasing potential program reach by 28% and generating an additional \$15,000 of revenue).

In acknowledging these factors and the associated time delays, a strategic visioning workshop was convened in December 2012 with all the SEREG senior staff members present. A range of strategies were discussed at the workshop and as a consequence substantial amendments were made to the content and structure of the draft Business Plan.

As a result, the draft Business Plan now outlines a clear strategic direction to invest partner Council contributions in key program activities while re-focusing effort on important regional projects and improving the skill sets of *Switch your thinking!* officers. It is anticipated this strategic direction will ensure the program's sustainability and maximise value creation for partner Councils. The draft Business Plan has

Item 13.5.14 Continued

subsequently been circulated to all the SEREG delegates who have provided in-principle support, however it has yet to receive formal endorsement from the Councils of the City of Armadale and Shire of Serpentine-Jarrahdale. This is anticipated to occur in the near future.

It is appropriate from an accounting and governance perspective that the draft Business Plan includes all three financial years between 2012-13 and 2014-15, despite the fact the delays have meant a substantial portion of the 2012-13 financial year has already elapsed.

The financial implications of the draft Business Plan for the City of Gosnells for the period 1 July 2012 to 30 June 2013 are:

- 2012-13 financial year contribution of \$63,429 (inclusive of the proposed \$14,376.40 budget variation discussed below)
- 3.5% annual increments for the second and third financial year contributions
- Continued budget administration
- Continued provision of workstations and office administration for the *Switch your thinking!* Program Co-ordinator and Program Officer.

The implementation of the proposed activities for the 2012-13 to 2014-15 period of the *Switch your thinking!* program is based on budget projections forecast in the SEREG draft Business Plan and is largely dependent on the program's success in achieving corporate sponsorship and external grants. In adopting the SEREG draft Business Plan the three partner Councils do not assume financial responsibility for the program's implementation.

Variation to the 2012-13 *Switch your thinking!* budget

To achieve the stated objectives of the key program activities it was proposed partner Council contributions increase by 35% in the 2012-13 financial year before reverting to annual increases consistent with the Consumer Price Index of 3.5%.

Should the Council endorse the draft Business Plan, an additional \$14,376.40 will need to be included in the City of Gosnells 2012-13 financial year contribution, which represents a 35% funding increase to the City's annual contribution. This amount may be sourced from currently unused funds within the 2012-13 Urban Regeneration Branch budget as follows:

- | | |
|--|-------------|
| • Consultancy (31-95200-3214) | \$11,000.00 |
| • Receptions - Internal provider (31-95200-3223) | \$3,376.40 |

As such, the draft Business Plan depends on Council is approval of a \$14,376.40 budget variation in the 2012-13 financial year.

It needs to be noted the City of Armadale and the Shire of Serpentine-Jarrahdale have agreed to this initiative and have already provided a 35% funding increase to the *Switch your thinking!* program in the current financial year. The City of Gosnells did not do so at the same time as the request was received too late to be included in last year's budget allocation process.

Item 13.5.14 Continued

CONCLUSION

It is recommended Council adopt the SEREG draft Business Plan 2012-13 to 2014-15 as a sound basis for increasing the efficiency and long-term capacity of the *Switch your thinking!* program to sustain value creation for the partner Councils. The proposed financial support for the *Switch your thinking!* program in the draft Business Plan is:

- \$63,429 in the 2012-13 financial year (inclusive of the proposed \$14,376.40 budget variation)
- \$65,649 in the 2013-14 financial year
- \$67,947 in the 2014-15 financial year.

It will be recommended this financial investment is made to capitalise on significant opportunities to reduce regional greenhouse gas emissions, leverage additional external funding and improve the program's operational efficiency.

FINANCIAL IMPLICATIONS

The financial implications of the draft Business Plan are outlined above. The required budget variation is summarised in the following table:

Account Number	Type	Account Description	Debit \$	Credit \$
JL31-95100-3214-000	Increase Expenditure	Switch Your Thinking - Admin - Consultancy	11,000	
JL31-95100-3223-000	Increase Expenditure	Switch Your Thinking - Admin - Receptions - Internal Provider	3,376	
JL31-95200-3214-000	Decrease Expenditure	Urban Regeneration - Consultancy		11,000
JL31-95200-3223-000	Decrease Expenditure	Urban Regeneration - Receptions - Internal Provider		3,376
Reason:	To reallocate savings from the Urban Design budget to fund the work of the <i>Switch your thinking!</i> program.			

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

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

Item 13.5.14 Continued

STAFF RECOMMENDATION (1 OF 2) AND COUNCIL RESOLUTION

187 Moved Cr G Dewhurst Seconded Cr T Brown

That Council endorse the South East Region Energy Group's draft Business Plan 2012-13 to 2014-15, noting it will be requested to provide an annual financial contribution of \$63,429 in 2012-13, \$65,649 in 2013-14 and \$67,947 in 2014-15.

CARRIED 9/0

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

AGAINST: Nil.

STAFF RECOMMENDATION (2 OF 2) AND COUNCIL RESOLUTION

188 Moved Cr G Dewhurst Seconded Cr T Brown

That Council in accordance with section 6.8(1)(b) of the *Local Government Act 1995*, approve the following adjustments to the 2012-13 Municipal Budget:

Account Number	Type	Account Description	Debit \$	Credit \$
JL31-95100-3214-000	Increase Expenditure	Switch Your Thinking - Admin - Consultancy	11,000	
JL31-95100-3223-000	Increase Expenditure	Switch Your Thinking - Admin - Receptions - Internal Provider	3,376	
JL31-95200-3214-000	Decrease Expenditure	Urban Regeneration - Consultancy		11,000
JL31-95200-3223-000	Decrease Expenditure	Urban Regeneration - Receptions - Internal Provider		3,376

CARRIED BY ABSOLUTE MAJORITY 9/0

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

AGAINST: Nil.

13.6 GOVERNANCE

Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. URGENT BUSINESS

(by permission of Council)

Nil.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURE

The Mayor declared the meeting closed at 9.37pm.