

## **PART B - REPORTS**

### **1. CORPORATE PLANNING AND POLICY**

Nil

### **2. COMMUNITY PLANNING AND DEVELOPMENT**

Nil

### **3. STATUTORY PLANNING**

#### **3.1 EXTRACTIVE INDUSTRY (CLAY AND GRAVEL) - LOTS 8, 9 AND 10 TOODYAY ROAD, RED HILL**

(Gidgegannup) (Development Services)

## **RECOMMENDATION**

That the Council resolve to:

- 1) Defer consideration of the application lodged under the City of Swan Local Law relating to Extractive Industries for an extractive industry licence for Lots 8, 9 & 10 Toodyay Road, Red Hill, pending consideration of the related development application by the Western Australian Planning Commission.
- 2) Grant delegated authority to the Chief Executive Officer to consider the extractive industry licence application when determination of the development application has been received from the Western Australian Planning Commission.
- 3) Recommend to the Western Australian Planning Commission that development approval be granted for the extractive industry at Lots 8, 9 & 10 Toodyay Road, Red Hill as per the Excavation-Rehabilitation Management Plan dated July 2006, subject to:
  - a) This approval is valid for ten years from the date of approval. Following this period, the development shall not be continued unless further development approval is granted.
  - b) The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the Western Australian Planning Commission.

- c) The carrying on of the development must not cause a dust nuisance to neighbours. Where appropriate such measures as installation of sprinklers, use of water tanks, mulching or other land management systems should be installed or implemented to prevent or control dust nuisance, and such measures shall be installed or implemented within the time and in the manner directed by the City's Principal Environmental Health Officer if it is considered that a dust nuisance exists.
- d) The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.

All development works are to be carried out in accordance with control of noise practices set out in Section 6 of AS 2436-1981 or the equivalent current Australian Standard.

Operating times are to be limited to 6.00am till 5.00pm, Monday to Saturday.

- e) All earthworks and/or associated drainage details shall be in accordance with plans and specifications submitted to and approved by the City of Swan
  - f) Access onto the site shall be restricted to that shown on the approved plan.
  - g) Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures must be implemented within the time and in the manner directed by the City in the event that sand is blown or drifts from the site.
- 4) Advise those who lodged a submission of Council's decision accordingly.

### **3.2 REQUEST FOR DELETION OF CONDITION OF PLANNING APPROVAL - LOT 155 TALBOT ROAD, HAZELMERE**

(Midland) (Development Services)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Retain Condition 3 of the City's Approval to Commence Development dated 14 June 2006.

### **3.3 PROPOSED HOME BUSINESS (BEAUTY THERAPIST) - LOT 179 ASHMERE DRIVE, BULLSBROOK**

(North) (Development Services)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Approve the application for a home business (Bowen Beauty Therapy) at Lot 179 Ashmere Drive, Bullsbrook, subject to the following conditions:
  - a) This approval is for "Home Business" as defined in the City of Swan Town Planning Scheme No. 9 and the subject land may not be used for any other use without the prior approval of the City.
  - b) Compliance with Clause 6.3.12 of TPS No.9 which states:
    - The approval shall be personal to the applicant and shall not be transferred or assigned to any other person;
    - The approval shall not run with the land in respect of which it was granted;
    - The person to whom approval is given by the Council to carry on a home business shall not before or after the granting of that approval carry on that home business at any premises other than the land in respect of which the Council's approval was granted; and;
    - If a home business has been carried on with the approval of the Council and if in the opinion of the Council such home business is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, the Council may rescind the approval granted by it and after such rescission, no person shall upon the subject land carry on a home business unless a further approval to do so is granted by the Council."
  - c) Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.
- 2) Advise those that made a submission of the Council's decision accordingly.

**3.4 PROPOSED ENTERTAINMENT AREA (POOL AND BUILDING) & DAM - LOT 166 (149) CASPIAN WAY, BRIGADOON**

(Swan Valley) (Development Services)

**RECOMMENDATION**

That the Council resolve to:

- 1) Grant approval for the relocation of the building envelope to facilitate the construction of an entertainment area (consisting of an outbuilding and swimming pool) and a 405m<sup>3</sup> dam at Lot 166 (149) Caspian Way, Brigadoon subject to the following conditions:
  - a. The entertainment area (including the outbuilding) is to be used for domestic purposes associated with the property, and not for human habitation/accommodation.
  - b. The entertainment area shall be screened from the eastern side and rear boundaries by vegetation and such landscaping/screening shall be implemented within 60 days from the date of the approval to the satisfaction of the Principal Planner.
  - c. All stormwater is to be collected and contained onsite. No stormwater is to be discharged from the property into other land or reserves. Stormwater drainage plans are to be included at submission of building licence application.
  - d. The proposed 405m<sup>3</sup> dam shall be located 22 metres from the western lot boundary.
  - e. Any additional development, which is not in accordance with the application (the subject of this approval) or any condition of approval, will require further approval of the City.

**ADVICE NOTES**

- (a) Take notice that it is the responsibility of the applicant to advise the landowner(s) and/or builder(s) of the need to satisfy the requirements of the conditions of the planning approval for the subject lot, prior to or on lodgement of Building Applications. The City will not issue a Building Licence until all the conditions of planning approval and any other requirements pertaining to this planning approval have been met (including payment of fees and charges).
- (b) This is a Development Approval of the City of Swan under its Town Planning Scheme No. 9. It is not a building licence or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

- (c) Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
  - (d) This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
- 2) Those who lodged a submission to be advised of the Council decision accordingly.

### **3.5 PROPOSED MODIFICATION (A) TO OUTLINE DEVELOPMENT PLAN 38 - LOT 237 TOODYAY ROAD, GIDGEGANNUP**

(Gidgegannup) (Development Services)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Approve the proposed modification to the portion of the Outline Development Plan 38 (Strawberry Hills Estate) relating to Lot 237 Toodyay Road, Gidgegannup, subject to:
  - a. Preparation and approval of building envelope plans for each proposed lot, in accordance with the siting and location guidelines for new building envelopes outlined in the City's Building Envelopes Policy (POL-C-080). This is to be shown as a 'modification to Outline Development Plan' and to be of sufficient scale that building envelope setbacks are clearly notated.
  - b. Preparation and approval of a revised Fire Management Plan by a suitably qualified person, to the satisfaction of the Principal Planner.
- 2) Following satisfactory compliance with Items 1 (a) and (b) above the modified ODP be forwarded to the Western Australian Planning Commission for final endorsement.
- 3) Advise all parties lodging a submission of this decision.

Advice to the Applicant:

- 1. The Department of Indigenous Affairs has advised that regardless of whether a site of Aboriginal heritage is listed on their register, all such sites are protected by the Aboriginal Heritage Act. Therefore, DIA recommend that prior to site disturbance, an Aboriginal heritage survey should be carried out and include consultation with relevant Aboriginal people.
- 2. Implementation of the revised Fire Management Plan will be expected prior to clearance of any future subdivision applications.

**3.6 PROPOSED MODIFICATION (B) TO OUTLINE DEVELOPMENT PLAN 38 -  
LOT 130 LAKEVIEW DRIVE, GIDGEGANNUP**

(Gidgegannup) (Development Services)

**RECOMMENDATION**

That the Council resolve to:

- 1) Approve the proposed modification to the portion of the Outline Development Plan 38 (Strawberry Hills Estate) relating to Lot 130 Lakeview Drive, Gidgegannup, subject to:
  - a. Preparation and approval of building envelope plans for each proposed lot, in accordance with the siting and location guidelines for new building envelopes outlined in the City's Building Envelopes Policy (POL-C-080). This is to be shown as a 'modification to Outline Development Plan', and not labelled 'plan of subdivision'.
  - b. Preparation and approval of a revised Fire Management Plan by a suitably qualified person, to the satisfaction of the Chief Executive Officer.
- 2) Following satisfactory compliance with Items 1 (a) and (b) above the modified ODP be forwarded to the Western Australian Planning Commission for final endorsement.
- 3) Advise all parties lodging a submission of this decision.

Advice to the Applicant:

1. The Department of Indigenous Affairs have advised that regardless of whether a site of Aboriginal Heritage is listed on their Register, all such sites are protected by the Aboriginal Heritage Act. Therefore, DIA recommend that prior to site disturbance, an Aboriginal Heritage Survey should be carried out and include consultation with relevant Aboriginal people.
2. The Department of Environment and Conservation advise that clearing of native vegetation is not permitted without a permit.
3. Implementation of the revised Fire Management Plan will be expected prior to clearance of any future subdivision applications.

**3.7 PROPOSED UPGRADE & RELOCATION OF EXISTING  
TELECOMMUNICATION FACILITY - LOT 6 (NO. 63-69) JAMES ST  
GUILDFORD**

(Guildford) (Development Services)

**RECOMMENDATION**

That the Council resolve to:

- 1) Refuse the proposed Upgrade and Relocation of the existing Telecommunication Facility at Lot 6 (No.63-69) James Street Guildford, for the following reasons:
  - a. the proposed location of the telecommunication facility is wholly within a property zoned Residential Development under the City's Town Planning Scheme No.9 which is inconsistent with the City's Telecommunications (Mobile Phone) Facilities Policy (POL-C-059);
  - b. the proposed location is within 200m of a residential dwelling which is also inconsistent with the City's Telecommunications (Mobile Phone) Facilities Policy (POL-C-059);
- 2) Advise the applicant that Council acknowledges that the proposed Upgrade and Relocation of the existing Telecommunication Facility is considered a necessary facility in Guildford and an alternative location should be sought and submitted to Council that may be considered more favourably.
- 3) Advise all those who lodged a submission of Council's decision accordingly.

**4. OPERATIONAL MATTERS**

Cr McNamara declared a financial interest in Item 4.1 by virtue of of a business relationship with the Atlas Company, the owner of the land within the City of Stirling.. Cr McNamara left the Chamber at 6.00pm and was absent during the whole of the debate on Item 4.1 and did not speak or otherwise participate in the decision making process.

**4.1 TRANSFER OF LAND TO CROWN - ALEXANDER DRIVE, MIRRABOOKA**

(No Wards) (Operations)

**RECOMMENDATION**

That the Council resolve to:

- 1) Transfer the land held by it in freehold on Certificate of Title Volume: 1990 Folio: 467 on Alexander Drive, Mirrabooka to the Crown for amalgamation with adjacent Crown land on condition that the City of Stirling undertake and meet the costs involved in the transfer and amalgamation of the land.

**MOTION** that the Council resolve to:

- 1) Advise the City of Stirling that the City of Swan:
  - a) is not at this stage prepared to relinquish its land contained in Certificate of Title 1990/467; and
  - b) is prepared to grant the required easement across the City's land contained in Certificate of Title 1990/467 subject to all costs involved in the preparation and lodgement of the relevant documentation being met by the parties requiring the easement.
  - c) Record that the reason for changing the Recommendation is because the City of Swan owns the property in fee simple and does not wish to sell the land.

(Cr Congerton - Cr Holmes)

**RESOLVED UNANIMOUSLY TO:**

- 1) Advise the City of Stirling that the City of Swan:
  - a) is not at this stage prepared to relinquish its land contained in Certificate of Title 1990/467; and
  - b) is prepared to grant the required easement across the City's land contained in Certificate of Title 1990/467 subject to all costs involved in the preparation and lodgement of the relevant documentation being met by the parties requiring the easement.
  - c) Record that the reason for changing the Recommendation is because the City of Swan owns the property in fee simple and does not wish to sell the land.

Cr McNamara returned to the Chamber at 6.03pm.

#### **4.2 MRRG GRANT - MARSHALL ROAD FROM BERINGARRA AVENUE TO BEECHBORO ROAD NORTH**

(Altone) (Operations)

#### **RECOMMENDATION**

That the Council resolve to:

- 1) Endorse the acceptance of the City of Swan of the \$763,333 MRRG improvement grant for Marshall Road from Beringarra Avenue to Beechboro Road North, with a completion date of 1 December 2007.

**4.3 PRIVATE RIGHT OF WAY BETWEEN MINERVA AND SALVATOR STREETS  
NORANDA, WEST OF VERNON STREET - REQUEST TO EXTEND AREA OF  
CLOSURE**

(Ballajura) (Operations)

**RECOMMENDATION**

That the Council resolve to:

- 1) Note the revocation of an earlier objection to the closure of the portion of right of way adjacent to the objectors' property.
- 2) Support the closure of the portion of private right of way between Minerva and Salvator Streets (west of Vernon Street) Noranda situated between Lots 41 and 94 subject to all costs associated with closure and disposal of the right of way, including satisfying service authority requirements, being met by those owners who will be receiving land.
- 3) Advise owners and the Department for Planning and Infrastructure (State Land Services) accordingly.

**5. FINANCIAL AND LEGAL MATTERS**

**5.1 2005/2006 ANNUAL REPORT**

(All Wards) (Financial Services)

**RECOMMENDATION**

That the Council resolve to:

- 1) Adopt the Annual Report and Financial Statements for the year ended 30 June 2006.
- 2) Convene the Annual Meeting of Electors on Monday 4 December 2006 commencing at 5.30pm at the Midland Town Hall.
- 3) Advertise the Annual Meeting of Electors in accordance with the Local Government Act 1995.

**MOTION** that the Council resolve to:

- 1) Adopt the Annual Report and Financial Statements for the year ended 30 June 2006.
- 2) Convene the Annual Meeting of Electors on Thursday 30 November 2006 commencing at 5.30pm in the Auditorium at the Midland Town Hall.

- 3) Advertise the Annual Meeting of Electors in accordance with the Local Government Act 1995.

(Cr Congerton - Cr Holmes)

**RESOLVED UNANIMOUSLY TO:**

- 1) Adopt the Annual Report and Financial Statements for the year ended 30 June 2006.
- 2) Convene the Annual Meeting of Electors on Thursday 30 November 2006 commencing at 5.30pm in the Auditorium at the Midland Town Hall.
- 3) Advertise the Annual Meeting of Electors in accordance with the Local Government Act 1995.

**5.2 REQUEST FOR SPONSORSHIP - SWAN CITY CHURCH - CAROLS IN THE VALLEY 2006**

(All Wards) (Organisational Development)

**RECOMMENDATION**

That the Council resolve to:

- 1) Approve sponsorship of \$5,000 for the Swan City Church's "Carols in the Valley" 2006 event.
- 2) Advise the organisers of the event of Council's requirements for entering into a sponsorship agreement.

**6. GOVERNANCE**

**6.1 LOCAL GOVERNMENT ELECTIONS 2007**

(All Wards) (Chief Executive Office)

**RECOMMENDATION**

That the Council resolve to:

- 1) Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2007 ordinary elections together with any other elections or polls which may also be required; and

- 2) Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

## **6.2 CONVERSION OF EXISTING MORTGAGE - EMCHA INC. TO FOUNDATION HOUSING LIMITED**

(North) (Chief Executive Office)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Approve the transfer of the property at Lot 303 Brearley Street, Bullsbrook, from Emcha Inc. to Foundation Housing Limited.
- 2) Convert the City's existing mortgage from Emcha Inc. to Foundation Housing Limited.
- 3) Note that the necessary documentation will be prepared by the City's solicitors at the cost of Foundation Housing Limited.

## **6.3 MINUTES OF MEETING - AUDIT COMMITTEE 23 OCTOBER 2006**

(No Wards) (Internal Audit)

### **RECOMMENDATION**

That the Council resolve to:

- 1) Endorse and adopt the recommendations of the Audit Committee meeting held on 23 October 2006.

## **7. REPORTS OF THE CHIEF EXECUTIVE OFFICER**

Nil

**8. MOTION TO ADOPT THOSE ITEMS NOT WITHDRAWN**

**RESOLVED UNANIMOUSLY** that the Council receive the following reports and adopt the Recommendations therein:

|       |     |     |
|-------|-----|-----|
| Items | 3.1 | 4.2 |
|       | 3.2 | 4.3 |
|       | 3.3 | 5.2 |
|       | 3.4 | 6.1 |
|       | 3.5 | 6.2 |
|       | 3.6 | 6.3 |
|       | 3.7 |     |

(Cr Haynes - Cr Congerton)

**9. URGENT BUSINESS**

Nil