



ORDINARY COUNCIL MEETING
28 AUGUST 2018

TABLE OF CONTENTS - MINUTES

Item	Report Title	Page No.
1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER	1
2.	RECORD OF ATTENDANCE	2
3.	DISCLOSURE OF INTEREST.....	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	3
5.	REPORTS OF DELEGATES.....	3
6.	QUESTION TIME FOR THE PUBLIC AND THE RECEIVING OF PUBLIC STATEMENTS	3
	6.1 QUESTION TIME.....	3
	6.2 PUBLIC STATEMENTS.....	8
7.	CONFIRMATION OF MINUTES.....	9
8.	RECEIVING OF PETITIONS AND PRESENTATIONS.....	9
9.	APPLICATIONS FOR LEAVE OF ABSENCE.....	10
10.	QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	10
11.	ITEMS BROUGHT FORWARD FOR THE CONVENIENCE OF THOSE IN THE PUBLIC GALLERY	10
	13.2.1 DRAFT MODIFIED LOCAL PLANNING POLICY 2.5 - HOME BASED ACTIVITIES	11
	13.2.4 AMENDMENT TO MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 3A STRUCTURE PLAN.....	15
	13.2.6 DEVELOPMENT APPLICATION - AMENDMENT TO EXISTING APPROVAL FOR HOME OCCUPATION (FAMILY DAY CARE) - 15 (LOT 44) CHALE STREET, GOSNELLS - RECONSIDERATION	37
12.	REPORTS OF COMMITTEE MEETINGS	43
13.	REPORTS.....	44
	13.1 CHIEF EXECUTIVE OFFICE	44
	13.2 PLANNING AND DEVELOPMENT	45
	13.2.1 DRAFT MODIFIED LOCAL PLANNING POLICY 2.5 - HOME BASED ACTIVITIES (ITEM BROUGHT FORWARD – REFER TO ITEM 11)	45
	13.2.2 DEVELOPMENT APPLICATION - SHOWROOM AND SIGNAGE - 1803 (LOT 23) ALBANY HIGHWAY, KENWICK	46

Item	Report Title	Page No.
13.2.3	DEVELOPMENT APPLICATION - SIGNAGE (TWO MONOLITH) - LOT 98 MILLS ROAD WEST, MARTIN	50
13.2.4	AMENDMENT TO MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 3A STRUCTURE PLAN (ITEM BROUGHT FORWARD – REFER TO ITEM 11).....	54
13.2.5	STRUCTURE PLAN - LOTS 1797 AND 1798 MATISON STREET, SOUTHERN RIVER - SOUTHERN RIVER PRECINCT 3C (CENTRAL) - REZONING TO R25/R30/R40 AND LOCAL OPEN SPACE	55
13.2.6	DEVELOPMENT APPLICATION - AMENDMENT TO EXISTING APPROVAL FOR HOME OCCUPATION (FAMILY DAY CARE) - 15 (LOT 44) CHALE STREET, GOSNELLS - RECONSIDERATION (ITEM BROUGHT FORWARD – REFER TO ITEM 11).....	75
13.3	INFRASTRUCTURE	76
13.3.1	REPORT ON PETITION - REQUEST TO UPGRADE PARK AT NILE CRESCENT RESERVE, SOUTHERN RIVER	76
13.4	COMMUNITY ENGAGEMENT.....	78
13.5	BUSINESS SERVICES.....	79
13.5.1	FINANCIAL ACTIVITY STATEMENT - JULY 2018.....	79
13.5.2	PAYMENT OF ACCOUNTS - JULY 2018.....	81
13.5.3	LIVE STREAMING OF COUNCIL MEETINGS	82
13.5.4	TENDER 08/2018 - PRINTING AND DESIGN SERVICES.....	88
13.5.5	TENDER 20/2018 - TRAFFIC MANAGEMENT (ITEM WITHDRAWN FROM THE AGENDA).....	92
13.5.6	TENDER 12/2018 - CONCRETE AND BITUMEN CUTTING AND LINE AND PAVEMENT MARKING REMOVAL.....	93
13.5.7	TENDER 29/2018 - MEALS ON WHEELS	95
14.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	97
15.	URGENT BUSINESS	97
16.	CONFIDENTIAL MATTERS	97
17.	CLOSURE.....	97

Minutes of the Ordinary Council Meeting held in the City of Gosnells Civic Centre Council Chambers, 2120 Albany Highway, Gosnells on Tuesday 28 August 2018.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/DISCLAIMER

The Mayor declared the meeting open at 7.31pm 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 on the City's website.

For further information please contact the Business Services Support Officer on 9397 3046.

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 G DEWHURST
CR T LYNES
CR P ABETZ
CR C BRETT
CR J BROWN
CR D GOODE JP
CR D GRIFFITHS
CR J JONES
CR R MITCHELL
CR O SEARLE JP
CR S WILLIAMSON

STAFF

CHIEF EXECUTIVE OFFICER
ACTING DIRECTOR COMMUNITY ENGAGEMENT
DIRECTOR BUSINESS SERVICES
DIRECTOR INFRASTRUCTURE
DIRECTOR PLANNING & DEVELOPMENT
MINUTE CLERK

MR I COWIE
MS M REID
MR G BRADBROOK
MS A COCHRAN
MR C TERELINCK
MS S WARNES

PUBLIC GALLERY

30

2.1 APOLOGIES

Nil.

2.2 LEAVE OF ABSENCE

Nil.

3. DISCLOSURE OF INTEREST

Nil.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER
(without discussion)

The Mayor circulated to Councillors a list of functions and events he had attended between 15 August 2018 and 28 August 2018. An amended list of functions attended between 25 July 2018 and 14 August 2018 was also circulated.

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.

6.1 QUESTION TIME

Question Time for the Public commenced at 7.34pm.

Ms Moradi of Chale Street, Gosnells asked the following question:

Q1 Last time you refuse my application so, please let me talk about one child to get this approval. There is one single mum wanting to get approval for 24 hours as I showed you the letter for 24 hours. She is working 2 or 3 nights a week.

Response: The Mayor requested Mrs Moradi read her statement during Statement time.

Ms Caryolyn Kirk of Menton Court, Success asked the following question:

Q1 Thank you for acknowledging the Wadjuk people, that was my question. I was also wondering, has the Council got anything like a reconciliation plan for the Aboriginal community?

Response: The Chief Executive Officer replied that the City works closely with the aboriginal community in the City of Gosnells.

Dr Judith Congrene of Wallangarra Drive, Bedfordale asked the following question:

Q1 My question is with regard to the Greater Brixton Street Wetlands and the clearing that has been done there. How can it have happened that 7 hectares of Marri was cleared without this being referred under the EPBC Act? Even if only 1 hectare was cleared it should have been referred.

Response: The Director Planning and Development explained that land owned by Linc Property there was not 7 hectares of Marri trees but acknowledged that the land has been cleared. The Mayor advised Dr Congrene that this question would be taken on notice and a response provided in writing.

Mr Victor Hoisington of Bourbon Street, Hamilton Hill asked the following question:

Q1 Why are the various wetlands around Perth regularly threatened by development?

Response: The Director Planning and Development responded that in general terms a lot of the easy land to develop on the Perth coastal plain has been developed and developers are moving closer to more marginal land which has more environmental constraints and this is why these issues are coming up more often.

Mr Marco Melia of Bamlett Street, Mount Nasura asked the following question:

Q1 Why do you support a design that does not follow a water-sensitive urban design that will threaten the wetlands? I'm referring to the pit and pipe method.

Response: The Director Planning and Development advised that the proponents have developed a local water management strategy which will be assessed against better urban water management guidelines by State agencies as well as the Local Government. The aims of the strategy will be to protect those things that you are concerned with. It won't be a traditional pit and pipe system. You are welcome to call the City to discuss the local water management strategy for the area.

Ms Sheila Masters of Grade Road, Kelmscott asked the following question:

Q1 Can the Gosnells Council call for a PER, dealing with the Greater Brixton Wetlands in a holistic way rather than block by block?

Response: The Director Planning and Development responded that in terms of history the Council supported the rezoning across the whole of the MKSEA some years ago and at that stage it went to the State Government for assessment. If the EPA wanted to follow that route they could have done that then and with stages that are yet to be initiated they could still go along the route of a PER if they choose.

Mr Leon Walker of Stafford Road, Kenwick asked the following questions:

Q1 Is it accurate that the Council, in other words the ratepayers, might fund the Mayor's defence to the extent of \$10,000 in the event I were to take legal action against him for allegedly defaming me at the June 12 OCM?

Response: The Chief Executive Officer responded that the Council has a policy in relation to legal matters and it would be up to Council to determine how to move forward in that regard.

Q2 According to the *Local Government Act 1995*, any regulations empowered by the Act, any local law or the City's Code of Conduct, under what circumstances is it an offence for a Councillor to accept a gift of a bag of lemons?

Response: The Chief Executive Officer advised that the circumstances relate to the value of the lemons.

Q3 I am informed that the Mayor made a phone call to a local resident on May 31, 2018 in which he allegedly denigrated Cr Olwen Searle, journalist Chloe Vellinga and myself. Is this an example of the Mayor carrying out his role as spokesperson for the Council in accordance with s2.8(1)(d) of the *Local Government Act 1995*?

Response: The Mayor replied that no, it is not.

Mr Patrick Cullen of Elsie Street, Gosnells asked the following questions:

Q1 Will the Council make a formal policy for the Mayor to acknowledge Wadjuk Noongar Country at each Council meeting?

Response: The Mayor advised he does acknowledge the Wadjuk country at events he attends, although not at Council meetings in the past. He will be doing that from now on. In regard to reconciliation we work very well with our local Aboriginal community and the City has a good relationship with them.

Q2 Will the Council make a policy where there is a breach in the *Environment Protection and Biodiversity Conservation Act 1999* to refer this to the Federal Government, even when they are not the proponent in cause of the breach?

Response: The Director Planning and Development advised that when the City is aware of those situations we do liaise with government environmental agencies whether they are at Commonwealth or State level. The point to note is that the legal obligation is on the proponent to advise the Commonwealth agency.

Ms Tanya Marwood of the WA Naturalists' Club Inc asked the following questions:

Q1 Why would the Council ignore the expert advice of eminent scientists from the Beelihar Group regarding the almost certainly catastrophic effect on the surrounding wetlands of using a pipe and basin drainage system for the area under discussion and not instead consider best-practice, infiltration-at-source system as has been used recently at Perth Stadium?

Response: The Director Planning and Development responded that the City has hosted forums in the past to include those concerned for the environmental aspects of the proposal and has recently been making contact with Mr Cullen to convene a meeting of the environmentalists that Mr Cullen's group would like to nominate, with City representatives. In terms of the drainage strategy, he recommended Ms Marwood speak with City officers about the water management strategy for the area because he believes it is not a traditional pit and pipe system and it does need to be a best practice system to satisfy with the regulating authorities.

The Mayor advised he has also offered to meet with Mr Cullen, the scientists and the proponent but this has not been taken up yet.

Q2 Will the Council refer the environmental concerns about significant impacts on matters of national environmental significance - particularly the Forest Red-tailed Black Cockatoos (FRTBC) and also Carnaby's Cockatoos; the Threatened Ecological Community: *Shrublands and Woodlands on Muehea Limestone of the Swan Coastal Plain*; the Threatened Flora Species: *Grevillea thelemanniana* and *Lepidosperma rostratum*; and potentially also the critically endangered native bee *Leioproctus douglasiellus* for which habitat exists in the area impacted by this proposal in the threatened ecological community but has not been surveyed by the proponent. Will the Council refer these concerns to the relevant Federal bodies?

Response: The Director Planning and Development replied that all of the submissions are proposed to be forwarded to the Department of Biodiversity, Conservation and Attractions and the EPA. He offered to seek advice from the City's Environmental Coordinator about referring them to the Federal agencies as well.

Ms Maureen Daniels of Roberta Jull Family Day Care Service, Wheatley Street, Gosnells asked the following questions:

Q1 Thank you for the opportunity to consult on the pending amendments. In looking at a policy for home-based activities and approval for Home Occupation or a Home Business why is Family Day Care identified specifically when they are heavily governed by the National law, National regulations, National quality standards and the State Education and Care Regulatory Unit?

An applicant cannot operate Family Day Care without being registered under an approved Family Day Care Service whose job it is to ensure all aspects of legislation are followed succinctly. Were the Council provisions for Family Day Care instigated before current legislation took effect and are they still relevant? Has Council fully understood the implications of restricting new Family Day Care applications with a pool or spa on the premises?

Response: The Director Planning and Development advised that in regard to the first question, all of those standards are important but separate to Council's concerns which are generally related to Town Planning. They are to do with the compatibility of the land uses in the area. It is not proposed to step over other legislation that look after Family Day Cares.

Question Time for the Public concluded at 7.56pm.

6.2 PUBLIC STATEMENTS

Public Statement Time commenced at 7.56pm.

6.2.1 Ms Maureen Daniels of Roberta Jull Family Day Care Service, Wheatley Street, Gosnells made a statement in relation to Item 13.2.1 "Draft Modified Local Planning Policy 2.5 - Home Based Activities".

6.2.2. Ms Catherine Tauss of Save the Great Brixton Wetlands Community Alliance made a statement in relation to Item 13.2.4 "Amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan" speaking against the staff recommendation.

6.2.3 Mr Patrick Cullen of Elsie Street, Gosnells made a statement in relation to Item 13.2.4 "Amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan" speaking against the staff recommendation.

- 6.2.4** Ms Moradi of Chale Street, Gosnells made a statement in relation to Item 13.2.6 "Development Application - Amendment to Existing Approval for Home Occupation (Family Day Care) - 15 (Lot 44) Chale Street, Gosnells - Reconsideration" speaking in favour of the staff recommendation

Public Statement Time concluded at 8.09pm.

7. CONFIRMATION OF MINUTES

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

255 Moved Cr J Brown Seconded Cr P Abetz

That the Minutes of the Ordinary Council Meeting held on 14 August 2018, as published and distributed be confirmed as an accurate record.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

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 2016.

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

Nil.

9. APPLICATIONS FOR LEAVE OF ABSENCE

Clause 4.10 of the City of Gosnells Standing Orders Local Law 2016 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 S Williamson requested leave of absence for the 25 September 2018 Ordinary Council Meeting, for personal reasons.

COUNCIL RESOLUTION

256 Moved Cr J Jones Seconded Cr R Mitchell

That Council grants leave of absence to Cr S Williamson for the 25 September 2018 Ordinary Council Meeting.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

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

The Mayor determined that the following items would be brought forward for the convenience of the public gallery:

- Item 13.2.1 Draft Modified Local Planning Policy 2.5 - Home Based Activities
- Item 13.2.4 Amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan
- Item 13.2.6 Development Application - Amendment to Existing Approval for Home Occupation (Family Day Care) - 15 (Lot 44) Chale Street, Gosnells - Reconsideration

13.2.1 DRAFT MODIFIED LOCAL PLANNING POLICY 2.5 - HOME BASED ACTIVITIES

Director: C Terelinck
 Author's Declaration Nil.
 of Interest:
 Application No: PF12/00018
 Previous Ref: OCM 8 November 2016 (Resolution 403)
 OCM 13 November 2012 (Resolution 545)
 OCM 8 November 2011 (Resolution 528)
 Appendix: 13.2.1A Draft Local Planning Policy 2.5 - Home Based Activities

PURPOSE OF REPORT

For Council to consider endorsing an amended Local Planning Policy 2.5 - Home Based Activities (LPP 2.5).

BACKGROUND

In November 2011, Council adopted a revised LPP 2.5, which provides guidance on the assessment and determination of applications involving a Home Based Activity (including Home Occupation and Family Day Care activities). Some minor amendments to LPP 2.5 have been made to the policy since it was adopted.

DISCUSSION**Proposed Amendments**

The amendments to proposed LPP 2.5 are outlined in the following table:

No.	Summary of Change	Rationale
1.	Format changes to headings and numbering.	As part of the broader Policy review, policies are to be modified to ensure consistent formatting.
2.	Revised objectives.	To provide clearer and expanded objectives of LPP 2.5.
3.	Including definitions of land uses.	To provide clarification on the different types of Home Based Activities.
4.	Deletion of operation of policy.	Removed for consistency with other policies. Operation of policy occurs administratively and is further clarified in the revised general requirements section.
5.	Deletion of interpretation of policy.	This section has been replaced by a revised general requirements section.
6.	Revised car parking requirements.	Car parking requirements have been revised as discussed below.
7.	Restricting the use of properties with Swimming Pools for a Family Day Care.	To address safety issues as discussed below.
8.	Inclusion of bushfire planning requirements.	To address the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas.

Item 13.2.1 Continued

No.	Summary of Change	Rationale
9.	Inclusion of retail requirements.	To provide clarification on instances where the Council will consider retailing of goods associated with a Home Occupation or Home Business.

These amendments are presented in Appendix 13.2.1A with new text shown as **bold and underlined** and deleted text shown as a strikethrough font.

The rationale for the amended Policy provisions are further explained below.

Carparking

The current requirements of LPP 2.5 require car parking to be wholly contained on site.

As lot sizes continue to decrease in size, it is often the case that whilst a vehicle can be accommodated in the driveway, it may partially overhang the lot boundary, and therefore not comply with the existing requirements of LPP 2.5.

Notwithstanding the existing policy provision, vehicles are permitted to park in the carriageway in accordance with the City of Gosnells *Parking Local Law 2012*.

As such, it is recommended that this provision be modified to require car parking to cater for the expected number of clients and employees, in addition to the bays required for the dwelling, without specifying that these bays be wholly contained on site. The provision also includes a requirement that car parking in the driveway is not to obstruct the footpath. This will ensure that whilst vehicles may overhang the lot boundary, they are not to obstruct the pedestrian thoroughfare at any time.

Swimming Pools

In light of events that have occurred and recent coronial findings, the City considers it worthwhile to restrict the operation of Family Day Cares at properties that have swimming pools and spas. Whilst not a legal requirement as yet, the City believes it will assist in ensuring the safety of children at Family Day Cares. This will apply to new applications for Family Day Cares only, and will not be retrospectively applied to existing operators.

Statutory Process

The *Planning and Development (Local Planning Schemes) Regulations 2015* outline the procedure for amending a local planning policy. If the local government resolves to amend a local planning policy where the modifications are not considered minor, the local government must advertise the proposed policy as follows:

- "(a) *publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of -*
 - (i) *the subject and nature of the proposed policy; and*
 - (ii) *the objectives of the proposed policy; and*

Item 13.2.1 Continued

- (iii) *where the proposed policy may be inspected; and*
- (iv) *to whom, in what form and during what period submissions in relation to the proposed policy may be made."*

After the conclusion of the advertising period, Council will be required to review the Amended Policy in light of any submissions received and may either adopt the Policy with or without modifications or not proceed with the amended Policy.

CONCLUSION

The Amended Policy provides further clarification as to its intent and addresses issues pertaining to car parking and safety of Family Day Cares with swimming pools and spas.

It is recommended that Council adopts the amended Policy for the purpose of advertising for public comment.

FINANCIAL IMPLICATIONS

The cost of publishing a notice in a newspaper circulating in the district can be met through Council's approved operational budget.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Town Planning Scheme No.6.*

VOTING REQUIREMENTS

Simple Majority required.

Item 13.2.1 Continued

STAFF RECOMMENDATION

Moved Cr O Searle Seconded Cr R Mitchell

That Council, pursuant to Clause 5(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, advertises the amended Local Planning Policy - Home Based Activities, as contained in Appendix 13.2.1A, for public comment.

Procedural Motion

During debate Cr J Brown moved the following procedural motion:

That Council defers consideration of proposed modifications to LPP 2.5 – Home Based Activities to allow further consideration of the impact of proposed changes relating to Family Day Care proposals and private swimming pools.

Cr D Griffiths seconded Cr J Brown's procedural motion.

CARRIED 9/2

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Cr T Lynes and Cr R Mitchell.

13.2.4 AMENDMENT TO MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 3A STRUCTURE PLAN

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Property Number:	317644 - Various, Lot 414 Grove Road, Kenwick
Application No:	PF18/00004
Applicant:	CLE Town Planning and Design
Owner:	Various, Grove Road Pty Ltd
Location:	Land bound by Coldwell Road, Grove Road, Lot 414 Grove Road, Roe Highway and the City of Kalamunda district boundary.
Zoning:	MRS: Industrial
	TPS No. 6: General Industry and General Rural
Review Rights:	Yes. State Administrative Tribunal against a decision by the Western Australian Planning Commission not to approve a structure plan.
Area:	87.42ha (72.61ha original Precinct 3A Structure Plan area)
Previous Ref:	8 March 2018 (Resolutions 64, 66 and 68) 27 September 2016 (Resolutions 331 and 332)
Appendices:	13.2.4A Indicative District Structure Plan 13.2.4B Approved Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan 13.2.4C Amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan 13.2.4D Schedule of Submissions 13.2.4E Proposed Stormwater Management Plan 13.2.4F Figure 2 'Aboriginal Sites on the DIA Site Register with the MKSEA' 13.2.4G Development Concept Plan

PURPOSE OF REPORT

For Council to consider endorsing a proposal to incorporate a portion of Lot 414 Grove Road, Kenwick, into the Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan.

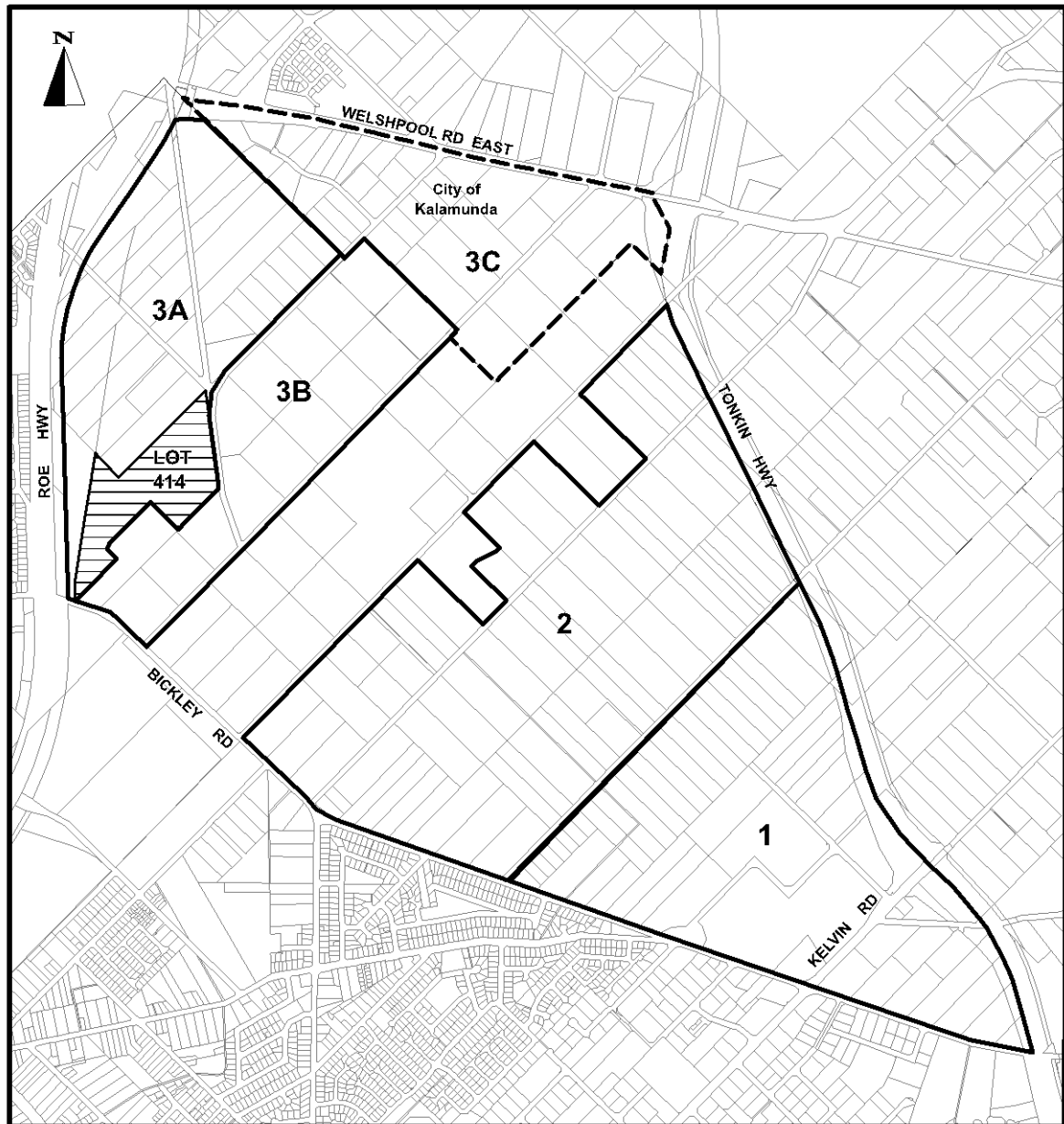
BACKGROUND**Planning Context**

The Maddington Kenwick Strategic Employment Area (MKSEA) is bound by Bickley Road, Tonkin Highway, the boundary with the Shire of Kalamunda and Roe Highway. The area was first identified in 1990 for future industrial development by the (then) State Planning Commission (now the Western Australian Planning Commission (WAPC)).

Council previously considered the future strategic industrial expansion of the Maddington-Kenwick rural area and divided it into four planning precinct areas. The subject proposal is contained within Precinct 3A of the MKSEA.

Item 13.2.4 Continued

A plan identifying the Precinct 3A area and its location within the MKSEA follows.



To provide a planning framework for the development of the MKSEA for its intended transition from Rural to Industrial land uses, Council adopted Local Planning Policy 5.8 - MKSEA Planning Framework (LPP 5.8) in 2014, which identified the planning tasks and information requirements for progressing the planning of the area in order to ultimately undertake subdivision and development.

The first phase identified in LPP 5.8 was to obtain State Government approval to rezone land in the MKSEA from Rural to Industrial under the Metropolitan Region Scheme (MRS). In order to progress the MRS amendment, the City commissioned numerous environmental and servicing reports, including a District Water Management Strategy (DWMS) and an indicative District Structure Plan (DSP) for Precincts 1, 2 and 3 (formally referred to as a Local Structure Plan), which is contained as Appendix 13.2.4A.

Item 13.2.4 Continued

In 2016, the WAPC approved the MRS amendment for Precincts 2 and 3, rendering it Industrial under the MRS.

The second phase was to develop amendments to Town Planning Scheme No. 6 (TPS 6), and a Local Structure Plan (LSP).

In September 2016, Council endorsed a LSP over a significant portion of Precinct 3A, with the exception of Lot 414. The plan was approved by the WAPC in August 2017. The LSP covers an area of 72.61ha of land bound by Coldwell Road, Grove Road, Roe Highway and the City of Kalamunda district boundary. A copy of the approved MKSEA 3A LSP is contained as Appendix 13.2.4B.

The land within the LSP area has recently been the subject of subdivision and development approvals by the WAPC and the Metro East Joint Development Assessment Panel.

Site Description

Lot 414 Grove Road was originally part of Lot 2008, shown as land abutting the adopted LSP area, as contained as Appendix 13.2.4B. Lot 2008 was subdivided in 2017 to transfer a portion of the land to the Public Transport Authority (PTA) for its 'Kenwick Freight Facility'.

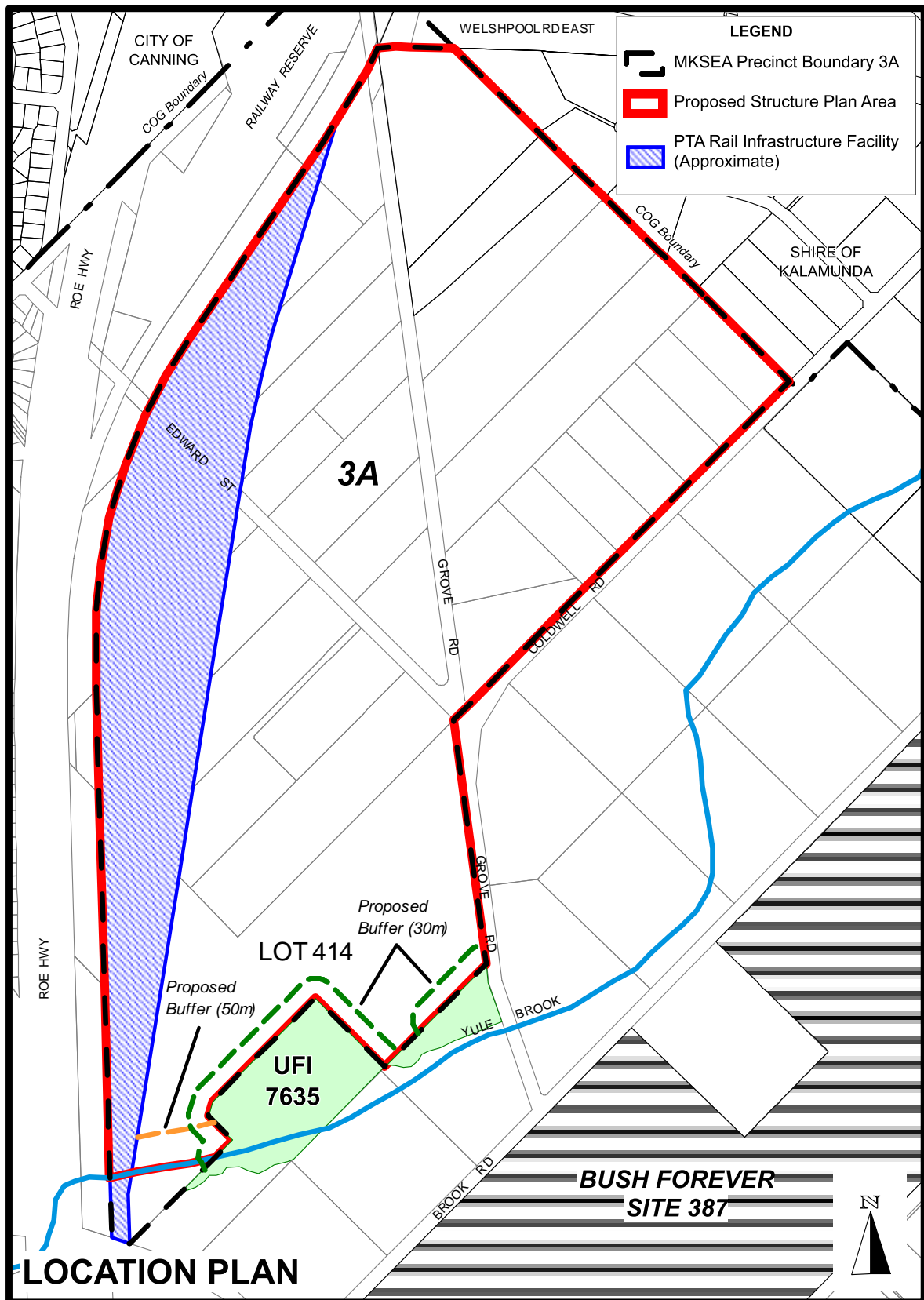
The subject area is located to the north and west of the Greater Brixton Street Wetlands (GBSW) (Bush Forever Site 387), which extends from Albany Highway in the south to Welshpool Road in the north, through the western side of the Kenwick residential area and Precinct 2 of the MKSEA. The site is also located south of Woodlupine Brook Reserve.

The proposal specifically relates to the inclusion of Lot 414 Grove Road (Lot 414), which is not currently covered by an approved LSP, into the Precinct 3A LSP.

This draft LSP proposes to cover the balance of the land that was not included in Amendment No. 165 to TPS 6, which rezoned a large portion of MKSEA 3A from General Rural to General Industry. This involves incorporating a 14.81ha portion of Lot 414 into the Precinct 3A LSP. The remaining 0.62ha of Lot 414 is still zoned General Rural, and is not proposed to be included in the draft LSP area.

A map identifying the location of the subject site follows.

Item 13.2.4 Continued



Item 13.2.4 Continued

Proposal

The draft LSP contains the following elements:

- Amending the approved LSP map (Part One Implementation) to include a 14.81ha portion of Lot 414 Grove Road, Kenwick.
- Amending 'Section 6.3 - Lot 2008 Grove Road' of the approved LSP Report (Part One Implementation) and associated text to read:

"Lot 414 Grove Road

Notwithstanding the previous requirements of section 4, the following requirements are specific to Lot 414 Grove Road, being the southern extents of the Structure Plan area.

6.3.1 Wetland Buffers

Development and/or use of the 'Wetland Buffer' is generally not permitted, except where in accordance with an approved 'Wetland Management Plan'.

6.3.2 Yule Brook

Development and/or use of the 'Yule Brook Foreshore' is generally not permitted, except where in accordance with an approved 'Foreshore Management Plan'.

6.3.3 Bushfire Management Plan

A Bushfire Management Plan (or BMP) has been prepared in support of the future development of Lot 414. The adopted BMP is attached as Appendix 4 of the MKSEA Precinct 3A Structure Plan Amendment 1 (Report). Development and subdivision within Lot 414 must accord with the requirements of the adopted BMP.

Subdivision and development applications submitted for Lot 414 shall be accompanied by adopted Bushfire Management Plan, updated with an appropriate level of detail to demonstrate compliance with 'State Planning Policy 3.7 - Planning in Bushfire Prone Area', and the 'Guidelines for Planning in Bushfire Prone Area.'

6.3.4 Subsequent Plans and Strategies

Subdivision and/or development approval processes may trigger the preparation of the following:

- i) *Wetland Buffer Management Plan (Wetland UFI 7635)*

The purpose of the Wetland Buffer Management Plan shall be to determine the appropriate use, treatment and management of the buffer where it is located within Lot 414.

*Item 13.2.4 Continued*ii) *Foreshore Management Plan (FMP)*

A Foreshore Management Plan shall be prepared to ensure the protection and management of the Yule Brook Foreshore where it interfaces with Lot 414. Where a Foreshore Management Plan already exists (having been prepared by others as part of MKSEA Precinct 3B works), an addendum to that FMP may be accepted in lieu.

iii) *Urban Water Management Plan (UWMP)*

Where required, the UWMP will generally accord with the adopted 'Local Water Management Strategy' prepared to support Amendment 1 to this Structure Plan. The UWMP may be amended in response to the recommendations of the future 'Local Water Management Strategy' to be prepared (and adopted) as part of the structure planning for adjoining Precinct 3B of the MKSEA.

iv) *Landscape Masterplan (LMP)*

The LM will address the treatment and management of drainage detention areas and any open space contribution or landscaping associated with subdivision or development, respectively.

The recommendation of the LMP in relation to drainage detention areas will be informed by the adopted 'Local Water Management Strategy', and the 'Wetland and Wetland Buffer Assessment', prepared in support of Amendment 1 to the Structure Plan."

A copy of the Draft LSP is contained as Appendix 13.2.4C.

Consultation

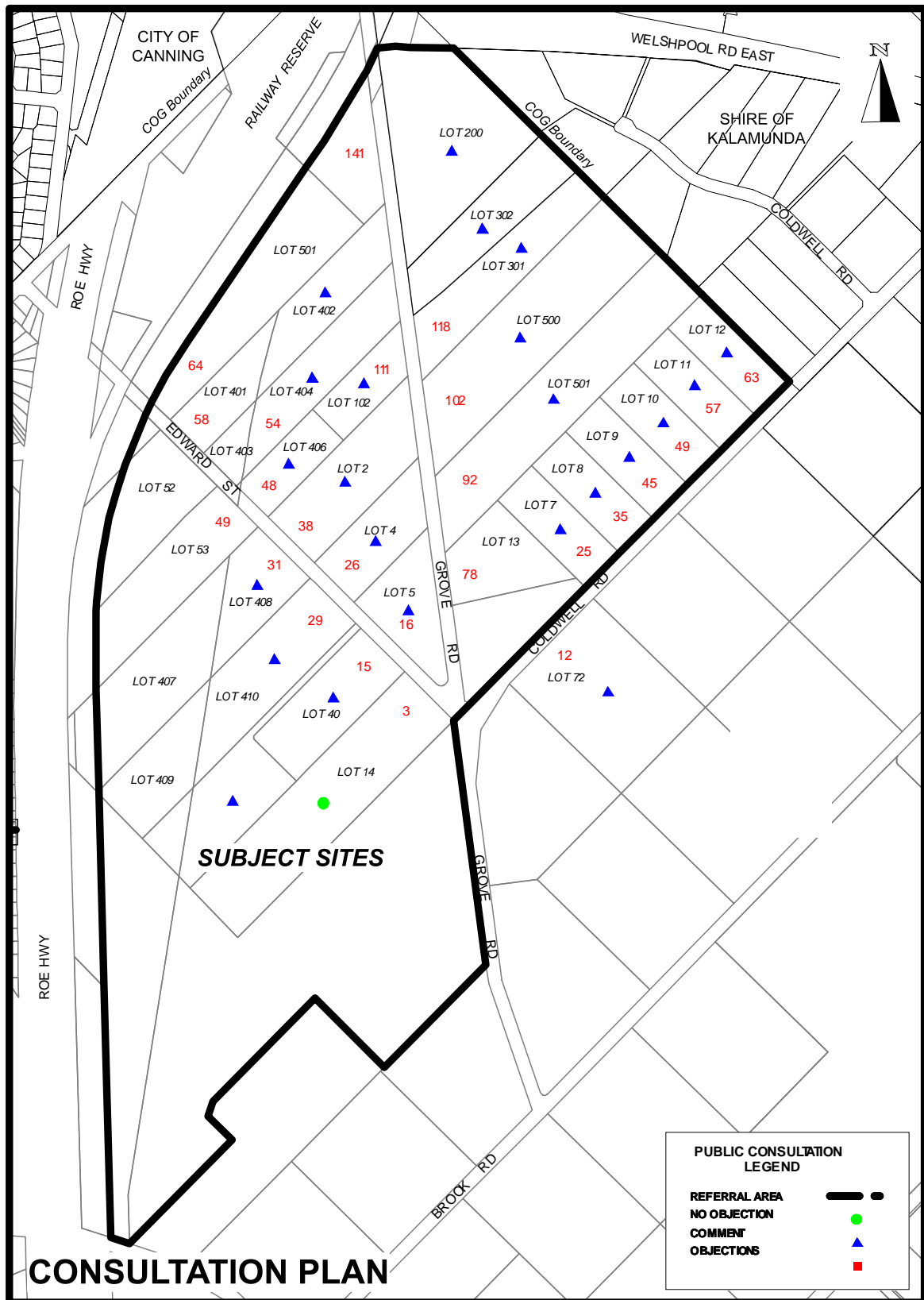
In accordance with Clause 18 of Schedule 2 - Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the draft LSP was advertised for a period of 28 days (from 21 June until 19 July 2018) by way of letters to directly affected and immediately surrounding landowners and relevant authorities, as well as by giving notice on the City's website.

In response, 26 submissions were received; eight from government agencies, three from landowners/occupiers within 200m of the subject site and 15 from interested parties outside of the consultation area. A summary of the submissions received and comments thereon are included in the Schedule of Submissions as contained as Appendix 13.2.4D.

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

It is noted that the origin of the submissions received from interested parties outside of the consultation area are not shown on the consultation plan.

Item 13.2.4 Continued



Item 13.2.4 Continued

It is important to note that one submission received represents 22 properties within the wider MKSEA Precinct 3A precinct.

The main issues raised in the submissions are as follows:

- Water management for the wider MKSEA and Precinct 3 area.
- The protection of environmentally sensitive areas.
- Development requirements associated with the implementation of a LSP.

As mentioned above, the proposal was referred to the following government agencies:

- ATCO Gas
- City of Kalamunda
- Department of Biodiversity, Conservation and Attractions
- Department of Fire and Emergency Services
- Department of Planning, Lands and Heritage (South East Metropolitan branch, Infrastructure Land Use Coordination branch and Aboriginal Affairs)
- Department of Health
- Department of Transport
- Department of Water and Environmental Regulation
- Main Roads Western Australia
- Perth Airport
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Issues and technical advice are discussed in the following sections, along with any other applicable technical matters.

It should be noted that in the event that Council endorses the draft LSP, it will be recommended that a copy of the Schedule of Submissions, as contained as Appendix 13.2.4D be forwarded to the Environmental Protection Authority (EPA) and the Department of Biodiversity, Conservation and Attractions (DBCA), for their information.

Item 13.2.4 Continued

DISCUSSION

Town Planning Scheme No. 6 Requirements

Structure Plan Requirements

Through the assessment of the approved LSP covering most of Precinct 3A, the EPA recommended that a number of provisions be incorporated into Amendment No. 165, and therefore subsequently enforced through TPS 6. The following provisions have been inserted into TPS 6 as a result of the gazettal of Amendment No. 165 on 30 December 2016:

- “5.6.3 To ensure the identification and protection of significant environmental values within and adjacent to the amendment area, the following information is required to accompany Structure Plan (or subdivision/development applications where a Structure Plan is not required) where planning has the potential to impact significant environmental values.*
- 5.6.3.1 Investigations to determine the water balance and buffer requirements for occurrences of the Threatened Ecological Community and wetland identification as UFI 7635 in the Geomorphic Wetlands Swan Coastal Plan dataset occurring adjacent to the Amendment area, prepared on advice by the Department of Parks and Wildlife and to the satisfaction of the Environmental Protection Authority.*
- 5.6.3.2 A boundary definition study for wetland UFI 7635 prepared on advice by and to the satisfaction of Department of Parks and Wildlife.*
- 5.6.3.3 Local Water Management Strategy(s) informed by the outcomes of the water balance and buffer investigations (where there are potential impacts to significant environmental values) prepared on advice of Department of Parks and Wildlife and responsible authority, to the satisfaction of the Department of Water.”*

In summary, the intent of the provisions is to:

- Identify significant environmental values within the area.
- Stipulate information requirements to accompany structure plan proposals and/or subdivision/development proposals.

At this present time, the DBCA have stated that its role is to provide advice on the investigations to determine the water balance and buffer requirements for the Wetland UFI 7635 to the satisfaction of the EPA. The DBCA and the Department of Water and Environmental Regulation (DWER) staff have met with the applicants on two occasions to discuss the requirements of UFI 7635.

The draft LSP proposes a 30m buffer to the wetland (UFI 7635) and a 50m buffer to Yule Brook. The advice of the DBCA is critical in assessing this aspect of the plan, and the DBCA has highlighted the following recommendations:

Item 13.2.4 Continued

- The requirement for a minimum 50m buffer to UFI 7635 in accordance with the EPA *Guidance Statement 33*.
- The requirement that the post-development hydrological parameters for both water quality and water quantity should match that prior to development occurring, to mitigate the impacts of the development on UFI 7635.
- The draft LSP map shows two distinct wetlands approximately 80m apart. The DBCA expects that the two wetlands would be linked via a 50m buffer from each of the wetlands.

The DBCA has considered that it is premature to provide further comment on wetland UFI 7635 until the EPA has determined the appropriate width of the wetland buffer.

The DWER (on behalf of the EPA) is currently in the process of reviewing the submitted Local Water Management Strategy (LWMS) and the Wetland and Wetland Buffer Assessment to address the Scheme provisions outlined above.

Given the timeframes imposed by the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Council's recommendations on the draft LSP are required to be sent to the WAPC for consideration prior to the EPA/DWER formalising their assessment.

To ensure the requirements of TPS 6 have been met to the satisfaction of the EPA and DBCA, it is recommended that the WAPC not grant approval of the draft LSP until the environmental assessment by the State agencies has been completed (modification 1).

Amendment No. 167 - Introducing Development Contribution Plan provisions for MKSEA Precinct 3

In March 2016, Council resolved (Resolution 66) to initiate Amendment No. 167 to TPS 6 to establish a Development Contribution Plan (DCP) over Precinct 3 of the MKSEA (inclusive of Lot 414). The Amendment establishes a mechanism for landowners to share common costs associated with delivering infrastructure to the area.

It is noted that the draft LSP makes reference to the future DCP and its anticipated associated costs. Whilst Council has initiated Amendment No. 167, a formal Development Contribution Plan Report (DCPR) for MKSEA Precinct 3 is yet to be publicly advertised for comment. Advertising of the DCPR is anticipated to occur in the later part of 2018. As such, it is recommended that the draft LSP be modified to acknowledge the requirements of Amendment No. 167 and the future DCP (modification 2).

Environmental Considerations

In considering the environmental values and hydrology of the subject site and surrounding area, the following should be noted:

- The GBSW (Bush Forever Site 387) is situated approximately 250m south and east of Precinct 3A. The GBSW is mapped as Conservation Category Wetland (CCW) and includes Declared Rare and Priority Flora and Threatened

Item 13.2.4 Continued

Ecological Communities (TECs), which are subject to protection under both State and Federal environmental legislation.

- The majority of Lot 414 is currently identified as a Multiple Use category wetland (MUW). A Resource Enhancement wetland (REW) (UFI 7635) is situated partly within Lot 414 (buffers). This REW is considered to be an 'Environmentally Sensitive Area' which accommodates TEC 'Shrubland and Woodland on Muchea Limestone' and Declared Rare Flora.
- Lot 414 is in close proximity to Black Cockatoo foraging habitat, and some roosting and breeding habitat.
- The site is generally cleared, lightly vegetated, level to gently sloping with subsurface soils in a generally undisturbed condition. The subsurface profile was found to comprise of a thin layer of organic Sandy topsoil over fine to coarse grained Bassendean Sands which in turn overlies high plasticity Sandy Clays of the Guilford Formation.
- Due to the presence of Guilford Clays at shallow depths in the foundation, and the presence of a high water table, the site is not considered conducive to the on-site disposal of stormwater.

To address the above, an Environmental Assessment Report (EAR), a Wetland and Wetland Buffer Assessment (WWBA) and a LWMS were submitted in support of the draft LSP. The report covers the following issues.

Vegetation, Flora and Fauna

Historically, a majority of the site was cleared to support agricultural land uses and horse agistment. Some non-endemic species have been planted along the fence lines of Lot 414. A strip of riparian vegetation occurs in association with Yule Brook, with some isolated Marri occurring in the south-eastern corner of Lot 414.

The EAR concluded that the portion of Lot 414 which has development potential is considered to be 'Completely Degraded'. However, the EAR recognises that the Marri provides some foraging habitat for Black Cockatoos.

Given the proximity of two known Cockatoo roosting sites within 2km of the subject lot, an assessment for Black Cockatoo habitat should be undertaken, to identify potential habitat used for foraging, breeding or roosting. If nesting, breeding or roosting sites are identified within the draft LSP area, and meet the criteria of being of significant impact, the landowner is obliged to refer the application to the Minister for the Environment under the *Environmental Protection and Biodiversity Conservation Act 1999*.

Wetlands and Threatened Ecological Communities

The following table outlines the difference between the wetland classifications in terms of their conservation status:

Item 13.2.4 Continued

Classification	Description
Conservation Category Wetland (CCW)	All CCW wetlands and appropriate buffers are fully protected and any proposals that are likely to lead to a significant adverse impact on these wetlands are likely to be formally assessed by the EPA.
Resource Enhancement Wetland (REW)	All reasonable measures are taken to minimise the potential impacts on REW and appropriate buffers. These wetlands have the potential to be restored to CCW, and rehabilitation is encouraged.
Multiple Use Wetland (MUW)	All reasonable measures are taken to retain the hydrological functions of the wetland (including on-site water infiltration and flood detention) and, where possible, other wetland functions.

As shown on the earlier location plan of this report, the subject area contains a MUW. This is in close proximity to an REW (UFI 7635) situated directly south of the area (partially within Lot 414 due to buffers) and a CCW (GBSW) situated to the south and east of the subject area.

In terms of both the MUW and nearby REW, which contains a water-dependent TEC, it should be noted that the drainage strategy proposes to generally retain the existing hydrology of the area. This includes maintaining pre-development flow rates at the existing discharge points.

In terms of buffers, the EPA's Guidance Statement No. 33 'Environmental Guidance for Planning and Development' states that wetlands that are to be protected (such as CCWs and REWs) require a minimum 50m wide buffer. In this regard, a 30m wide buffer has been proposed around UFI 7635, which is considered unacceptable, as it does not accord with the Guidance Statement and the DBCA advice. Consequently, it will be recommended that the draft LSP be modified to depict a minimum 50m buffer to UFI 7635 in lieu of the 30m buffer proposed (modification 3).

However, as previously mentioned, the DWER (on behalf of the EPA), is currently in the process of reviewing the submitted WWBA with the aid of DBCA advice and this may lead to a change in buffer widths.

Ultimately, the environmental agencies may resolve to require greater buffer widths, as a consequence of the combination of environmental constraints affecting the land.

Wetland Buffer Management

It is noted that the applicant does not intend to subdivide the draft LSP area. As such, there is therefore no statutory mechanism to trigger the wetland buffers to be ceded to the Crown free of cost.

The applicant has advised that a Wetland Management Plan (WMP) and Buffer Management Plan (BMP) will be prepared in future, and has suggested that a WMP be prepared as part of the structure planning for Precinct 3B, and a BMP be prepared as a condition of development approval associated with the development of Lot 414.

Item 13.2.4 Continued

The City is of the opinion that to ensure the proper management of the wetland buffer, thus ensuring the ultimate protection of wetland UFI 7635, at the time of subdivision or development, the buffer is to be ceded free of cost to the Crown (modification 4).

Hydrology and Water Management

The WAPC's Better Urban Water Management (2008) guideline document stipulates that a LWMS is to accompany a LSP. Typically, a LWMS is a broad drainage strategy for a specific development area that addresses the management of additional quantities of stormwater created from urban development.

The main principles of the applicant's LWMS include:

- Maintaining the existing hydrology by matching pre-development discharge rates and maintaining arterial flows through the site.
- Lot detention areas and a flood detention basin will be used to detain flows coming up from upstream, in addition to the flows from the development itself.
- The use of fill to protect properties from flooding and inundation by groundwater.
- Managing groundwater quality by maintaining or improving runoff through the treatment of surface water runoff prior to infiltration to groundwater and through implementing nutrient minimising landscape management practices.
- Accommodating peak flows from the Yule Brook floodplain.

Plans showing the existing drainage scenario and the proposed and post-development drainage arrangements are contained as Appendix 13.2.4E.

The LWMS is generally acceptable subject to minor changes, however, it is required to be referred to the EPA, DWER, Water Corporation, and DBCA for assessment and final endorsement.

It should be noted that whilst the Public Transport Authority (PTA) has no objection to the draft LSP, the PTA has raised concern about the location of the 'indicative drainage basin to be provided on future PTA land' (as shown as notation B on the LSP map). The PTA requires the exclusive use of its drainage basin at all times without exception. The PTA has requested that this notation be removed from the draft LSP and any other associated plans. In light of the PTA submission, it will be recommended that notation B be removed from the draft LSP map (modification 5).

It will be recommended that prior to the draft LSP being approved by the WAPC, the LWMS should be formally endorsed by the City of Gosnells, DWER, DBCA and Water Corporation. Further, it is recommended that prior to WAPC approving the draft LSP, the PTA is provided an opportunity to make comment on any amended plans as a result of modification 5.

Item 13.2.4 Continued

Indigenous Heritage

A preliminary investigation of Aboriginal heritage in the MKSEA was undertaken in 2009. This identified eight previously recorded Aboriginal sites in the MKSEA, and that there is a medium risk that previously unrecorded Aboriginal sites also exist. A copy of Figure 2 'Aboriginal Sites on the DIA Site Register within the MKSEA' is attached as Appendix 13.2.4F.

In accordance with the Department of Aboriginal Affairs *Aboriginal Heritage Inquiry System*, four Heritage Places have been recorded near the draft LSP area. Heritage Place 4340 is believed to be to the north of Lot 414, and Heritage Place 122 has been considered as 'Stored Data/Not a Site' and assessed to not meet Section 5 of the *Aboriginal Heritage Act 1972* (AHA).

There are two 'Other Heritage Places' that are 'Lodged', meaning that information has been received by the relevant authority (Department of Aboriginal Affairs), but an assessment has not been completed to determine if it meets Section 5 of the AHA. Heritage Place 24785 has been mapped over Lot 414, and Heritage Place 3312 has been mapped nearby.

With respect to Heritage Site 4340, through the assessment of the approved LSP, a Site Verification Assessment was undertaken. This report concluded that the reliable and correct location for site 4340 is on Lot 414 (formerly Lot 2008). It has been concluded that the draft LSP does not address the requirements under the AHA. Further, the status of sites 24785 and 4340 are yet to be formally assessed by the Department of Aboriginal Affairs.

It should be noted that the draft LSP was referred to the Department of Planning, Lands and Heritage - Aboriginal Affairs. The City did not receive a response to this referral.

Considering the obligations under the AHA, it will be recommended that compliance with the AHA is obtained prior to approval of the draft LSP (modification 6).

Site Constraints

Bushfire Hazard

The draft LSP has been identified as bushfire prone. The provisions of State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7) apply to all planning proposals in designated bushfire prone areas.

In accordance with the requirements of SPP 3.7, a Bushfire Management Plan (BMP) has been prepared in support of the draft LSP for the purpose of identifying bushfire hazard levels (ie Low, Moderate or Extreme) within, and in the vicinity of, the site, and to ensure that the threat posed by any hazard is appropriately mitigated in accordance with the requirements of the WAPC's Bushfire Protection Guidelines (the Guidelines).

It is important to note that the Guidelines state that a planning proposal should satisfy bushfire protection requirements within the boundaries of the land so as not to impact on the bushfire and environmental management of neighbouring reserves, properties or conservation covenants. The Guidelines includes a principle that, where revegetation of waterway foreshores, wetland or coastal buffers is necessary for their

Item 13.2.4 Continued

protection or management, it may be necessary to modify the development location or reduce lot yield to provide adequate hazard separation from the future vegetation boundary.

The BMP is based on the premise of a 30m revegetated buffer to UFI 7635. The BMP states that the buffer will affect the BAL ratings of any future development onsite, depending on the classification of buffer vegetation. The eventual width of the buffer to UFI 7635 is unresolved; however, considering the advice from DBCA coupled with the knowledge that the EPA is yet to comment on the proposed buffer width, a 30m buffer to UFI 7635 is unlikely to be adequate to support the protection of the wetland. If the buffer is required to be increased to a 50m minimum width by the WAPC, subsequent impacts on the BMP will arise. Once the buffer width has been formally resolved, the BMP should be updated to reflect the future vegetation classifications.

Further to the unresolved buffer width, the proposed Asset Protection Zone (APZ) contained in the BMP appears to extend over 'Flood Storage Area B' and 'Flood Storage Area C' (drainage detention basin). The proposed landscape treatment of the drainage detention basins must be reflected in the BMP.

The LWMS indicates that the treatment of stormwater runoff is provided through planting of the detention basins with species suitable for nutrient removal, and provision of high phosphorous retention index (PRI) soils beneath.

In the context of planting, the vegetation proposed within the drainage detention basins cannot be considered excluded vegetation under *Clause 2.2.3.2 - Exclusions - Low threat vegetation and non-vegetation areas of Australian Standard 3959-2009 - Construction of buildings in bushfire prone areas*.

Considering this non-exclusion, the vegetation cannot be considered low threat, and therefore the APZs do not meet the required standards as per the Guidelines. The locations of the APZs should be revised to accommodate these areas of classified vegetation, with all APZs meeting the required standards of the Guidelines.

The Department of Fire and Emergency Services (DFES) has not provided comment on the BMP submitted with the draft LSP. As such, it will be recommended that prior to the draft LSP being approved by the WAPC, the BMP and draft LSP be revised to the satisfaction of DFES (modification 7).

Parmelia Gas Pipeline

The Parmelia Gas Pipeline runs parallel to the western boundary of the Precinct 3A area, following the alignment of the freight railway line, and is protected by a 15m wide easement which includes some of the Precinct 3A area. The WAPC's Planning Bulletin 87 - 'High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region' provides guidance on matters to be taken into account when considering planning proposals in the vicinity of the Parmelia Gas Pipeline.

Item 13.2.4 Continued

For any industrial/commercial development, Planning Bulletin 87 stipulates that a 45m wide setback from the pipeline easement boundary should be provided. Any proposed subdivision and/or development within this setback area can be considered and approved where it is demonstrated that the risk from the pipeline is within acceptable levels in accordance with AS 2885. Furthermore, any subdivision and/or development that falls outside the 45m setback, but are within 356m of the easement, fall within a 'notification area' which require referrals of any proposals to the pipeline owners (APA Group).

With reference to the draft LSP, the 45m wide setback from the pipeline easement encroaches approximately 10m into Lot 414. It is noted that a large portion of Lot 414 is subject to the 'notification area'. In order to clarify the requirements of Planning Bulletin 87, the draft LSP includes notations depicting the location of the 45m setback area and the 356m notification area. Further text within Part One of the draft LSP documentation stipulates the requirements of Planning Bulletin 87. These notations and text are considered to be acceptable.

Design Considerations

The proponent has prepared a development concept plan for Lot 414, which is attached as Appendix 13.2.4G. Although not binding in any way, the concept plan seeks to demonstrate how the site could be developed in future. Notwithstanding the unresolved buffer width, the concept demonstrates how Lot 414 can be developed in conjunction with the relevant infrastructure within the approved LSP.

Traffic

A Traffic Summary (TS) has been prepared to support the draft LSP, which has been based on the development concept plan submitted by the applicant. As mentioned above, this concept is not binding in any way.

The summary states that upon the full development of Lot 414, the site is expected to generate employment for 60 persons; this consists of a Warehouse development of 20,000m² and an associated 800m² Office.

It is anticipated that there will be three access points to the site from Grove Road.

Consistent with the trip generation and distribution assumptions adopted within the approved LSP, the trip generation volumes are summarised as follows:

- AM 42 in trips; 20 out trips.
- PM 18 in trips; 38 out trips.

The TS surmises that, as all of the land is zoned Industrial under the MRS and assumed General Industry under the approved LSP, the draft LSP will be consistent with the surrounding sites once developed.

In conclusion, the TS determines that the trip generation by inclusion of Lot 414 into the draft LSP area will have a minimal impact on the immediate local road network.

The City has also reviewed the ability of the current and proposed road network to accommodate traffic.

Item 13.2.4 Continued

Presently, the portion of Grove Road abutting Lot 414 has a road reserve width of 20m and an asphalt seal of 7.4m wide without kerbing. Additionally, the unsealed shoulders range in width from 1-2m. The proponent has stated that the Grove Road pavement appears to be in satisfactory condition and will be retained within the 20m wide existing road reserve.

That being said, the ability to cope with design traffic (ie industrial and RAV vehicles) requires the provision of adequate heavy pavements as opposed to the current rural standard pavements, as well as appropriate geometry to cater for the design traffic.

Further, 7.4m pavements of unknown depth with gravel shoulders are not suitable for RAV vehicles. It is recommended that Grove Road fronting Lot 414 be upgraded to an industrial standard, and that these upgrades are designed in cohesion with the wider Precinct 3A area (modification 8).

Infrastructure and Servicing

The future development of the draft LSP area will be dependent on the availability of infrastructure and utilities such as sewer, power, water and roads, all of which are necessary to provide for the ultimate development of the area. In this regard, investigations into the servicing requirements for the area concluded as follows:

- Future development proposes the use of Aerobic Treatment Units (ATUs) for the management of onsite wastewater. The Water Corporation has not provided specific objection to this; however, notes that the installation of reticulated size gravity sewers is the responsibility of the developer at the time of subdivision or development. Further, the Water Corporation states that reticulated sewerage will not become available in the future if the MKSEA is developed with onsite treatment systems.
- There are existing overhead powerlines on the eastern side of Grove Road which may be utilised to supply power to the area.
- Water supply will be available through the extension of an existing main that runs along Grove Road. The Water Corporation notes that the developers may need to undertake some upgrades to the existing water reticulation mains, depending on the final water demands and fire flow requirements for the industrial uses.
- A gas supply is not intended for this area, however, should one be required in future, further investigations can be undertaken with a view to connecting to existing gas mains within the vicinity of Precinct 3A.

Statutory Process

In terms of the proposed amendment, in accordance with Clause 20(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, the local government must provide a report to the WAPC containing the following:

- (a) *A list of submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under Clause 19(2);*

Item 13.2.4 Continued

- (b) *any comments by the local government in respect of those submissions;*
- (c) *a schedule of any proposed modifications to address issues raised in the submissions;*
- (d) *the local government's assessment of the proposal based on appropriate planning principles;*
- (e) *a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any modifications.*

Following an assessment of the proposal by the local government and the passing of a resolution, the proposal will be forwarded to the WAPC for consideration and final determination.

CONCLUSION

It will be recommended that Council endorses this report and recommends to the WAPC that the draft LSP be approved subject to the following modifications and/or information requirements:

No.	Recommended Modification and/or Information Requirement	Reason(s)
1.	The Structure Plan Report and Map being updated to address the requirements of Clauses 5.6.3.1, 5.6.3.2 and 5.6.3.3 of the City of Gosnells Town Planning Scheme No. 6, to the satisfaction of the DBCA and EPA.	To include additional environmental assessments as part of the Structure Plan documentation as required by Town Planning Scheme No. 6. To address the requirements of the DBCA and EPA.
2.	Modify Part One of the Structure Plan Section 6.6 to acknowledge the requirements of Amendment No. 167 and the associated DCP.	To ensure the Structure Plan references the cost sharing arrangement applicable to the Structure Plan area.
3	Modify the Structure Plan and associated technical appendices to depict a 50m buffer to wetland UFI 7635 in accordance with DBCA advice.	To ensure the ultimate protection of wetland UFI 7635.
4.	Modify Part One of the Structure Plan Section 6.6 to state that at the time of subdivision or development (whichever occurs first), the buffer surrounding UFI 7635 is to be ceded free of cost to the Crown.	To ensure the management and ultimate protection of wetland UFI 7635.
5.	Modify the Structure Plan Map to remove "Notation B" at the advice of the PTA.	To ensure that the PTAs future drainage infrastructure is not compromised by the Structure Plan.
6.	Modify Part One of the Structure Plan Section 5.9 to ensure the proponent has liaised with the Department of Aboriginal Affairs, and fulfilled their obligations under the Aboriginal Heritage Act 1972.	To ensure compliance with the Aboriginal Heritage Act 1972 is obtained.
7.	Endorsement of the Local Structure Plan and Bushfire Management Plan by the Department of Fire and Emergency Services.	To ensure that the Structure Plan and associated Bushfire Management Plan meet the objectives of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.

Item 13.2.4 Continued

No.	Recommended Modification and/or Information Requirement	Reason(s)
8.	Modify Part One of the Structure Plan Section 6.5.2 to ensure that the portion of Grove Road abutting Lot 414 is upgraded to an Industrial Standard.	To ensure a consistent road network throughout the wider Precinct 3A area.

FINANCIAL IMPLICATIONS

All costs associated with the draft LSP will be borne by the applicant.

STATUTORY IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- *Aboriginal Heritage Act 1972.*
- *Environmental Protection and Biodiversity Conservation Act 1999.*
- Town Planning Scheme No. 6.
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas.

VOTING REQUIREMENTS

Simple Majority required.

Item 13.2.4 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 5)
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257 Moved Cr R Mitchell Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, notes the submissions received in respect of the proposed amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan and endorses the responses to those submissions, as contained as Appendix 13.2.4D.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 5)
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258 Moved Cr R Mitchell Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, endorses the assessment of the proposed amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan, as outlined in this report.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Item 13.2.4 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 5)

259 Moved Cr R Mitchell Seconded Cr O Searle

That Council, pursuant to Clause 20(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, recommends to the Western Australian Planning Commission that the proposed amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan be approved subject to the following modifications:

No.	Recommended Modification and/or Information Requirement	Reason(s)
1.	The Structure Plan Report and Map being updated to address the requirements of Clauses 5.6.3.1, 5.6.3.2 and 5.6.3.3 of the City of Gosnells Town Planning Scheme No. 6, to the satisfaction of the DBCA and EPA.	To include additional environmental assessments as part of the Structure Plan documentation as required by Town Planning Scheme No. 6. To address the requirements of the DBCA and EPA.
2.	Modify Part One of the Structure Plan Section 6.6 to acknowledge the requirements of Amendment No. 167 and the associated DCPR.	To ensure the Structure Plan references the cost sharing arrangement applicable to the Structure Plan area.
3.	Modify the Structure Plan and associated technical appendices to depict a 50m buffer to wetland UFI 7635 in accordance with DBCA advice.	To ensure the ultimate protection of wetland UFI 7635.
4.	Modify Part One of the Structure Plan Section 6.6 to state that at the time of subdivision or development (whichever occurs first), the buffer surrounding UFI 7635 is to be ceded free of cost to the Crown.	To ensure the management and ultimate protection of wetland UFI 7635.
5.	Modify the Structure Plan Map to remove "Notation B" at the advice of the PTA.	To ensure that the PTAs future drainage infrastructure is not compromised by the Structure Plan.
6.	Modify Part One of the Structure Plan Section 5.9 to ensure the proponent has liaised with the Department of Aboriginal Affairs, and fulfilled their obligations under the Aboriginal Heritage Act 1972.	To ensure compliance with the Aboriginal Heritage Act 1972 is obtained.
7.	Endorsement of the Local Structure Plan and Bushfire Management Plan by the Department of Fire and Emergency Services.	To ensure that the Structure Plan and associated Bushfire Management Plan meet the objectives of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the associated Guidelines for Planning in Bushfire Prone Areas.
8.	Modify Part One of the Structure Plan Section 6.5.2 to ensure that the portion of Grove Road abutting Lot 414 is upgraded to an Industrial Standard.	To ensure a consistent road network throughout the wider Precinct 3A area.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Item 13.2.4 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (4 OF 5)
--

260 Moved Cr R Mitchell Seconded Cr O Searle

That Council endorses that the Schedule of Submissions and the response to those submissions, as contained as Appendix 13.2.4D be forwarded to the Environmental Protection Authority and the Department of Biodiversity, Conservation and Attractions for their information.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (5 OF 5)
--

261 Moved Cr R Mitchell Seconded Cr O Searle

That Council, following determination of the proposal by the Commission, notifies those persons who made a submission on the amendment to Maddington Kenwick Strategic Employment Area Precinct 3A Structure Plan of its decision.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.2.6 DEVELOPMENT APPLICATION - AMENDMENT TO EXISTING APPROVAL FOR HOME OCCUPATION (FAMILY DAY CARE) - 15 (LOT 44) CHALE STREET, GOSNELLS - RECONSIDERATION

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Property Number:	203483
Application No:	DA17/00301.02
Applicant:	Fataneh Moradi
Owner:	Ali Sohrabi
Location:	15 (Lot 44) Chale Street Gosnells
Zoning:	MRS: Urban
TPS No. 6:	Residential R17.5
Review Rights:	Yes. State Administrative Tribunal against any discretionary decision of Council.
Area:	866m ²
Previous Ref:	OCM 13 February 2018 (Resolution 6) OCM 10 July 2018 (Resolution 196)
Appendices:	13.2.6A Site and Floor Plans 13.2.6B Applicant's Justification

PURPOSE OF REPORT

For Council to reconsider an application to amend the existing approved trading hours of a Family Day Care at 15 (Lot 44) Chale Street, Gosnells.

BACKGROUND**Site Description and Planning Framework**

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

Site History

In February 2018 Council approved an application for a Family Day Care on the subject site, allowing:

- The provision of a car parking area for up to two vehicles on the driveway.
- Operating times of 6am to 7pm Monday to Friday and 7am to 6pm Saturday.
- An outdoor play area setback a minimum of 1m from all lot boundaries.
- Accommodation of a maximum of seven children, including the applicant's children.

At its meeting on 10 July 2018, Council refused an application to amend the existing approval to allow Sunday trading and 24 hour operation, 7 days a week (Resolution 196).

Item 13.2.6 Continued

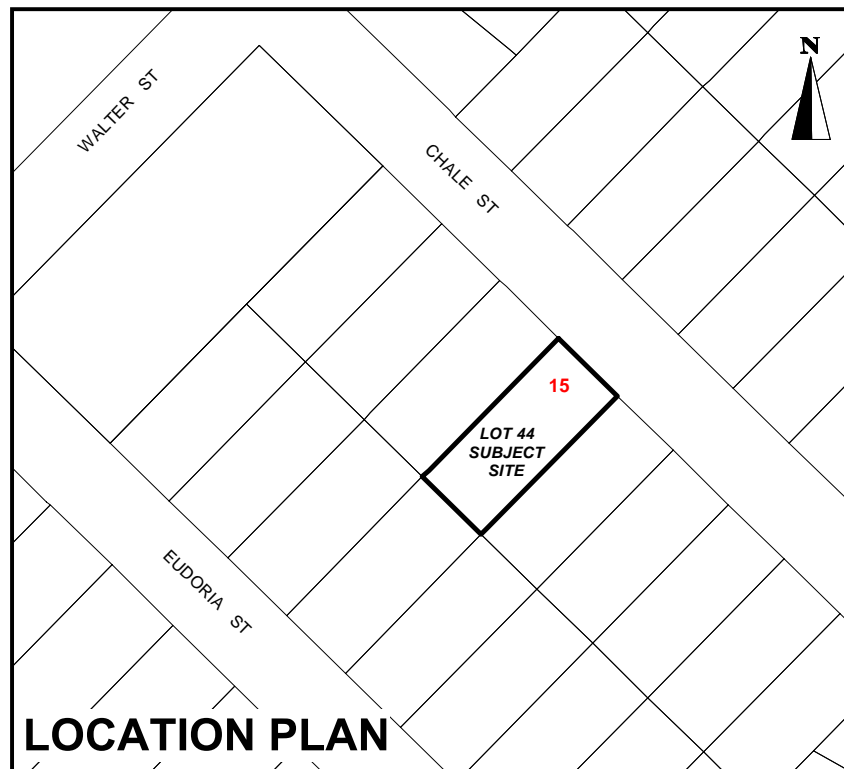
At its 14 August 2018 OCM, Cr S Williamson proposed a motion for the revocation of the July 2018 Council decision relating to the matter. Cr S Williamson provided the following comment in relation to the proposed motion:

"The applicant confirmed that she only ever intended to care for one child (in addition to her own children) overnight or on weekends.

By revoking the previous resolution to refuse the application, the applicant could amend her application to more accurately reflect her intentions without incurring the additional costs that would be associated with submitting a new application."

Council also sought clarification on the size of the dwelling and car parking arrangements. The original house plans detail the house as having an area of 130m², however, an extension of approximately 55m² has added to the house. The total floor area of the house is therefore approximately 185m².

A map identifying the location of the subject site follows.



Proposal

The application involves amending the existing approval to allow 24 hour operation for two or three nights per week.

The site and floor plans are contained as Appendix 13.2.6A.

The applicant has also clarified (by email dated 17 August) that the proposed 24 hour operation is to enable the care of one child overnight (included as Appendix 13.2.67B).

Item 13.2.6 Continued

Consultation

The proposal was previously advertised for public comment in accordance with Council Policy.

One submission was received objecting to the proposal and questioning the compatibility of the operation of a 24 hour Family Day Care within a residential area.

DISCUSSION

Town Planning Scheme No. 6

The subject site is zoned Residential R17.5 under TPS 6. In accordance with TPS 6, a Family Day Care is a "D" use in the Residential zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

Local Planning Policy 2.5 - Home Based Activities

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

Policy Clause/Requirement				Assessment/Comment
5.2(a) The maximum number of children accommodated by a Family Day Care operation (including the applicant's children) shall be determined as follows:				The subject site is 866m ² in area and the proposal involves the care of a maximum of seven children. As such, the proposal was advertised.
Lot area (m²)	Approval without advertising	Requires advertising	Unacceptable	
650+	5	6-7	8 or more	
5.2(c) A Family Day Care shall only operate between 6am and 7pm, Monday to Friday and between 7am and 6pm on Saturdays unless it can be demonstrated that the use will not impact on the amenity of surrounding properties.				The proposal is to operate 24 hours for two or three nights per week.

As demonstrated above, the proposal complies with the requirements of LPP 2.5, with the exception of the proposed hours of operation. In considering this assessment, the following is relevant.

Operating on Sundays

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

Should children be permitted to stay overnight, children could be picked up on Sunday mornings and evenings, which could detrimentally impact the amenity of neighbouring properties.

Item 13.2.6 Continued

Operating 24 hours per day

The act of staying overnight in itself could reasonably be considered as a passive activity, with the potential for disturbance, if any, generally being limited to when the child is dropped off and picked up.

The number of children permitted also results in the potential for disturbance, due to the increase in traffic and parking as children are dropped off and picked up, and noise associated with an increased number of children.

That being the case, if the application is approved, it will be recommended that a condition be imposed restricting the drop off and pick up of children so as to be consistent with Council's Home Based Activities Policy, and limiting the number of children (excluding the applicant's children) permitted to stay overnight to one.

Previous Determinations

A number of queries have also been raised about whether the Council has approved any other applications for 24 hour family day care services operating from homes in the area. Two applications for such uses have been approved in recent years, as follows;

1. On 12 November 2013, Council approved (Resolution 466) an application for the accommodation of up to 7 children at a family day care in Wetlands Way Southern River. The approval allowed for 24 hour operation between Monday to Saturday with pick up and drop off times to occur during the normal hours allowed by the Home Business Policy. Two objections had been made about the planning application during the public consultation process. The resolution was passed unanimously.
2. On 12 May 2015, Council approved (Resolution 176) an application for 24/7 trading for a family day care in Ruby Avenue Langford. The application proposed the accommodation of up to 7 children, and when advertised for public comment, did not give rise to any objections. In approving the application, Council required drop off and collection times to occur between 6am and 7pm Monday to Friday, and between 7am and 6pm on Saturdays and Sundays. The resolution was passed 9 votes to 2 for this application.

In the case of both applications, there is no record of subsequent complaints being made from nearby residents about either of the business activities.

Amenity

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

Limiting Family Day Care operations to day-time hours from Monday and Saturday minimises the potential negative impact of an operation on the amenity of the surrounding area.

Item 13.2.6 Continued

CONCLUSION

From the examples listed above, it can be concluded that a 24/7 family day care may operate in a manner which will not give rise to complaint. Such an outcome is very much dependent upon the relationship between neighbours and the applicant, rather than for any technical planning reason.

Given the recent research about similar past applications and the apparent successful operation of these businesses in a residential environment, and having regard to the proponent seeking approval for the accommodation of one child on an overnight basis, it is recommended that Council approves the application in this instance and considers amending the relevant policy.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

Item 13.2.6 Continued

STAFF RECOMMENDATION (1 OF 2)

Moved Cr D Griffiths Seconded Cr C Brett

That Council approves the application to amend an existing development approval for a Family Day Care at 15 (Lot 44) Chale Street, Gosnells, dated 7 May 2018, subject to the following conditions:

1. The Family Day Care drop-off and pick-up of children being limited to between 6am and 7pm Monday to Friday, and between 7am and 6pm on Saturday and Sunday.
2. The amended approval is limited to the care of one child overnight, otherwise the scale of business is limited to the extent approved on 13 February 2018.
3. All other conditions of the Council's 13 February 2018 approval remaining valid.

Amendment

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

"That condition 1 of the staff recommendation 1 of 2 be deleted and replaced with the following condition:

1. *The family day care may operate 24 hours a day Monday to Saturday only."*

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

"To accord broadly with the current Council policy which prohibits activities on Sunday."

Cr T Lynes seconded Cr J Brown's proposed amendment.

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

Moved Cr J Brown Seconded Cr T Lynes

That condition 1 of the staff recommendation 1 of 2 be deleted and replaced with the following condition:

1. The family day care may operate 24 hours a day Monday to Saturday only.
LOST 1/10

FOR: Cr J Brown.

AGAINST: Cr P Abetz, Cr C Brett, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

Item 13.2.6 Continued

The amendment was lost. The Mayor then put the substantive motion, which reads:

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 2)

262 Moved Cr D Griffiths Seconded Cr C Brett

That Council approves the application to amend an existing development approval for a Family Day Care at 15 (Lot 44) Chale Street, Gosnells, dated 7 May 2018, subject to the following conditions:

1. The Family Day Care drop-off and pick-up of children being limited to between 6am and 7pm Monday to Friday, and between 7am and 6pm on Saturday and Sunday.
2. The amended approval is limited to the care of one child overnight, otherwise the scale of business is limited to the extent approved on 13 February 2018.
3. All other conditions of the Council's 13 February 2018 approval remaining valid.

CARRIED 9/2

FOR: Cr P Abetz, Cr C Brett, Cr D Goode, Cr D Griffiths, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Cr J Brown and Cr J Jones.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 2)

263 Moved Cr D Griffiths Seconded Cr C Brett

That Council notes that LPP 2.5 - Home Based Activities will be reviewed, with a view to establishing potential parameters for the consideration of overnight care in Family Day Cares.

CARRIED 9/2

FOR: Cr P Abetz, Cr C Brett, Cr D Goode, Cr D Griffiths, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Cr J Brown and Cr J Jones.

12. REPORTS OF COMMITTEE MEETINGS

Nil.

13. REPORTS

13.1 CHIEF EXECUTIVE OFFICE

Nil.

13.2 PLANNING AND DEVELOPMENT

13.2.1 DRAFT MODIFIED LOCAL PLANNING POLICY 2.5 - HOME BASED ACTIVITIES *(ITEM BROUGHT FORWARD – REFER TO ITEM 11)*

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2016 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.

**13.2.2 DEVELOPMENT APPLICATION - SHOWROOM AND SIGNAGE - 1803
(LOT 23) ALBANY HIGHWAY, KENWICK**

Director: C Terelinck
Author's Declaration Nil.
of Interest:
Property Number: 222772
Application No: DA18/00182
Applicant: N M Lam & Leonard Neira (Pots WA)
Owner: Decisive Holdings Pty Ltd
Location: 1803 (Lot 23) Albany Highway, Kenwick
Zoning: MRS: Urban, Primary Regional Roads
TPS No. 6: Light Industry
Review Rights: Yes. State Administrative Tribunal against any discretionary
decision of Council
Area: 788m²
Previous Ref: Nil.
Appendices: 13.2.2A Site Plan
13.2.2B Hoarding Sign Plan
13.2.2C Sign Details

PURPOSE OF REPORT

For Council to consider an application for planning approval for a Showroom and Signage at 1803 (Lot 23) Albany Highway, Kenwick as the proposal is outside the authority delegated to staff due to the proposed hoarding signs.

BACKGROUND**Site Description and Planning Framework**

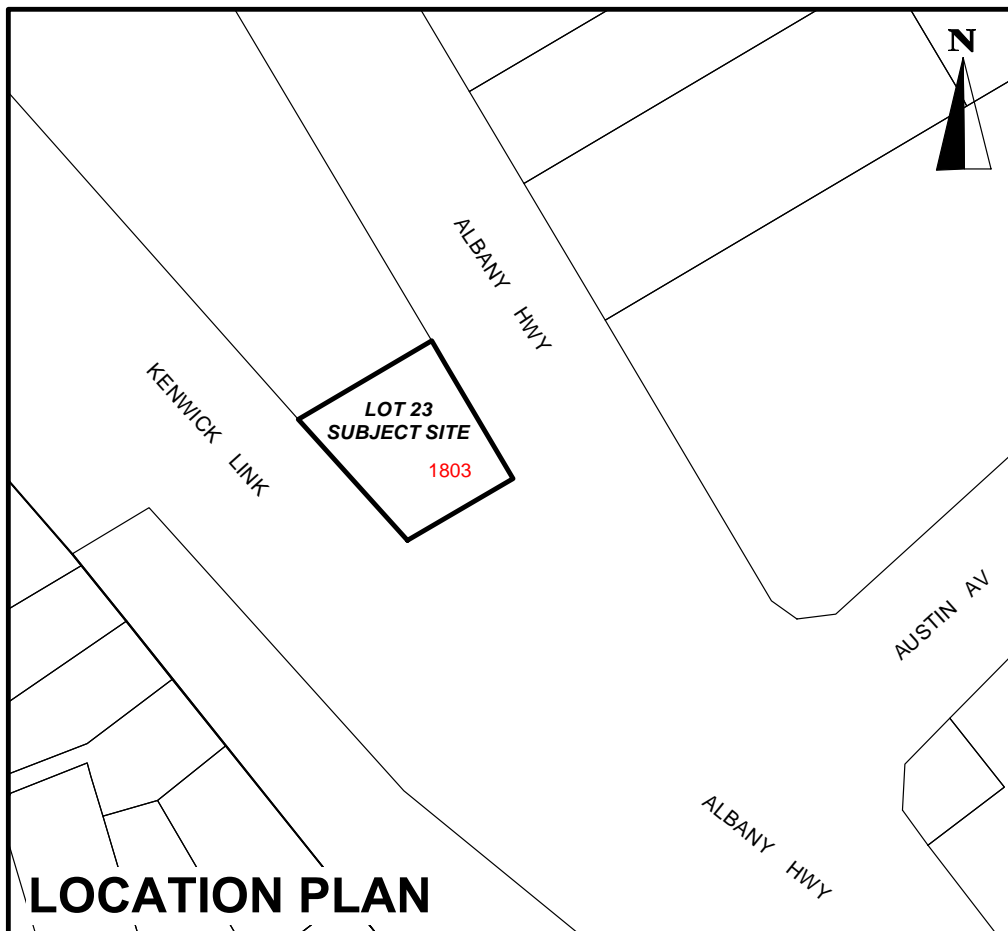
The site is located at the corner of Albany Highway and the Kenwick Link, with access to the site via a crossover to Albany Highway. The site is currently vacant hardstand, and the surrounding land use is either Industrial or Residential.

History

In 2007, the City approved an application for an extension to the adjacent caryard over the subject site.

A map identifying the location of the subject site follows.

Item 13.2.2 Continued



Proposal

The application involves the following:

- The sale of Garden Ceramic Pots and Garden Accessories.
- Proposed hours of operation are 9:00am to 5:00pm, 7 days per week.
- Two staff members are proposed.
- Deliveries to the site are typically undertaken after business hours.
- Six car parking bays are provided.
- A 1.8m high x 3.6m wide hoarding sign attached to the existing fence, facing the Kenwick Link.
- Two 2.4m high x 4.8m wide freestanding hoarding signs facing Albany Highway.

Consultation

The proposal was not required to be advised for public comment.

Item 13.2.2 Continued

DISCUSSION

Town Planning Scheme No. 6

Land Use Permissibility

The subject site is zoned Light Industry under TPS 6. The proposed use is classed as a Showroom as it involves the display and sale by whole or retail of goods of a bulky nature. In accordance with TPS 6, a Showroom is a “D” use in the Light Industry zone, meaning it is not permitted unless the local government has exercised its discretion by granting planning approval.

Car Parking

The following table outlines TPS 6 parking requirements relative to this proposal.

Use Class	TPS 6 Carparking Standards	TPS 6 Carparking Requirements	Carparking Bays Provided
Showroom	1 space for every 50m ² gross leasable floor area. Minimum of 4 spaces per tenancy or unit.	No buildings are proposed, however, approximately 285m ² of display area is proposed. 6 bays are therefore required.	A total of 6 bays have been provided on site.

As shown, the proposal complies with TPS 6 parking requirements.

Main Roads WA Access Strategy

The Main Roads WA (MRWA) Access Strategy affects the subject site.

Despite Albany Highway being classed a ‘Primary Regional Road’ under the Metropolitan Region Scheme, referral of the application to MRWA was not required, as the access arrangements are consistent with the agreed access strategy, and no additional access between the development site and the regional road reservation is proposed.

Drainage Easement

There is an existing drainage easement running through the northern portion of the site. Given no buildings are proposed over the drainage easement, there are no impacts.

Ablution Facilities

There are no buildings on the subject site. To ensure access to ablution facilities for customers and staff, the applicant has leased a portion of the adjacent 1809 (Lot 1) Albany Highway, Kenwick, which ensures legal access to these facilities are available.

Local Planning Policy 4.9 – Signage and Flags

In Industrial areas, LPP 4.9 does not prescribe size, location, composition or a maximum number of hoarding signs, and instead requires Council approval based on the individual merits of the proposal.

Item 13.2.2 Continued

Given the site is on a corner, signs facing both the Kenwick Link and Albany Highway are considered warranted.

The size of the signs is consistent with existing signage in the area, and is considered acceptable.

CONCLUSION

The proposal is supported for the reasons outlined in the report.

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.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

264 Moved Cr P Abetz Seconded Cr R Mitchell

That Council approves the application for a Showroom and Signage at 1803 (Lot 23) Albany Highway, Kenwick dated 1 August 2018 subject to the following conditions:

Condition(s) to be satisfied prior to the commencement of use/occupancy of building(s):

1. The proposed carparking bays are to be provided and marked, prior to the occupation of the development, and thereafter maintained to the satisfaction of the City.

Condition(s) to be satisfied for the life of the development:

2. No external display/storage of materials associated with the development are permitted within the carparking or landscaping area of the subject site or on the verge.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.2.3 DEVELOPMENT APPLICATION - SIGNAGE (TWO MONOLITH) - LOT 98 MILLS ROAD WEST, MARTIN

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Property Number:	313789
Application No:	DA18/00078
Applicant:	Harley Dykstra
Owner:	Swansea Landholdings Pty Ltd
Location:	Lot 98 Mills Road West, Martin
Zoning:	MRS: Urban
	TPS No. 6: Highway Commercial
Review Rights:	Yes. State Administrative Tribunal against any discretionary decision of Council.
Area:	4.7ha
Previous Ref:	Nil
Appendices:	13.2.3A Site Plan
	13.2.3B Development Plans
	13.2.3C Sign Cross Sections
	13.2.3D Signage Strategy

PURPOSE OF REPORT

For Council to consider an application for planning approval for two Monolith Signs at Lot 98 Mills West Road, Martin as the proposal is outside the authority delegated to staff due to a non-compliance with Local Planning Policy 4.9 - Signage and Flags.

BACKGROUND**Site History**

In April 2015, Council granted Final Approval to Amendment No. 147 to TPS 6, which rezoned the subject site from Mixed Business to Highway Commercial, and provided restricted uses on the land. The restricted use conditions applying to the land in part required the preparation and approval of a Local Development Plan. The approved Local Development Plan requires the preparation of a Signage Strategy for the site.

In December 2015, the Western Australian Planning Commission granted approval to subdivide the subject site into nine freehold lots. The landowner is in the process of obtaining titles for the individual lots.

In June 2017, the Metropolitan East Joint Development Assessment Panel granted approval for a Convenience Store on the northernmost proposed lot adjacent to Ferres Drive and Mills Road West. This application did not include freestanding signage, and a separate application was submitted and approved for one 7m Monolith Sign relating to the Convenience Store. The Convenience Store and signage are yet to be constructed.

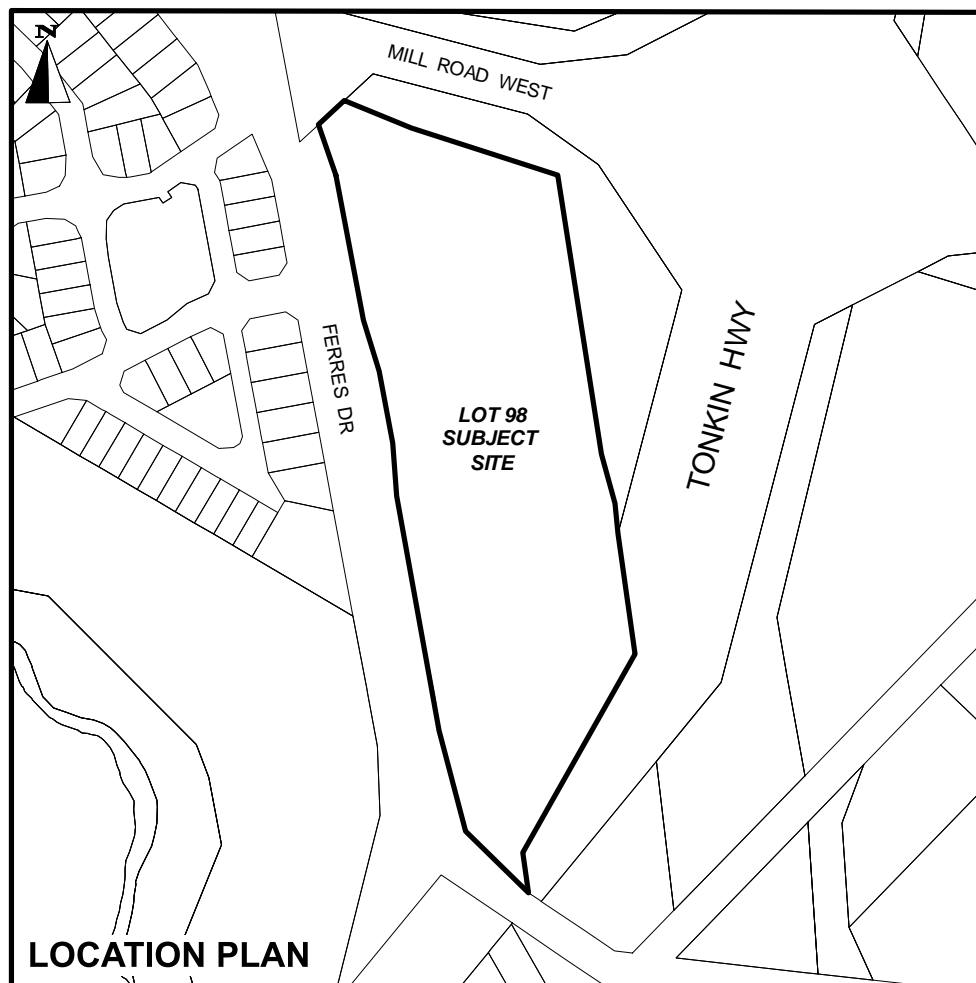
Item 13.2.3 Continued

Site Description and Planning Framework

The subject site is bound by Ferres Drive, Mills Road West, Broadhurst Road and the Tonkin Highway. Portions of future road widening to Ferres Drive and the Tonkin Highway affect the site. Access to the site is via an internal road network from Ferres Drive. A copy of the site plan is contained as Appendix 13.2.3A.

Surrounding land uses comprise medium density residential to the west, an Educational Establishment (Lumen Christi Collage) to the north and the Tonkin Highway and General Rural zoned land to the east.

A map identifying the location of the subject site follows.



Proposal

The application involves the following:

- Installation of two Monolith signs (12m and 10m in height) on the subject site.
- The 12m high sign is located 1.0m from the boundary closest to the intersection of Mills Road West and Ferres Drive and relates to the approved Convenience Store only.

Item 13.2.3 Continued

- The 10m high sign is to be located along Ferres Drive adjacent to the entrance to the commercial precinct and will be used to advertise future tenancies.

The Development Plans and Cross Sections are contained in Appendix 13.2.3B and Appendix 13.2.3C respectively.

The applicant has also prepared a Signage Strategy which satisfies the Local Development Plan requirement to provide design criteria for future signage on the subject site as it moves towards being completely developed.

The detail contained in the Signage Strategy aims to reduce the impact of signage associated with the commercial nature of future development on the adjacent General Rural and Residential land to the east and west respectively. The Signage Strategy is contained as Appendix 13.2.3D.

Consultation

The proposal was referred to Main Roads Western Australia (MRWA) for comment, given the site is directly adjacent the Tonkin Highway, which is a Primary Regional Road under the Metropolitan Region Scheme. MRWA provided no objections to the proposal.

DISCUSSION

Town Planning Scheme No. 6

Signage is considered to be a form of development under the *Planning and Development (Local Planning Schemes) Regulations 2015*, and as such, requires approval under TPS 6.

Local Planning Policy 4.9 - Signage and Flags (LPP 4.9)

The proposed signs are considered to be Monolith Signs under LPP 4.9. Monolith Signs are defined as follows:

“A sign comprising of a solid structure not attached to a building and where the vertical dimension exceeds the horizontal dimension, but does not include a Pylon Sign or a Directional Sign.”

The proposal complies with all relevant provisions of LPP 4.9 pertaining to Monolith Signs, with the exception of the following:

Assessment Element	LPP 4.9 - Sign Standards	Proposed Sign	Assessment
Size	Maximum Height - 7m	Convenience Store Sign (12m height) Tenancy Sign (10m height)	The Convenience Store Sign is 5m higher than permitted under LPP 4.9. The Tenancy Sign is 3m higher than permitted under LPP 4.9.
Maximum Number	One per property, however, no such sign is permitted if there are any pylon signs on the same site.	Two Monolith Signs in addition to the existing approved Monolith Sign.	Should the application be approved, three Monolith Signs in lieu of the one permitted will be approved.

In considering the above, the following is relevant:

Item 13.2.3 Continued

- Upon finalisation of the subdivision, the Monolith Signs will be located on separate lots, thereby complying with the requirements of LPP 4.9.
- The topography of the subject site is significantly lower than the Tonkin Highway. As such, to ensure the signage is visible from passing traffic on the Tonkin Highway, the signs are required to be higher than permitted under LPP 4.9.
- Future commercial development on the north eastern portion of the site is likely to further obstruct visibility of signage to the Convenience Store.
- Existing mature vegetation in the area would obstruct visibility of the proposed signs if they were lower.
- The applicant has also advised that the additional height of the 10m tenancy sign is in order to co-ordinate all future tenants onto a single sign.

Given the above, the additional height of the signs is considered warranted.

In respect to the Signage Strategy, the details provided are considered appropriate and meet the requirements of the Local Development Plan.

CONCLUSION

The proposal is supported.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

- Town Planning Scheme No. 6.
- Local Planning Policy 4.9 - Signage and Flags.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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265 Moved Cr D Griffiths Seconded Cr J Jones

That Council approves the application dated 17 May 2018 for two monolith signs at Lot 98 Mills Road West, Martin.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

13.2.4 AMENDMENT TO MADDINGTON KENWICK STRATEGIC EMPLOYMENT AREA PRECINCT 3A STRUCTURE PLAN (*ITEM BROUGHT FORWARD – REFER TO ITEM 11*)

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2016 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.

13.2.5 STRUCTURE PLAN - LOTS 1797 AND 1798 MATISON STREET, SOUTHERN RIVER - SOUTHERN RIVER PRECINCT 3C (CENTRAL) - REZONING TO R25/R30/R40 AND LOCAL OPEN SPACE

Director:	C Terelinck
Author's Declaration of Interest:	Nil.
Property Number:	208910 and 208911
Application No:	PF18/00009
Applicant:	Urbanism
Owner:	Estate of C Lander
Location:	Lots 1797 and 1798 Matison Street, Southern River
Zoning:	MRS: Urban Deferred
TPS No. 6:	General Rural
Review Rights:	Yes. State Administrative Tribunal against a decision by the Western Australian Planning Commission to not approve the structure plan
Area:	8.09ha
Previous Ref:	Nil
Appendices:	13.2.5A Southern River Precinct 3 Guide Plan 13.2.5B Southern River Precinct 3C Structure Plan Map 13.2.5C Southern River Precinct 3C Structure Plan Report 13.2.5D Schedule of Submissions 13.2.5E Response from Referral Authorities

PURPOSE OF REPORT

For Council to consider endorsing a proposed Structure Plan for a portion of the Southern River Precinct 3C area (Lots 1797 and 1798 Matison Street, Southern River).

BACKGROUND**History**

In 2001, the Western Australian Planning Commission (WAPC) adopted the Southern River/Forrestdale/Brookdale/Wungong District Structure Plan (DSP) which provided a broad level guide for the future development of the Southern River area.

Following the adoption of the DSP, Council adopted a precinct-based approach to the planning of Southern River by dividing the area into five separate planning precinct areas. A copy of the Southern River Precinct 3 Local Structure Plan (LSP) is contained as Appendix 13.2.5A.

To provide a planning framework for the development of Precinct 3, Council adopted Local Planning Policy 3.3 (LPP 3.3) in 2006, which further divided the area into sub-precincts, and identified the planning tasks required for the development of each specific precinct including amendments to the Metropolitan Region Scheme (MRS) and TPS 6 and the requirement for an Outline Development Plan (ODP). A draft cost sharing arrangement for infrastructure within Precinct 3 has also been prepared via Amendment No. 110 to TPS 6.

Item 13.2.5 Continued

In October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* came into effect, which in part changed the name of ODPs to LSPs and provided assessment requirements for LSPs.

In April 2018, planning consultants acting on behalf of the owners of Lots 1797 and 1798 Matison Street, Southern River within the 3C sub-precinct lodged a draft LSP over these lots.

Site Description and Planning Framework

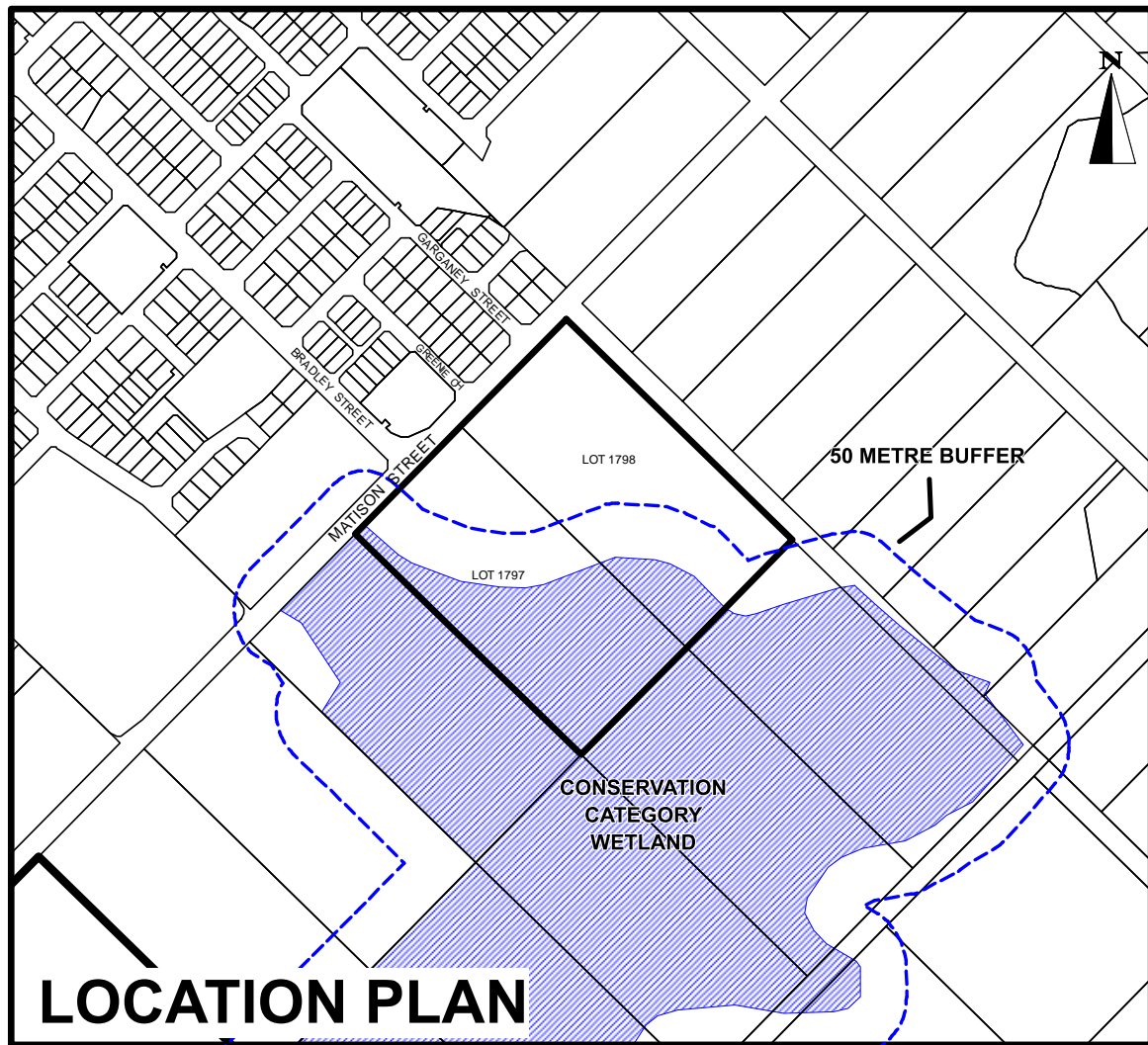
The draft LSP relates to Lots 1797 and 1798 Matison Street, which are both zoned Urban Deferred under the Metropolitan Region Scheme (MRS) and General Rural under Town Planning Scheme No. 6 (TPS 6). The applicant is concurrently applying to the Western Australian Planning Commission (WAPC) for the lifting of the Urban Deferred status of the land.

Land to the north-east contains rural lifestyle properties, the land to the north-west contains urban development and land to the south contains Bush Forever site 464 and wetlands. The subject site has historically been used for the grazing of livestock.

The subject site is bound by Matison Street to the north-west, the presently unconstructed Woongan Street to the north-east and General Rural land to the south. Whilst the site is undeveloped, a large portion of the site contains a Conservation Category Wetland and the associated Wetland buffer.

A plan identifying the LSP area follows.

Item 13.2.5 Continued



Proposal

The draft LSP encompasses an area of approximately 8.09ha and contains the following elements:

- The designation of 2.2ha of land for Residential purposes, including R25, R30 and R40 densities.
- The provision of a local road network, including access onto Matison Street and connectivity with the presently unconstructed Woongan Street.
- Approximately 5.2ha of restricted and unrestricted Public Open Space, encompassing the existing Conservation Category Wetland (CCW) and its associated buffer.
- Shared paths connecting the draft LSP area to Matison Street and presently unconstructed Woongan Street.

A copy of the draft LSP map is contained as Appendix 13.2.5B, and the draft LSP report is contained as Appendix 13.2.5C.

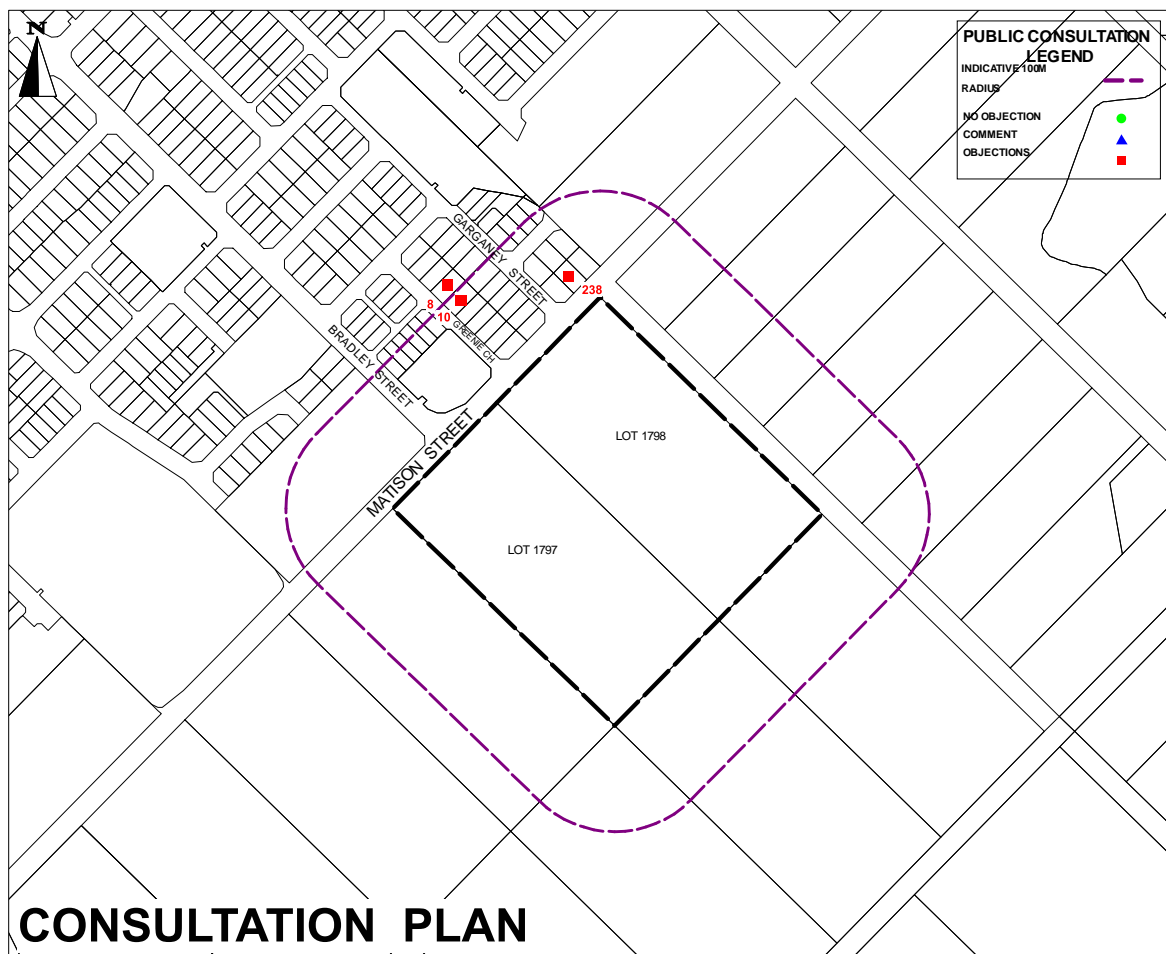
Item 13.2.5 Continued

Consultation

In accordance with Clause 18 of Schedule 2 - Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposal was advertised for a period of 28 days (from 6 June 2018 to 10 July 2018) by way of letters to directly affected and immediately surrounding landowners and relevant authorities.

The City received eight submissions during the advertising period; five from government agencies and three from landowners/occupants.

A map identifying the extent of the consultation area follows.



Item 13.2.5 Continued

A summary of submissions received and comments thereon are included in a Schedule of Submissions, contained as Appendix 13.2.5D. The main issues raised in the submissions relate to:

- Privacy and Security
- Traffic Safety
- Property Values

The proposal was also referred to the following government agencies (see Appendix 13.2.5E):

- Department of Planning, Lands and Heritage (DPLH)
- Water Corporation (WC)
- Department of Health (DoH)
- Western Power (WP)
- Telstra
- Department of Biodiversity, Conservation and Attractions (DBCA)
- Department of Water and Environment Regulation (DWER)
- Department of Fire and Emergency Services (DFES)
- ATCO Gas

Issues and technical advice are discussed in the following sections, along with any other applicable technical matters.

DISCUSSION**Proposed Land Use Designation and Reservation**Residential Density

The draft LSP makes provision for low to medium density residential development, with the density provided ranging from R25 to R40 as follows:

- R25 applies as the base code to all lots; and
- R30 and R40 provided to areas adjacent to Public Open Space.

The total estimated yield for the draft LSP is 50 lots, which equates to an anticipated residential density of 20 dwellings per gross urban-zoned hectare.

Item 13.2.5 Continued

In considering the above, Liveable Neighbourhoods seeks to ensure residential densities of at least 12 to 20 dwellings per hectare for standard lot layouts and 20 to 30 dwellings per hectare within 400m of a Neighbourhood Centre and 250m of main bus routes.

The subject site is located approximately 640m from the nearest Neighbourhood Centre, and there is no major public transport routes servicing the area. As such, the base coding of R25 would typically not be considered appropriate. The applicant has advised that there is a need to optimise the limited area of land which has been assigned for residential development due to the highly constrained nature of the site which includes a CCW and its associated buffer.

Notwithstanding, the lot layout and densities proposed in the draft LSP provides an opportunity for the provision of a mix of housing typologies whilst optimising the lot yield of the site which is heavily constrained environmentally. The densities also assist in achieving the minimum 15 dwellings per gross urban hectare required under the WAPC's Directions 2031, which would otherwise not be able to be met given the constraints to the developable area of the land.

The areas which are identified for higher densities are oriented towards areas of Public Open Space and are adjacent to the major thoroughfare of Matison Street. This approach enables higher levels of passive surveillance to the public areas and affords a higher level of accessibility which is generally associated with higher density development.

Subject to criteria to address development outcomes for the R30 and R40 sites, the densities are considered acceptable. In this respect, the requirement for Local Development Plans (LDP) in part one of the draft LSP should be updated to include the design criteria for LDPs, including driveway and garage location, building orientation, bin collection areas and location of private open space (modification 1).

Public Open Space

In accordance with the requirements of Liveable Neighbourhoods, subdivisions should include a minimum of 10 per cent of the gross subdivisible area to be given up free of cost for POS. For the purposes of this calculation, the gross subdivisible area includes the total site less deductions for non-residential uses such as dedicated drainage.

Furthermore, since POS often provides a range of functions, including recreation and drainage, Liveable Neighbourhoods makes provision for land ceded for drainage to be counted towards satisfying the 10 per cent requirement, although there are limitations on credit allowances. These allowances/limitations include:

- A minimum of eight per cent unrestricted POS for the purpose of active and passive recreation, which may include drainage areas that do not accommodate storm events equal or less often than a 1:5 event.
- The remaining two per cent (of the 10 per cent) may comprise restricted POS, being areas that incorporate stormwater capture from between 1:1 and 1:5 year events.
- The detention of stormwater for a 1:1 year even does not contribute towards unrestricted POS calculations.

Item 13.2.5 Continued

In respect to the extent of the Conservation Category Wetland (CCW) on the site, Liveable Neighbourhoods requires this land to be ceded to the Crown free of cost and without payment of compensation by the Crown in addition to the 10 per cent POS contribution. The area of wetland itself is not included in the gross subdivisible area on which the POS contribution is determined.

The WAPC may allow for the wetland buffer to be included in restricted use POS provided that the area is usable for recreational purposes and there is a Management Plan agreed to with the Local Government that enhances the wetland.

A POS concept plan and justification is required in part two of the draft LSP to demonstrate compliance in this respect (modification 2). The applicant must also provide the required Wetland Management Plan that enhances the wetland (modification 3).

Liveable Neighbourhoods does not permit a POS contribution allowance for any land identified as restricted use POS over and above a maximum of two per cent. Any area of restricted POS over and above the two percent is therefore deducted from the total amount of POS provided. A maximum of 20% of the CCW wetland can therefore be included as restricted POS assuming the above concept and management plans have been provided.

In terms of analysing the proposed supply of POS, the POS allocation included in the draft LSP is as follows:

Southern River Sub Precinct 3C - POS Schedule	
Total Nett Site Area	8.09ha
Restricted POS (CCW)	2.92ha
Restricted POS (CCW Buffer)	1.97ha
Restricted Open Space (CCW Buffer)	0.10ha
Total Unrestricted Use	0.395ha
Total Restricted Use	0.103ha
Total POS provided	0.49ha

The City's calculation indicates that the draft LPS has an area of 8.093ha, which, including the CCW deductions, requires approximately 0.52ha of POS. Approximately 0.39ha of unrestricted POS and 0.1ha of restricted POS has been provided, which represents 7.5% and 2% respectively of the required amount of POS (total of 9.5% POS).

As such, the required 10% of total POS and minimum 8% of unrestricted POS has not been provided.

The draft LPS should be modified to provide an updated POS table which meets the requirements of Liveable Neighbourhoods in this respect (modification 4).

Item 13.2.5 Continued

Development of Public Open Space

In accordance with the WAPC's Liveable Neighbourhoods and Better Urban Water Management guidelines, and the Council's *Local Planning Policy 4.7 - Planning and Development of Public Open Space and Streetscapes* (LPP 4.7), a proposed draft LSP should be accompanied by a Landscape Masterplan detailing the size, location and proposed use of each area of POS.

Furthermore, a Landscape Masterplan will detail whether restricted areas (such as the wetland buffer) are capable of use for recreational purposes so they can be counted as a POS area for the purposes of compliance, and provide further detail in addition to a POS concept plan, for appropriate planting species.

It will therefore be recommended that prior to the draft Structure Plan being approved by the WAPC, a Landscape Masterplan be submitted and endorsed by the City (modification 5).

As previously mentioned, part one of the draft LSP is also required to be updated to include the requirement for a Wetland Management Plan at the time of subdivision, to meet the requirement of including this land in the restricted use POS calculation.

Environmental Considerations

An Environmental Assessment was submitted in support of the draft LPS given the significant environmental features within the LPS area and surrounds which include the following:

- Areas of remnant vegetation, ranging from Very Good (mostly within the CCW Buffer) to Degraded.
- Conservation Category Wetlands
- Sensitive fauna habitats.

These matters are further discussed below.

Vegetation

The Department of Biodiversity, Conservations and Attractions (DBCA) provided comments on the draft LSP with respect to flora, as follows:

- Limited information has been provided regarding site specific threatened species and communities. The DBCA recommends that a detailed environmental assessment in accordance with the Environmental Protection Authority's (EPA) *Technical Guidance - Flora and Vegetation Surveys for Environmental Impact Assessment (2016)*, be conducted onsite to inform the draft LSP and ensure significant values are retained and protected in any future urban development.
- The assessment should include a targeted threatened flora survey to identify the likely rare flora which could occur onsite including the recently listed *Austrostipa jacobiana*, which occurs in close proximity to the subject sites. It should also include information related to the vegetation condition and floristic

Item 13.2.5 Continued

community types which occur on site following a detailed statistical analysis of floral species present across the lots.

The applicant has provided the City with the abovementioned information; however, this is required to be provided to the DBCA for consideration. As such, the draft LSP should be modified to include the additional information which should then be endorsed by DBCA, prior to its finalisation by the WAPC (modification 6).

Wetlands

The subject area is affected by a CCW, which is generally characterised by high levels of attributions and functions. All CCW wetlands and appropriate buffers are fully protected and any proposals that may lead to a significant adverse impact on these wetlands are likely to be formally assessed by the Environmental Protection Authority (EPA).

The management objective of a CCW is to preserve and protect the existing conservation values of the wetlands through various mechanisms. No development or clearing is considered acceptable and as they are the most valuable wetland and any activity that may lead to further loss or degradation is could not be supported.

DBCA provided the following advice with respect to wetlands:

- The DBCA has agreed to minor modifications to the CCW boundary and the allocation of a 50m wetland buffer as shown on the draft LSP.
- The DBCA recommends a Wetland Management Plan be prepared in order to ensure the protection and management of the wetland and its buffer in an urban form. This has been recommended via modification 3.
- The Bushfire Management Plan (BMP) submitted with the draft LSP provides for 30m of the 50m wetland buffer to be managed as 'formally managed open space for recreational purposes'. This infers that 30m of the wetland buffer is proposed to be maintained in a low fuel state. This would require the area to be cleared to create grassed parkland areas to provide for recreational facilities. The DBCA has advised that it generally does not support any development within these buffer areas in accordance with government policy and guidance.

Matters pertaining to bushfire are discussed below.

Fauna

To address concerns with the impact of the proposed development on local fauna, a requirement for a fauna survey and, if required, a fauna relocation plan, is recommended. This would be required at the subdivision or development stage to determine if any significant animals, such as bandicoots, are present on the site, and if so, what arrangements should be made for their relocation to a new and protected habitat. Part one of the draft LSP is recommended to be modified to include this requirement (modification 7).

Item 13.2.5 Continued

Aboriginal Heritage

Given portions of the land bounded by Matison Street intersect with an aboriginal site, the draft LPS was referred to the Aboriginal Heritage division of the DPLH.

DPLH has advised that no approvals are required under the Aboriginal Heritage Act.

Movement Network

The proposed road network shown on the draft LSP generally responds to the alignment of the CCW, with the balance of roads in a modified grid pattern.

The applicant has provided a Traffic Impact Assessment in support of the draft LSP, demonstrating the proposed road reserve widths and hierarchies. Traffic flow distributions within the report are based on the assumption that the proposed Matison Street extension and future Woongan Street are constructed by the time the draft LSP is implemented.

Road Widths

The road reserve widths proposed on the draft LSP do not align with the typical street reserve widths of Liveable Neighbourhoods. The City considers the 15m wide road serving predominantly R25 coded lots should be widened to 15.4m to suit an Access Street C configuration, whilst the 12m wide road abutting the higher density lots and CCW should be increased to 16.8m (being the typical Access Street B configuration, reduced when fronting public parkland and accommodating the shared path) (modification 8).

Laneway

A shared lane has been provided for vehicle access to the abutting lots and access to car parking within the POS. Neither the City or DFES support this laneway or the car parking spaces within the POS, and recommends this lane be deleted (modification 9).

Road Alignment

Proposed Road B within the draft LSP does not currently align with the proposed roundabout at the intersection of Matison Street and Bradley Street. It is recommended this intersection be modified to ensure the road network correctly aligns with the roundabout configuration (modification 10).

Shared Paths

The draft LSP provides for a shared path network, the location of which is generally supported by the City. However, the shared path should also extend on the southwestern side of the future roundabout at Matison and Bradley Streets to Lot 20 Bradley Street, to ensure the continuation of the shared path network along Matison Street in the future (modification 11). The shared path is unable to extend south west on the subject site given the CCW. Furthermore, shared paths are not required on the majority of Road A or Matison Street. The width of these paths can be reduced to that of a standard footpath (modification 12).

Item 13.2.5 Continued

Traffic Movements

A concern was raised in a submission that there would be light intrusion from headlights of vehicles and a higher risk of vehicles crashing into adjacent properties.

The portion of Woongan Street partially adjacent to the affected property, although unconstructed, currently exists, and could be constructed regardless of the location shown in the draft LSP area. As such, there would be the potential for light intrusion from vehicle headlights.

The road reserve is required to be constructed in accordance with all relevant Australian Standards for safety, and given the low densities adjacent to the road, would only serve low volumes of residential traffic. As such, the risk of vehicle crashes into the adjacent property is considered extremely low.

Water Management

Local Water Management

The WAPC's Better Urban Water Management (2008) guideline document stipulates that a Local Water Management Strategy (LWMS) is to accompany a Structure Plan.

Typically, a LWMS is a broad drainage strategy for a specific development area that addresses the management of additional quantities of stormwater created from urban development.

Whilst a LWMS was prepared in support of the draft LPS, the City is concerned that the LWMS has no bore monitoring data to verify the average of annual maximum ground water levels, and inform the drainage levels and capacities. There is no information or discussion of legacy nutrients in ground water and how these may be mitigated and/or treated. It is recommended the LWMS is updated to provide this data for a period of two winters prior to the approval of the draft LSP. The LWMS will be required to be endorsed by the City and the DWER (modification 13).

Forrestdale Main Drain

Whilst the Forrestdale Main Drain (FMD) does not directly traverse the site, the draft LSP area is within the Forrestdale Drainage Catchment.

The FMD Arterial Drainage Scheme addresses drainage requirements and as such the draft LSP proposal was referred to DWER. DWER noted that it had yet to finalise its assessment of the LWMS and that the draft LSP should not progress until the LWMS has been endorsed by both the City and DWER.

DWER also noted that a District Water Management Strategy (DWMS) has yet to be prepared, and a combined DWMS/LWMS may need to be prepared to adequately address water management for the site. The City recommends the draft LSP not be adopted until such time that a DWMS has been prepared and approved (modification 14).

Item 13.2.5 Continued

The Water Corporation (WC) also provides advice with respect to the FMD, and requested the following matters be addressed:

- Reference should be made to the FMD Arterial Drainage Strategy (DWER 2009) which is applicable to this development.
- Groundwater levels should be based on those indicated in the arterial drainage strategy, which were determined by regional groundwater modelling and monitoring.
- The environmental and ecological effects of stormwater drainage overflows from this development into the CCW and adjacent Bush Forever Site should be assessed.
- Fill levels should be specified as the development is within the floodplain of the Southern River and FMD.

The City recommends that the applicant modifies the LWMS in accordance with the above, prior to the draft LSP being endorsed by the Commission. The LWMS will be required to be endorsed by the DWER and the City as per modification 13.

The WC also needs to secure land for the required compensating basins along the FMD. The requirement for the potential ceding of land for this purpose should be reflected in the draft LSP (modification 15).

The applicant will also need to make provision to contain any runoff on site to ensure post development runoff into nearby drains does not exceed pre-development levels. Until the drainage requirements have been addressed, development of the draft LSP area may not be able to occur. The applicant should liaise with the WC in this respect.

Servicing

The WC has advised that reticulated water and sewerage are available to service the draft LSP area. All main extensions, if required for the development site, should be laid within existing and proposed road reserves on the correct alignment and in accordance with the Utility Providers Code of Practice.

The WC has recommended that the proposed water reticulation and sewer reticulation strategies outlined in the draft LSP be further refined by the land owner's consultant engineers at the subdivision stage in consultation with the WC's Land Servicing Branch. It is the applicant's responsibility to undertake this requirement.

Bushfire Hazard Management

The applicant submitted a Bushfire Management Plan (BMP) in support of the draft LSP, which has been assessed against the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7) and associated Guidelines.

The main aspects of the BMP include:

- BAL ratings have been assigned to all future lots and range between BAL 12.5 and BAL 19.

Item 13.2.5 Continued

- The provision of Asset Protection Zones (APZ) of varying widths contained within the subject site. The APZ is proposed to comprise of road reserve, street setbacks and POS maintained to low fuel loads.

Vegetation Classifications and Exclusions

SPP 3.7 and the associated Guidelines state that a planning proposal should satisfy bushfire protection requirements within the boundaries of the land and not impact on the bushfire and environmental management of neighbouring reserves, properties or conservation covenants. The Guidelines includes a principle that, where revegetation of waterway foreshores, wetland or coastal buffers is necessary for their protection or management it may be necessary to modify the development location or reduce lot yield to provide adequate hazard separation from the future vegetation boundary.

In considering the above information in relation to the BMP, it is noted that the BMP provides for a reduced revegetated CCW buffer of 30m as opposed to the 50m required to enable reduction in bushfire risk. This is not supported by DBCA, the City or DFES. The BMP will be required to be modified to reflect the correct buffer area (modification 16).

Therefore it is recommended that the BMP be amended to classify the wetland and wetland buffer as fully revegetated, reflecting the potential for degraded portions of wetland be rehabilitated with native vegetation (modification 17).

The BMP should also be updated to reflect the future vegetation classifications as defined by the required Landscape Masterplan and updated LWMS, and demonstrate the maintenance regime for these areas (modification 18). It should be noted that the City will not take responsibility for ensuring that areas in private ownership are maintained to a certain vegetation classification.

As a result of the above, the Bushfire Attack Level Contour Map within the BMP will need to be updated to reflect the new vegetation boundaries, which will likely result in an increase to the BAL rating for lots in proximity to the revegetated CCW buffer (modification 19).

DFES has also request that vegetation classifications within Plot 8 and 15 of the BMP be further clarified, which may also result in an increase to the BAL rating. The City requests that the matter be addressed by the applicant and modified prior to the draft LSP being endorsed by the Commission (Modification 20).

With regards to the Bushfire Protection Criteria, DFES has noted that the Bushfire Hazard Level and BAL ratings applied cannot be validated as described in the report submitted due to the need to further clarify the vegetation classifications. As such, the BHL assessment will also require modification to address insufficiencies in the vegetation classification (modification 21).

Item 13.2.5 Continued

Access and Egress

DFES has requested further clarification regarding the proposed Shared Lane, given it does not provide safe access and egress for residents or emergency services. The City has requested via modification 9 that this laneway be deleted, which will address this concern.

Mosquito Management

The Department of Health reviewed the draft LSP and noted the prevalence of mosquitos in the area. In this respect, it is recommended that part one of the draft LSP be updated to require a mosquito management plan be prepared at the time of subdivision for the management of mosquitos (modification 22).

Privacy and Security

Concern was raised in a submission that development of the draft LSP area would result in privacy and security issues. All future development would be required to comply with the requirements of State Planning Policy 3.1 - Residential Design Codes with respect to privacy. Future development also allows for passive surveillance of road reserves and existing dwellings.

Property Values

Concern was raised in a submission that property values could be adversely affected as a result of the draft LSP. The proposal is generally in keeping with the long term planning intentions of the area, and as such the proposal is not considered to be a threat to property values in the area. Notwithstanding, property values are not considered a relevant planning consideration.

Lifting of Urban Deferment

Land within the draft LSP area is currently zoned Urban Deferred under the MRS. A request to lift the 'Urban Deferred' status of the land has been lodged concurrently with the WAPC.

In accordance with Section 126(3) of the *Planning and Development Act 2005*, should the land be rezoned Urban under the MRS, the WAPC can amend the local planning scheme so that the land is zoned in a manner consistent with the delineation under the MRS. As such, the land would be rezoned 'Development' under TPS 6.

To date, the request to lift the Urban Deferred status of the land has not been finalised. As such, it will be recommended that the WAPC not endorse the draft LSP until the land is rezoned Urban under the MRS and 'Development' under TPS 6 (modification 23).

Statutory Process

In accordance with Clauses 20(1) and (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, the local government must provide a report to the WAPC containing the following:

Item 13.2.5 Continued

- “(a) A list of submissions considered by the local government, including, if relevant, any submissions received on a proposed modification to the structure plan advertised under Clause 19(2);
- (b) any comments by the local government in respect of those submissions;
- (c) a schedule of any proposed modifications to address issues raised in the submissions;
- (d) the local government’s assessment of the proposal based on appropriate planning principles;
- (e) a recommendation by the local government on whether the proposed structure plan should be approved by the Commission, including a recommendation on any modifications.”

CONCLUSION

It will be recommended that Council endorses this report and recommends to the WAPC that the draft LSP be approved subject to the following modifications and/or information requirements:

No.	Recommended Modification and/or Information Required	Reason(s)
1.	Part one - Implementation section of the Structure Plan being updated to require Local Development Plans that address the following: - Driveway and garage location; - Building orientation; - Bin collection areas; and - Location of private open space.	To meet the density location requirements of the WAPC’s Liveable Neighbourhoods.
2.	Part two of the Structure Plan being updated to provide a POS Concept Plan.	To demonstrate that the POS is usable for recreational purposes in accordance with WAPC’s Liveable Neighbourhoods.
3.	Part two of the Structure Plan being updated to provide a Wetland Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions and the City of Gosnells.	In accordance with the Public Parkland requirements of WAPC’s Liveable Neighbourhoods.
4.	The Structure Plan documentation being updated to provide a revised POS schedule with the minimum amount of POS being provided.	In accordance with the Public Parkland requirements of WAPC’s Liveable Neighbourhoods.
5.	Part two of the Structure Plan being updated to provide a Landscape Masterplan.	To ensure that areas of POS are appropriately developed and landscaped.
6.	Part two of the Structure Plan being updated to provide the revised Environmental Assessment. The applicant is to forward the revised Environmental Assessment to the Department of Biodiversity, Conservation and Attractions for its endorsement, prior to determination of the Structure Plan.	To address the requirements of the DBCA.
7.	Part one - implementation section of the Structure Plan being updated to require a fauna survey, and if required, a fauna relocation plan.	To ensure that the DBCA is satisfied with the environmental information provided to address concerns expressed in its referral

Item 13.2.5 Continued

No.	Recommended Modification and/or Information Required	Reason(s)
		documentation regarding the MRS amendment and draft LSP.
8.	The Structure Plan Report and Traffic Report being amended to provide road reserve widths consistent with Liveable Neighbourhoods.	To ensure road widths in accordance with the WAPC's Liveable Neighbourhoods.
9.	The Structure Plan Report, Structure Plan Map and Traffic Report be amended to delete the shared laneway.	To address concerns raised by DFES.
10.	The Structure Plan Report, Structure Plan Map and Traffic Report be amended to realign Road B with the proposed roundabout at the intersection of Matison Street and Bradley Street.	To ensure that the proposed road is configured appropriately and aligned correctly with the existing road layout.
11.	The Structure Plan Report, Structure Plan Map and Traffic Report be amended to show the location of paths and shared paths. A shared path should also extend on the southwestern side of the future roundabout at Matison and Bradley Street to Lot 20 Bradley Street, to ensure the continuation of the shared path network along Matison Street in future.	To ensure that the path network to be provided at the time of subdivision is shown on the Structure Plan map and that the shared path network is appropriate.
12.	The Structure Plan Report, Structure Plan Map and Traffic Report be amended to reduce the widths of the majority of Shared Paths on Road A and Matison Street to footpaths.	To ensure that the path network to be provided at the time of subdivision is appropriate.
13.	Endorsement of the LWMS by the City and the DWER.	To address the requirements of the DBCA and the DWER.
14.	Endorsement of a DWMS by the City and the DWER.	To address the requirements of the DBCA and the DWER.
15.	Part One - Implementation of the Structure Plan being updated to require the ceding of land required by the Water Corporation.	To address the requirements of the Water Corporation.
16.	A revised BMP to provide a 50m buffer to the Conservation Category wetland.	To address the requirements of the DBCA.
17.	A revised BMP to reflect the revised vegetation classifications as per the Wetland Management Plan and correct buffer area.	To address the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the WAPC's Guidelines for Planning in Bushfire Prone Areas.
18.	A revised BMP to reflect the future vegetation classifications as defined by the required Landscape Masterplan and updated LWMS, and demonstrate the maintenance regime for these areas.	To ensure that the BMP appropriately corresponds with the required changes recommended by DFES and DBCA.
19.	A revised BMP to update the Bushfire Attack Level Contour Map within the BMP to reflect the new vegetation classifications.	To address the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the WAPC's Guidelines for Planning in Bushfire Prone Areas.
20.	A revised BMP to update the Bushfire Attack Level ratings for Plots 8 and 15 within the BMP to reflect the new vegetation classifications.	To ensure that the vegetation classification is appropriately undertaken to ensure a consistency between the BAL rating and the BMP.
21.	A revised BMP to update the Bushfire Hazard Level Assessment to reflect the new vegetation classifications.	To address the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the WAPC's Guidelines for Planning in

Item 13.2.5 Continued

No.	Recommended Modification and/or Information Required	Reason(s)
		Bushfire Prone Areas.
22.	Part One - Implementation of the Structure Plan being updated to require a Mosquito Management Plan.	To address the requirements of the Department of Health.
23.	Part One - Implementation of the Structure Plan being updated to require the rezoning of the land under the MRS.	To ensure that the subject site has the appropriate zoning under the MRS prior to subdivision or development occurring.

FINANCIAL IMPLICATIONS

All costs associated with the Structure Plan application process will be borne by the applicant.

STATUTORY IMPLICATIONS

- *Planning and Development Act 2005.*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- Town Planning Scheme No. 6.
- State Planning Policy 3.7 - Planning for Bushfire Risk Management.
- Southern River Precinct 3 Local Structure Plan.
- Local Planning Policy 3.3 - Southern River Precinct 3 Planning Framework.
- Local Planning Policy 4.7 - Planning and Development of Public Open Space and Streetscapes.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 4)

266 Moved Cr D Goode Seconded Cr D Griffiths

That Council, pursuant to Clause 20(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, notes the submissions received in respect of the proposed Southern River Precinct 3C Structure Plan and endorses the responses to those submissions, as contained as Appendix 13.2.5D.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

Item 13.2.5 Continued

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (2 OF 4)

267 Moved Cr D Goode Seconded Cr D Griffiths

That Council, pursuant to Clause 20(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, endorses the assessment of the proposed Southern River Precinct 3C Structure Plan, as outlined in this report.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (3 OF 4)

268 Moved Cr D Goode Seconded Cr D Griffiths

That Council, pursuant to Clause 20(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 - Deemed Provisions*, recommends to the Western Australian Planning Commission that the proposed Southern River Precinct 3C Structure Plan be approved subject to the following modifications:

No.	Recommended Modification and/or Information Required	Reason(s)
1.	Part one - Implementation section of the Structure Plan being updated to require Local Development Plans that address the following: - Driveway and garage location; - Building orientation; - Bin collection areas; and - Location of private open space.	To meet the density location requirements of the WAPC's Liveable Neighbourhoods.
2.	Part two of the Structure Plan being updated to provide a POS Concept Plan.	To demonstrate that the POS is usable for recreational purposes in accordance with WAPC's Liveable Neighbourhoods.
3.	Part two of the Structure Plan being updated to provide a Wetland Management Plan to the satisfaction of the Department of Biodiversity, Conservation and Attractions and the City of Gosnells.	In accordance with the Public Parkland requirements of WAPC's Liveable Neighbourhoods.
4.	The Structure Plan documentation being updated to provide a revised POS schedule with the minimum amount of POS being provided.	In accordance with the Public Parkland requirements of WAPC's Liveable Neighbourhoods.
5.	Part two of the Structure Plan being updated to provide a Landscape Masterplan.	To ensure that areas of POS are appropriately developed and landscaped.
6.	Part two of the Structure Plan being updated to provide the revised Environmental Assessment. The applicant is to forward the revised Environmental Assessment to the Department of Biodiversity, Conservation and Attractions for its endorsement, prior to determination	To address the requirements of the DBCA.

Item 13.2.5 Continued

No.	Recommended Modification and/or Information Required	Reason(s)
	of the Structure Plan.	
7.	Part one - implementation section of the Structure Plan being updated to require a fauna survey, and if required, a fauna relocation plan.	To ensure that the DBCA is satisfied with the environmental information provided to address concerns expressed in its referral documentation regarding the MRS amendment and draft LSP.
8.	The Structure Plan Report and Traffic Report being amended to provide road reserve widths consistent with Liveable Neighbourhoods.	To ensure road widths in accordance with the WAPC's Liveable Neighbourhoods.
9.	The Structure Plan Report, Structure Plan Map and Traffic Report be amended to delete the shared laneway.	To address concerns raised by DFES.
10.	The Structure Plan Report, Structure Plan Map and Traffic Report be amended to realign Road B with the proposed roundabout at the intersection of Matison Street and Bradley Street.	To ensure that the proposed road is configured appropriately and aligned correctly with the existing road layout.
11.	The Structure Plan Report, Structure Plan Map and Traffic Report be amended to show the location of paths and shared paths. A shared path should also extend on the southwestern side of the future roundabout at Matison and Bradley Street to Lot 20 Bradley Street, to ensure the continuation of the shared path network along Matison Street in future.	To ensure that the path network to be provided at the time of subdivision is shown on the Structure Plan map and that the shared path network is appropriate.
12.	The Structure Plan Report, Structure Plan Map and Traffic Report be amended to reduce the widths of the majority of Shared Paths on Road A and Matison Street to footpaths.	To ensure that the path network to be provided at the time of subdivision is appropriate.
13.	Endorsement of the LWMS by the City and the DWER.	To address the requirements of the DBCA and the DWER.
14.	Endorsement of a DWMS by the City and the DWER.	To address the requirements of the DBCA and the DWER.
15.	Part One - Implementation of the Structure Plan being updated to require the ceding of land required by the Water Corporation.	To address the requirements of the Water Corporation.
16.	A revised BMP to provide a 50m buffer to the Conservation Category wetland.	To address the requirements of the DBCA.
17.	A revised BMP to reflect the revised vegetation classifications as per the Wetland Management Plan and correct buffer area.	To address the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the WAPC's Guidelines for Planning in Bushfire Prone Areas.
18.	A revised BMP to reflect the future vegetation classifications as defined by the required Landscape Masterplan and updated LWMS, and demonstrate the maintenance regime for these areas.	To ensure that the BMP appropriately corresponds with the required changes recommended by DFES and DBCA.
19.	A revised BMP to update the Bushfire Attack Level Contour Map within the BMP to reflect the new vegetation	To address the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the WAPC's Guidelines

Item 13.2.5 Continued

No.	Recommended Modification and/or Information Required	Reason(s)
	classifications.	for Planning in Bushfire Prone Areas.
20.	A revised BMP to update the Bushfire Attack Level ratings for Plots 8 and 15 within the BMP to reflect the new vegetation classifications.	To ensure that the vegetation classification is appropriately undertaken to ensure a consistency between the BAL rating and the BMP.
21.	A revised BMP to update the Bushfire Hazard Level Assessment to reflect the new vegetation classifications.	To address the requirements of State Planning Policy 3.7 - Planning in Bushfire Prone Areas and the WAPC's Guidelines for Planning in Bushfire Prone Areas.
22.	Part One - Implementation of the Structure Plan being updated to require a Mosquito Management Plan.	To address the requirements of the Department of Health.
23.	Part One - Implementation of the Structure Plan being updated to require the rezoning of the land under the MRS.	To ensure that the subject site has the appropriate zoning under the MRS prior to subdivision or development occurring.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (4 OF 4)

269 Moved Cr D Goode Seconded Cr D Griffiths

That Council, following determination of the proposal by the Commission, notifies those persons who made a submission on the Southern River Precinct 3C Structure Plan of its decision.

CARRIED 11/0

FOR: *Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.*

AGAINST: *Nil.*

13.2.6 DEVELOPMENT APPLICATION - AMENDMENT TO EXISTING APPROVAL FOR HOME OCCUPATION (FAMILY DAY CARE) - 15 (LOT 44) CHALE STREET, GOSNELLS - RECONSIDERATION *(ITEM BROUGHT FORWARD – REFER TO ITEM 11)*

The above item was brought forward in accordance with Clause 4.12 of the City of Gosnells Standing Orders Local Law 2016 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.

13.3 INFRASTRUCTURE

13.3.1 REPORT ON PETITION - REQUEST TO UPGRADE PARK AT NILE CRESCENT RESERVE, SOUTHERN RIVER

Author:	A Cochran
Author's Declaration of Interest:	Nil.
Previous Ref:	OCM 22 May 2018 (Resolution 109)
	13.3.1A Nile Crescent Reserve – Location Aerial Photograph
Appendix:	13.3.1B Location Map distance – Nile Crescent to Nolan Avenue Reserves

PURPOSE OF REPORT

For Council to consider a petition presented at the Council Meeting held on 22 May 2018, requesting provision of upgraded park infrastructure and amenities at Nile Crescent Reserve, Southern River.

BACKGROUND

At its Ordinary Council Meeting of 22 May 2018, Council received a petition initiated by Mr Terry Healy MLA of U4/466 Warton Road, Southern River containing 27 signatures. The petition requested:

“That the infrastructure and amenities in the park at Nile Crescent Reserve, Southern River (on the corner of Yangtze Avenue and Danube Street) be upgraded for the benefit of local families.”

At that meeting, Council resolved that the petition be received and a report prepared.

DISCUSSION

Nile Crescent Reserve is located in an area of increasing housing density in Southern River which is bounded by Holmes Street to the east and undeveloped land to the south. See location aerial photograph attached as Appendix 13.3.1A.

As part of the subdivision, Nile Crescent Reserve was constructed to the minimum Liveable Neighbourhoods standard. The new park was built by the developer to the planning standards established by the State Government under Liveable Neighbourhoods. This standard is of a basic nature and includes the provision of pathways, irrigated turf and garden beds and a recreational table tennis table. On completion of the two year developer maintenance period, this reserve was officially handed over to the City on 12 October 2017.

It is not considered appropriate for a local government to enhance a recently developed park that has been provided by a developer to a standard considered appropriate by the WAPC. It is the responsibility of the developer to provide appropriate levels of amenities within its parks as part of its sub-division development.

The closest park to Nile Crescent Reserve with a higher provision of amenities (without having to cross Holmes Street) is Nolan Avenue Reserve. See distance map attached

Item 13.3.1 Continued

as Appendix 13.3.1B. Nolan Avenue Reserve has a small playground as well as a basketball hoop and hardstand.

Council receives many requests for park development and upgrades. As such, the City's Public Open Space Strategy (POSS) aims to guide strategic decisions around the provision of infrastructure within defined public open space classifications which ensures there is a coordinated approach to the timing and provision of parks within the City.

The City's proposed 2018 draft Implementation Plan of the POSS which is being prepared for Council's consideration, will provide suggestions for reserves to be developed or enhanced over a six year period. A number of criteria will be considered when determining which reserves will be proposed for upgrade during this period. These criteria include location of the reserve compared to other developed reserves, condition and appropriateness of existing assets, demographics of the area, historical and future classification and function and costs for the upgrading. Based on these criteria, Nile Crescent Reserve is currently not listed within the proposed draft POSS Implementation Plan 2018-2023.

It is recommended that any upgrade to this reserve be considered after 2023 in a future POSS Implementation Plan.

FINANCIAL IMPLICATIONS

No funds have been included in the current budget to upgrade park infrastructure and amenities at Nile Crescent Reserve, Southern River.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

270 Moved Cr D Goode Seconded Cr D Griffiths

That Council receives this report prepared in response to the petition presented at the Ordinary Council Meeting held on 22 May 2018, requesting an upgrade of Nile Crescent Reserve and notes that this reserve has not been included in the City's draft Public Open Space Strategy Implementation Plan 2018 – 2023.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.4 COMMUNITY ENGAGEMENT

Nil.

13.5 BUSINESS SERVICES

13.5.1 FINANCIAL ACTIVITY STATEMENT - JULY 2018

Author: R Augustin
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.5.1A Financial Activity Statement Report for the month of July 2018

PURPOSE OF REPORT

For Council to receive the Financial Activity Statement Report for the month of July 2018.

BACKGROUND

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

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

DISCUSSION

The Financial Activity Statement Report for the month of July 2018 is attached as Appendix 13.5.1A.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

Item 13.5.1 Continued

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
--

271 Moved Cr J Brown Seconded Cr C Brett

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the following reports, contained in the Financial Activity Statement Report for the month of July 2018, attached as Appendix 13.5.1A:

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

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.5.2 PAYMENT OF ACCOUNTS - JULY 2018

Author: R Augustin
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 13.5.2A Cheque and EFT Payment Listing for the period 1 July 2018 to 31 July 2018.

PURPOSE OF REPORT

To advise Council of payments made for the period 1 July 2018 to 31 July 2018.

BACKGROUND

Nil.

DISCUSSION

Payments of \$10,724,411.68 as detailed in the cheque and EFT payment listing for the period 1 July 2018 to 31 July 2018, attached as Appendix 13.5.2A, have been approved by the Acting Chief Financial Officer under delegated authority.

FINANCIAL IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

272 Moved Cr D Goode Seconded Cr O Searle

That Council notes the payment of accounts totalling \$10,724,411.68 as shown in the cheque and EFT payment listing, attached as Appendix 13.5.2A, for the period 1 July 2018 to 31 July 2018.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.5.3 LIVE STREAMING OF COUNCIL MEETINGS

Author: D Dagostino
Author's Declaration Nil.
of Interest:
Previous Ref: Nil.
Appendix: 13.5.3A McLeods Local Government Update

PURPOSE OF REPORT

To provide Council with a report on the advantages, disadvantages, costs and risks associated with the live streaming of Council meetings on the City's website.

BACKGROUND

At the Ordinary Council Meeting on 26 June 2018, Council resolved (Council Resolution Number 165) as follows:

"That Council requests the Chief Executive Officer prepares a report detailing the advantages, disadvantages, costs and risks associated with live streaming Council meetings on the City's website for consideration by Council".

Council also resolved (Council Resolution Number 164):

"That Council supports audio recordings of Council meetings being published on the City's website at the same time the minutes of the meeting are published".

Following the Ordinary Council Meeting held on 26 June 2018, audio recordings have been placed on the City's website.

DISCUSSION

To "live stream" is to transmit or receive live video and audio coverage of an event over the internet; the content is simultaneously recorded and broadcast in real time to the viewer.

Benefits

The following provides a summary of the expected benefits of live streaming Council meetings:

- The community can view the meeting regardless of their ability to attend the meeting in person, increasing inclusivity.
- The community can view the meeting at a time that is convenient to them (assuming recording and archiving is selected).
- Slightly increases transparency in Council deliberations.
- Potentially encourages a greater number of people to connect with the City and its decisions.
- Potentially increases the reach of Council proceedings.

Item 13.5.3 Continued

- Viewers are more likely to engage with video than the current audio on Council meetings.
- Potential Councillors can be further educated in the role and operations of Council.

Legal Advice

The City has not sought specific legal advice in regard to the possible privacy and risk issues that may be present with live streaming Council meetings. However in 2015, McLeods Barristers and Solicitors produced a document titled “Local Government Update – Proposed Recording and Live Streaming of Local Government Council and Committee Meetings” which does not support live streaming or recordings being made available online. A Copy of this paper is attached on Appendix 13.5.3A.

The key risks and issues raised in the paper include:

- Real time unlimited public access to what is said and done at Council meetings (including offensive or defamatory statements).
- Provides an unlimited potential for public circulation of that record.
- Ability for anyone to edit the video recording of the meeting.
- An increase in the likelihood of comment and debate being inhibited during Council meetings for either Councillors, staff or the public.
- Comments could expose the City (and others) to increased risks of reputational damage as a result from the wider circulation of the statements or comments, as well as the permanent nature of the recording of the live streaming.
- Use of video recordings by public/media causing embarrassment.

Comparison

Currently, there are some local governments that do provide live streaming of meetings and some that have other approaches. The differing approaches of various local governments is summarised in the following table:

Live Streaming		Average Viewings per meeting
City of Vincent	Live Video and Audio Streaming which are retained on the website. (Public question time is not recorded).	45
City of Bunbury	Live Video and Audio Streaming which are retained on the website.	21
City of Greater Geraldton	Live Video and Audio Streaming; however recordings are not retained on the website.	30
City of Joondalup	Live Audio Streaming which is retained on the website.	26
City of Cockburn	Council recently resolved that Council meetings be live streamed on the City’s website.	N/A
City of Swan	Council recently resolved that \$250,000 be included in the 2018/19 budget to install appropriate equipment for live streaming, recording and video conferencing of Council meetings. The video conference could allow the public to access Council meetings by attending the meeting “virtually” at a City facility.	N/A

Item 13.5.3 Continued

Live Streaming		Average Viewings per meeting
City of Rockingham	Council recently resolved that the City prepare a report examining the cost of live streaming.	N/A
City of Stirling	Council recently resolved that the Council meetings be live streamed within three months following a Councillor workshop determining requirements for the system to be used.	N/A
Audio Recordings		
City of Canning	Audio recordings available on the website. The City has budgeted for live streaming this financial year.	N/A
Town of Port Hedland	Audio recordings available on the website. In November 2017 Council resolved to trial live streaming for a period of 6 months.	N/A
Shire of Mundaring	Audio recordings available on the website.	N/A
City of Perth	Audio recordings available on the website.	N/A
Town of Cambridge	Audio recordings available on the website.	N/A

Cost Estimates

There are currently no facilities in the Council Chambers to provide video recording. This technology would need to be installed and may also require additional staff attendance at Meetings to operate the cameras. The following is provided as a guide to live streaming costs:

Item	Cost ex GST	Notes
Installation, testing and setup	\$2,500	Including configuring website to host the live stream.
Content Delivery Network	\$3,500 - \$13,500 per annum	This is based on the recommended Livestream Platform. Includes the option to record and archive streams for later viewing.
Camera(s)	\$4,000 - \$6,230 each (Pan Tilt Zoom) Camera – move and position as a microphone goes live. \$3000 each – Fixed camera.	2 x Pan Tilt Zoom Cameras would provide flexibility and ability to focus on elected members as they address the meeting. 1 x fixed camera will only capture the entire Chamber with no close ups of individuals as they speak and would not allow for the public gallery to be filmed. 2 x fixed cameras would allow for one to face elected members and the public gallery and the other camera would capture the Mayor and executive staff.

Item 13.5.3 Continued

Item	Cost ex GST	Notes
Streaming System	\$12,000 - \$20,000	To link with the existing audio system.
Reprogram existing control system	\$5,000 - \$10,000	
Cables, connectors and convertors	\$1,000 - \$2,000	
Ethernet Router	\$1,500	
24/7 support	\$1,500 per annum	
Remote control and streaming of events	\$1,000 per meeting	Support for camera angles and ensuring the broadcast is captured effectively.

In summary the following is provided as a guide to live streaming costs:

- Total one-off costs \$26,000 - \$42,230 (single camera).
- Total one-off costs \$30,000 - \$48,460 (two cameras).
- Ongoing costs \$5,000 - \$15,000 per annum and \$1,000 per event (meeting).

Should Council determine it wishes to live stream meetings then further steps need to be taken prior to implementation in regards to the detailed requirements of the system. For example the type, number and location of the cameras, recording and archiving options, and how Councillors will be assisted to operate in the new environment.

Conclusion

Several local governments are currently live streaming their Council meetings and recording them for archiving on their website. They use outsourced specialist streaming services instead of using internal resources. A number of major metropolitan local governments are also currently investigating the implementation of live streaming services.

Any introduction of live streaming of Council meetings will need to include mitigation of the risks identified in this report. Some of the risks could be mitigated through the following:

- Exclude interaction by members of the public in the recording of meetings by not recording question and statement time, and not directly recording the gallery.
- Reinforcement of meeting procedure and public speaking training for Councillors.
- Prohibit the republication of recordings by third parties (for example copyright).
- Development of a policy to guide the application of live streaming.

Item 13.5.3 Continued

FINANCIAL IMPLICATIONS

The one-off costs vary between \$26,000 and \$42,230 for a single camera. This would increase to between \$30,000 and \$48,460 for two cameras which would provide better coverage.

The recurring costs vary between \$5,000 and \$15,000 per annum, plus an amount of \$1,000 per meeting. Live streaming all Council meetings would result in an annual of cost between \$26,000 and \$36,000.

There is no money allocated in the 2018/19 budget for the implementation of live streaming of Council meetings.

STATUTORY IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION

Moved Cr J Brown Seconded Cr D Goode

That Council receives this report detailing the advantages, disadvantages, costs and risks associated with live streaming Council meetings.

Amendment

During debate Cr S Williamson moved the following amendment to the staff recommendation:

“That the staff recommendation be amended by including an addition part 2 which reads:

- 2. That live streaming Council meetings be discussed at a Workshop prior to the commencement of the 2019/20 budget preparation process.”*

Cr S Williamson provided the following written reason for the proposed amendment:

“Statistics on how many people have accessed the audio recording of Council meetings since the City began to post the recordings on the website are not yet available. If live streaming of Council meetings is considered at a Workshop in a few months time, statistics on the number of people that have accessed the audio recording will be available and may assist Council in deciding whether demand exists for live streaming of meetings.”

Item 13.5.3 Continued

Cr O Searle Seconded Cr S Williamson's proposed amendment.

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

Moved Cr S Williamson Seconded Cr O Searle

That the staff recommendation be amended by including an addition part 2 which reads:

2. That live streaming Council meetings be discussed at a Workshop prior to the commencement of the 2019/20 budget preparation process.

CARRIED 8/3

FOR: Cr P Abetz, Cr C Brett, Cr D Goode, Cr D Griffiths, Cr T Lynes, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Cr J Brown, Cr J Jones, and Cr R Mitchell.

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

STAFF RECOMMENDATION AND COUNCIL RESOLUTION (1 OF 2)

273 Moved Cr J Brown Seconded Cr D Goode

That Council receives this report detailing the advantages, disadvantages, costs and risks associated with live streaming Council meetings.

CARRIED 10/1

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Cr R Mitchell.

COUNCIL RESOLUTION (2 OF 2)

274 Moved Cr J Brown Seconded Cr D Goode

That live streaming Council meetings be discussed at a Workshop prior to the commencement of the 2019/20 budget preparation process.

CARRIED 10/1

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Cr R Mitchell.

13.5.4 TENDER 08/2018 - PRINTING AND DESIGN SERVICES

Author: T Reay
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 13.5.4A Pricing Schedule

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 08/2018 Printing and Design Services and recommend the establishment of a panel of providers.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Wednesday 21 March 2018 and closed at 2pm on 5 April 2018 to select a panel of contractors to provide Printing and Design Services for a period of three years.

Submissions were received from the following companies:

Company Name	Address
A Team Printing	81 Acton Avenue, Rivervale WA 6103
Adpost Online Pty Ltd	7 Epic Place, Villawood, NSW 2164
Advance Press (2013) Pty Ltd	186 Railway Parade, Bassendean WA 6054
Bluephase Pty Ltd TA Printstuff	1/48 Dellamarta Road, Wangara WA 6065
Bluesight Building	Unit 15/37 Warman Street, Neerabup WA 6031
Crystal Printing Solutions Pty Ltd TA Worldwide Cannington	112-114 Mallard Way, Cannington WA 6107
Print and Design Online Pty Ltd	Unit 2/8 Pickard Avenue, Rockingham WA 6168
Quality Press	8 Babel Road, Welshpool WA 6106
Scott Print	4 Aberdeen Street, Perth WA 6000
Westcare Incorporated	75 Carrington Street, Nedlands WA 6009
Winc Australia Pty Ltd	23 Miles Road, Kewdale WA 6105

The work is currently undertaken by a panel of providers that consist of Abbott & Co Printers, Advance Press (2013) WA Pty Ltd and Scott.

DISCUSSION

Tender submissions have been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience, Key Personnel, Skills and Resources, Demonstrated Understanding and the major criteria - Price.

The following table details the Panel's assessment of each tender against the qualitative evaluation criteria.

Item 13.5.4 Continued

Tenderer	Relevant Experience	Key Personnel, Skills and Resources	Demonstrated Understanding	Total Qualitative Score
Weighting	15%	15%	10%	40%
A Team Printing	6	9	0	15
Adpost Online Pty Ltd	9	12	0	21
Advance Press (2013) Pty Ltd	12	12	8	32
Bluephase Pty Ltd TA Printstuff	9	9	0	18
Bluesight Building	0	0	0	0
Crystal Printing Solutions Pty Ltd TA Worldwide Cannington	12	12	6	30
Print and Design Online Pty Ltd	6	9	6	21
Quality Press	12	12	6	30
Scott Print	15	12	8	35
Westcare Incorporated	6	6	4	16
Winc Australia Pty Ltd	12	9	2	23

The submissions received from A Team Printing, Adpost Online Pty Ltd, Bluephase Pty Ltd TA Printstuff, Bluesight Building, Print and Design Online Pty Ltd, Westcare Incorporated and Winc Australia Pty Ltd did not adequately address the qualitative criteria. Therefore, these submissions were not considered further due to the potential risk to the City.

The estimated cost of providing the service, based on the previous 12 months' actual expenditure, for the period of the contract for each remaining tenderer are as follows:

Tenderer	Three years
	\$
Advance Press (2013) Pty Ltd	206,529.00
Crystal Printing Solutions Pty Ltd TA Worldwide Cannington	297,099.00
Scott Print	221,643.00
Quality Press	208,875.00

The total costs for printed materials over the life of the contract is expected to decline as more advertising and promotion occurs through on-line media.

Item 13.5.4 Continued

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

Tenderer	Price
Weighting	60%
Advance Press (2013) Pty Ltd	60.00
Crystal Printing Solutions	41.71
Scott Print	55.91
Quality Press	59.33

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

Tenderer	Qualitative Criteria %	Price %	Total %	Overall Ranking
Advance Press (2013) Pty Ltd	32.00	60.00	92.00	1
Crystal Printing Solutions Pty Ltd TA Worldwide Cannington	30.00	41.71	71.71	4
Scott Print	35.00	55.91	90.91	2
Quality Press	30.00	59.33	89.33	3

The submissions received from Advance Press (2013) Pty Ltd, Crystal Printing Solutions Pty Ltd TA Worldwide Cannington, Scott Print and Quality Press were professional, satisfied the City's Occupational Health and Safety requirements, addressed the qualitative criteria and demonstrated the ability to provide the City with the required services.

Following the assessment of tenders against the criteria detailed in the tender specification, the tenders submitted by Advance Press (2013) Pty Ltd, Scott Print, and Quality Press were assessed as being the most advantageous for the City. The Schedule of Rates submitted by each of the tenderers is attached in Appendix 13.5.4A.

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

The work will be allocated to the panel member that offers the cheapest price on the required item. If the work required is not specified in the tender, the work will be awarded by gaining quotes with the work allocated to the tenderer that provides the cheapest quote.

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2018/19 budget and will be included in the relevant budgets for the life of the contract.

Item 13.5.4 Continued

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION

275 Moved Cr O Searle Seconded Cr T Lynes

That Council awards Tender 08/2018 – Printing and Design Services for a three year period to a panel of providers consisting of Advance Press (2013) Pty Ltd of 186 Railway Parade, Bassendean WA 6054, Scott Print of 4 Aberdeen Street, Perth WA 6000 and Quality Press of 8 Babel Road, Welshpool WA 6106 in accordance with the schedule of rates detailed in Appendix 13.5.4A, subject to yearly CPI rise and fall provisions.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.5.5 TENDER 20/2018 - TRAFFIC MANAGEMENT *(ITEM WITHDRAWN FROM THE AGENDA)*

Item 13.5.5 was withdrawn by the Chief Executive Officer

13.5.6 TENDER 12/2018 - CONCRETE AND BITUMEN CUTTING AND LINE AND PAVEMENT MARKING REMOVAL

Author: T Reay
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 13.5.5A Pricing Schedule

PURPOSE OF REPORT

To advise Council of submissions received in relation to Tender 12/2018 – Concrete and Bitumen Cutting and Line and Pavement Marking Removal and recommend the most advantageous tender for the purpose of awarding a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Thursday 21 June 2018 and closed at 2pm on 6 July 2018 to select a contractor to provide Concrete and Bitumen Cutting and Line and Pavement Marking Removal for a period of three years.

One tender submission was received from the following company:

Company Name	Address
Sledgehammer Concrete Cutting Service	Unit 13, 92 – 94 Briggs Street, Carlisle WA 6101

The work is currently undertaken by Sledgehammer Concrete Cutting Service at a total annual cost of \$52,000.

DISCUSSION

The tender submission has been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience, Key Personnel, Skills and Resources, Demonstrated Understanding and the major criteria - Price.

The following table details the Panel's assessment of the tender against the qualitative evaluation criteria.

Tenderer	Relevant Experience	Key Personnel, Skills and Resources	Demonstrated Understanding	Total Qualitative Score
Weighting	15%	15%	10%	40%
Sledgehammer Concrete Cutting Service	12	12	8	32

The prices submitted are documented in Appendix 13.5.5A.

As the works are undertaken on an ad hoc basis it is not possible to give a total tender price. However, the rates submitted in this tender are considered to represent value for

Item 13.5.6 Continued

money, and in some instances are less than the rates the City is currently paying Sledgehammer Concrete Cutting Service.

The submission received from Sledgehammer Concrete Cutting Service was professional, satisfied the City's Occupational Health and Safety requirements, addressed the qualitative criteria and demonstrated the ability to provide the City with the required services.

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

It is recommended that Tender 12/2018 – Concrete and Bitumen Cutting and Line and Pavement Marking Removal is awarded to Sledgehammer Concrete Cutting Service.

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2018/19 budget and will be included in the relevant budgets for the life of the contract.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION**276 Moved Cr J Brown Seconded Cr D Goode**

That Council awards Tender 12/2018 – Concrete and Bitumen Cutting and Line and Pavement Marking Removal for a three year period commencing 3 September 2018 to Sledgehammer Concrete Cutting Service of Unit 13, 92 – 94 Briggs Street, Carlisle WA 610, in accordance with the pricing schedule attached as Appendix 13.5.5A, subject to yearly rise and fall provisions.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

13.5.7 TENDER 29/2018 - MEALS ON WHEELS

Author: T Reay
 Author's Declaration Nil.
 of Interest:
 Previous Ref: Nil.
 Appendix: 13.5.7A Schedule of Prices

PURPOSE OF REPORT

To advise Council of the submission received in relation to Tender 29/2018 – Meals on Wheels and recommend the awarding of a contract.

BACKGROUND

Tenders were advertised in The West Australian newspaper on Friday 20 July 2018 and closed at 2pm on 4 August 2018 to select a contractor to provide Meals on Wheels for a period of 22 months commencing 31 August 2018.

A submission was received from the following company:

Company Name	Address
Brightwater Catering	9 Meka Street, Malaga WA 6090

The work is currently undertaken by Brightwater Catering at a total annual cost of \$106,726.

DISCUSSION

The tender submission has been assessed by the Evaluation Panel against the evaluation criteria defined within the tender specification: Relevant Experience, Key Personnel, Skills and Resources, Demonstrated Understanding and the major criteria - Price.

The following table details the Panel's assessment of the tender against the qualitative evaluation criteria.

Tenderer	Relevant Experience	Key Personnel, Skills and Resources	Demonstrated Understanding	Total Qualitative Score
Weighting	15%	15%	10%	40%
Brightwater Catering	15	12	8	35

The prices submitted by Brightwater Catering are detailed in Appendix 13.5.7.A.

Based on the Schedule of Rates submitted, the estimated cost of providing the service for the period of the contract is \$189,660.

The submission received was professional, satisfied the City's Occupational Health and Safety requirements, addressed the qualitative criteria and demonstrated the ability to provide the City with the required services.

Item 13.5.7 Continued

Referees for Brightwater Catering were contacted and all provided a satisfactory reference.

The tender submitted by Brightwater Catering was assessed as meeting the requirements of the City and providing good value for money.

FINANCIAL IMPLICATIONS

The services associated with this contract are included in the 2018/19 budget and will be included in the relevant budgets for the life of the contract. The amount budgeted for 2018/19 is \$117,230.

STATUTORY IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority required.

STAFF RECOMMENDATION AND COUNCIL RESOLUTION
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277 Moved Cr J Jones Seconded Cr C Brett

That Council awards Tender 29/2018 – Meals on Wheels for a 22 month period commencing 31 August 2018 to Brightwater Catering of 9 Meka Street, Malaga WA 6090 for the Schedule of Rates detailed in Appendix 13.5.7A subject to yearly CPI rise and fall provisions.

CARRIED 11/0

FOR: Cr P Abetz, Cr C Brett, Cr J Brown, Cr D Goode, Cr D Griffiths, Cr J Jones, Cr T Lynes, Cr R Mitchell, Cr O Searle, Cr S Williamson and Cr G Dewhurst.

AGAINST: Nil.

14. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15. URGENT BUSINESS

(by permission of the Presiding Member)

Nil.

16. CONFIDENTIAL MATTERS

Nil.

17. CLOSURE

The Mayor declared the meeting closed at 8.45pm.