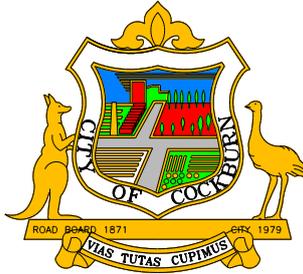


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

**FOR
TUESDAY 18 JUNE 2002**

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 18 JUNE 2002 AT 7:30 P.M.

	Page
1. DECLARATION OF MEETING	1
2. APPOINTMENT OF PRESIDING MEMBER (If required)	1
3. DISCLAIMER (To be read aloud by Presiding Member).....	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member).....	1
5. APOLOGIES AND LEAVE OF ABSENCE.....	1
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
7. PUBLIC QUESTION TIME.....	1
8. CONFIRMATION OF MINUTES	1
8.1 (OCM1_6_2002) - ORDINARY COUNCIL MEETING - 21/5/2002	1
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	2
10. DEPUTATIONS AND PETITIONS	2
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)	2
12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING	2
13. COUNCIL MATTERS.....	2
14. PLANNING AND DEVELOPMENT DIVISION ISSUES	2
14.1 (OCM1_6_2002) - LAND SWAP - GOLD ESTATES, BARTRAM ROAD, SUCCESS (5519092; 5514390) (KJS) (ATTACH)	2
14.2 (OCM1_6_2002) - UNAPPROVED LAND USE - LOT 30; 42 HOWSON WAY, BIBRA LAKE - OWNER: EASTCOURT PROPERTIES PTY LTD (4309104) (DB) (ATTACH)	4
14.3 (OCM1_6_2002) - PROPOSED CARPARKING - LOT 500; 402 NORTH LAKE ROAD, (BC THE BODY CLUB), BIBRA LAKE - OWNER: ADRINA PROPERTIES WA PTY LTD - APPLICANT: GREG ROWE & ASSOCIATES (1117215) (VM) (ATTACH)	7

14.4	(OCM1_6_2002) - PROPOSED PERTH WHITEWATER PARK (9629) (AJB)	10
14.5	(OCM1_6_2002) - APPLICATION FOR EXTENSIONS TO DWELLING (SPA ROOM) - LOT 538; 11 MOENNICH COURT, COOLBELLUP - OWNER/APPLICANT: M WATT (1113651) (MW) (ATTACH)	13
14.6	(OCM1_6_2002) - UPDATE OF THE BIBRA LAKE NUTRIENT MANAGEMENT STUDY - STAGE 2 (6130) (PS) (ATTACH)	14
14.7	(OCM1_6_2002) - LEGAL PROCEEDINGS - PT LOT 146 JANDAKOT ROAD, JANDAKOT - OWNER: BARELLE PTY LTD (5513162) (DB) (ATTACH)	17
14.8	(OCM1_6_2002) - PROPOSED NATURAL THERAPY CONSULTING ROOMS - LOT 92 (NO. 156) ROCKINGHAM ROAD, HAMILTON HILL (2202533) (MR)	20
14.9	(OCM1_6_2002) - RECONSIDERATION OF SPECIAL CONDITION 4 - 12 AGED OR DEPENDENT PERSONS DWELLINGS - LOT 1482 WAITCH LOOP, CNR THE GRANGE, BEELIAR (4413738) (VM)	22
14.10	(OCM1_6_2002) - ATWELL WATERS ESTATE - PUBLIC OPEN SPACE AND BEENYUP ROAD VEGETATION PROTECTION - LOT 61 BARTRAM ROAD, ATWELL - OWNER: PEET & CO - APPLICANT: MASTERPLAN/SINCLAIR KNIGHT MERZ/ATA ENVIRONMENTAL (115032) (SOS) (ATTACH)	24
14.11	(OCM1_6_2002) - TOWN PLANNING SCHEME NO. 3 - DEPARTMENT OF PLANNING AND INFRASTRUCTURE ADVICE (9485) (MR) (ATTACH)	30
14.12	(OCM1_6_2002) - APPLICATION TO ESTABLISH A LIQUID FERTILISER MIXING OPERATION AND TO UNDERTAKE WORK TO A HERITAGE LISTED BUILDING AT LOT 1 (707) ROCKINGHAM ROAD, MUNSTER - OWNER: LANDCORP - APPLICANT: V J DADLEY (3317851) (CP) (ATTACH)	40
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES	45
15.1	(OCM1_6_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)	45
16.	ENGINEERING AND WORKS DIVISION ISSUES	46
17.	COMMUNITY SERVICES DIVISION ISSUES	46
17.1	(OCM1_6_2002) - PROPOSED CLOSURE OF GOLFING FACILITY ADJACENT TO BIBRA LAKE (1101399) (DMG)	46
17.2	(OCM1_6_2002) - MARKETING POSITION STATEMENT (1077) (CHE)	48
17.3	(OCM1_6_2002) - COOGEE BEACH SURF LIFE SAVING CLUB (8004) (RA) (ATTACH)	49
17.4	(OCM1_6_2002) - WATSONS RESERVE CLUB ROOMS UPGRADE (3209779) (AJ)	54
18.	EXECUTIVE DIVISION ISSUES	56
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	56
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING	56
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS	56
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE	57

23. CONFIDENTIAL BUSINESS 57

24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)..... 57

 24.1 (OCM1_6_2002) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995) 57

25. CLOSURE OF MEETING 57

CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 18 JUNE 2002 AT 7:30 P.M.

1. **DECLARATION OF MEETING**

2. **APPOINTMENT OF PRESIDING MEMBER (If required)**

3. **DISCLAIMER (To be read aloud by Presiding Member)**
Members of the public who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (by Presiding Member)**

5. **APOLOGIES AND LEAVE OF ABSENCE**

6. **ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

7. **PUBLIC QUESTION TIME**

8. **CONFIRMATION OF MINUTES**
 - 8.1 **(OCM1_6_2002) - ORDINARY COUNCIL MEETING - 21/5/2002**

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 21 May 2002 be accepted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)

Nil

12. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING

Nil

13. COUNCIL MATTERS

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM1_6_2002) - LAND SWAP - GOLD ESTATES, BARTRAM ROAD, SUCCESS (5519092; 5514390) (KJS) (ATTACH)

RECOMMENDATION

That Council exchange portion of Lot 13 Bartram Road, owned in freehold by the City of Cockburn for portion of Lot 24 Bartram Road owned in freehold by Gold Estates Australia (1903), subject to a Valuer's report verifying that the land parcels are of equal value, in

accordance with the provisions of the Local Government Act 1995.

COUNCIL DECISION

Background

Council at a meeting held on 21 December 1999 resolved to:-

- “(1) advertise its intention to swap Lot 12 Bartram Road area 5,562 sq.m. for an equal value portion of JAA Lot 214 area 5,562 sq.m. pursuant to Section 3.58 (3) of the Local Government Act 1995;*
- (2) proceed to effect the land swap in (1) above subject to there being no objections as a result of statewide advertising;*
- (3) realign the land area within JAA 214 to accommodate any change in the alignment of the future entry road into the future housing estate, south of Bartram Road;*
- (4) undertake to develop the land to synchronise with the development and sales program undertaken by Gold Estates;*
- (5) develop the land as residential land; and*
- (6) not object to any entry statement walls being built on Gold Estate land and adjoining the exchange land provided that these entry statement walls conform to the accepted standard.”*

Submission

A request to effect the land exchange has been submitted by Richard Noble, Project Managers, on behalf of the owners of Lot 24, Gold Estates.

Report

The land exchange agreement between the City and Gold Estates involving Lot 12 (City) and Lot 24 (Gold) passed at Council meeting held on 21 December 1999 is in place. A deed has been entered into and the City is protected by a caveat protecting the City's interest in Lot 24.

Gold Estates have sought the City's agreement to extend the scope of the existing agreement to include portions of Lot 13 Bartram Road,

land also owned in freehold by the City. Gold Estates require two portions of Lot 13 areas being 288 and 922 square metres respectively.

In order to maintain a balance of interests, the area of Lot 24 to be transferred to the City has been increased in area by 1210 square metres. This area will now have a total area of 6862 square metres and result in 9 lots in a future subdivision.

Arrangements to jointly subdivide the City's land, ie 6862 square metres with the balance of Lot 24 (Gold) remain as per the original agreement. The new land exchange layout will be assessed by a Licensed Valuer to ensure that the City's interests are not reduced by the exchange.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.2 (OCM1_6_2002) - UNAPPROVED LAND USE - LOT 30; 42 HOWSON WAY, BIBRA LAKE - OWNER: EASTCOURT PROPERTIES PTY LTD (4309104) (DB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report,
- (2) serve a final 28 day notice on the owners of the property requiring that the activity cease, or alternatively, provide proof that planning consent for the current use exists; and
- (3) subject to (2) above instruct Council's solicitor to commence legal proceedings for unlawful development in contravention of the City of Cockburn District Zoning Scheme No.2 and section

10.4(a)(i) of the Town Planning & Development Act 1928.

COUNCIL DECISION

Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Grain storage and handling	
LOT SIZE:	3.032ha	
AREA:		
USE CLASS:	"SA" – Discretionary approval in accordance with clause 6.2	

There has been an ongoing issue over the past 2 years with grain handling and processing activities being carried out on the lot. During the summer months a dust nuisance is created when summer winds blow grain dust onto the adjoining property. Part of this nuisance was due to that fact that a hay baling plant was in operation on the site by a third party, however, the operator of this plant relocated to an appropriately zoned location after it was determined that hay baling was not permitted in the zone.

It appears the principal activities currently carried out on the site is the storage and processing (hulling) of grain for domestic and overseas use, and the storage of shipping containers apparently as part of the grain exporting activity.

A complaint from an adjoining neighbour regarding dust impacts from the site in January this year prompted a review of the approvals relating to the land, as it was apparent that the dust nuisance had not abated following the relocation of the hay baling activity. Further investigation of Council records indicated that there did not appear to be any approvals relevant to the current use of the land. The owners therefore were requested to provide proof that the current activity had received approval from the City, or alternatively, cease the use.

Submission

The owners of the property through a town planning consultant, Peter D. Webb & Associates, have claimed a non-conforming use right over the land. It is claimed that the uses of grain and sea container handling have occurred non-stop since "*at least the early 1950's*" (sic).

A landowner can only claim a non conforming use right if the land use, buildings or activity was lawfully established prior to the City's Town Planning Scheme coming into force. The Town of Cockburn District Zoning Scheme No.1 was gazetted on the 12th of June 1974. The evidence the City has in its possession does not support this claim.

Report

It is claimed that the current use of the land has been uninterrupted since the 1950's. However, aerial photographs from 1959, 1974 and 1980 show the subject land undeveloped, and covered in natural vegetation. It is therefore difficult to accept that a non-conforming use right exists for this land. In light of this evidence it appears that the land use was commenced after DZS1 came into effect and according to Council records and therefore appears to have commenced without planning consent.

The earliest approval on the City's records is in 1980, for the construction of a workshop and a lunchroom. Subsequent approvals have been issued since then for building extensions only.

Despite the formal written advice provided to both the operators of the business and their planning consultant, little progress has been made to resolve the issue. The consultants have repeatedly challenged the advice provided by the Council's Staff and resolution of the matter has been protracted. Therefore the Council should consider legal action to bring this matter to a conclusion.

Adequate notice has been given as the Council has provided written advice on more than three occasions to the owners and their consultant.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

The Planning Policies which apply to this item are:-

APD29 Development Compliance Process

Budget/Financial Implications

Initiating legal proceedings will require the use of funds from the City's legal expenses budget.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

14.3 (OCM1_6_2002) - PROPOSED CARPARKING - LOT 500; 402 NORTH LAKE ROAD, (BC THE BODY CLUB), BIBRA LAKE - OWNER: ADRINA PROPERTIES WA PTY LTD - APPLICANT: GREG ROWE & ASSOCIATES (1117215) (VM) (ATTACH)

RECOMMENDATION

That Council:

(1) approve the proposed carparking development on Lot 500; No. 402 North Lake Road, Bibra Lake, subject to the following conditions:

1. Standard conditions contained in Council Policy APD 17 as determined appropriate to this application by the delegated officer under clause 7.6 of District Zoning Scheme No.2;

Special Conditions.

1. During the construction of the extra carparking bays the impact on adjoining businesses must be minimised to maintain carparking availability and to avoid any damage to adjoining property.
2. The proposed 1.8m landscaping strip to be developed with mature, dense indigenous species to a minimum height of 1.5 metres to the satisfaction of the Council.
3. The legal agreement relating to the landscape buffer being modified by the applicant (at the owners cost) using the Council's solicitors (McLeods).

Footnote

1. Acceptance of this proposal does not absolve the owner from addressing future complaints regarding a carparking shortfall attributed to patrons of BC The Body Club using the premises during peak hours. The operator must use any available means to maintain a supply of carparking

for the mutual benefit of adjoining commercial operators.

COUNCIL DECISION

Background

ZONING:	MRS:	Private Recreation
	DZS2:	Commercial
LAND USE:	Health Studio	
APPLICANT:	Greg Rowe & Associates	
OWNER:	Adrina Properties WA Pty Ltd	
LOT SIZE:	3,904 m ²	
USE CLASS:	P – Permitted Health Studio	

In September 2001 a petition was received from an adjoining owner regarding the carparking shortage on their property following the opening of BC The Body Club development.

A carparking reduction was granted to BC The Body Club under delegated authority of the Council on the grounds that the site forms part of a reciprocal carparking agreement with adjoining land uses and on information provided by the applicant, regarding client numbers at peak usage.

The Council raised this issue with BC landowners / applicants and it was stated by the landowners and applicants that the carparking shortfall for the area was not totally caused by BC The Body Club. To verify these claims a 4 month monitoring period was carried out by the Council staff.

The results from the monitoring period determined that there is a parking problem on site between the hours of 6 pm to 8 pm Monday to Thursday at the same time as the adjoining commercial outlets are also at their peak. The monitoring period also confirmed that the Club during peak hours need between 100 to 110 carparking bays. In comparison only 71 bays are provided on-site leaving a shortfall of 29 to 39 bays. This has impacted on other adjoining commercial operators of Red Rooster and the Chinese Restaurant.

Several options were discussed with the landowners and operators of BC Club to achieve a solution. One of the possible means of alleviating the problem was to provide extra carparking (13 bays) at the rear of the site at the owners cost. Subsequently a Development Application was submitted to Council.

Submission

As part of the development application the applicant provided a detailed letter dated 23 April 2002. The applicant has expressed a willingness to construct the extra 13 bays only if the Council accepts that in doing so it will not retrospectively require more parking bays being provided by the BC Club.

Further information is contained in the Agenda attachment.

Report

The only way to accommodate the extra parking bays on-site is to use part of a 10 metre wide landscaped buffer at the rear of the property. The rear area was illegally cleared by the developers in 2001 and was subject to orders by the Council. Legal action was not taken, given that the applicant committed to replant the area. The fact is that the current landscaping within the area comprises very sparse planting, approximately 1 metre high with minimal aesthetic value. The buffer area forms part of a Deed of Agreement on the titles of the adjoining landowners lodged on 8 December 1994.

Clause 9 of the Deed States as follows:-

"RESTRICTIVE COVENANT

The Grantor will not use the Landscape Buffers for any purpose other than as buffers for landscaping to the satisfaction of and in accordance with the specifications of the City, and will not remove any trees or other vegetation in the Landscape Buffers without the prior approval of the City."

The application was referred for comments to adjoining landowners given the impact on part of the buffer area. Two submissions were received, one from the Perth Waldorf School and the other from the owner of the Chinese Restaurant. (Refer to Agenda attachment)

The owners of the Chinese Restaurant agree with the proposal if the costs and impacts of the carpark construction do not impact on their business. This can be addressed as a special condition of approval.

The Perth Waldorf School object to the proposal on the grounds that the landscaping buffer forms part of a Deed of Agreement, and was to provide a visual and an acoustic barrier between the development and the school.

The carparking area will assist in alleviating the parking problems and as the area has already been cleared, the parking is likely to have only minimal off site impacts for adjoining owners .

The proposed carpark abuts one of the school's carparking areas around it which has dense vegetation, minimising the impact on the school, in terms of visual aspects. Nevertheless a dense mature landscaped strip is recommended to further assist in screening the carpark from the school.

The Council's Solicitors have confirmed that the legal agreement still allows Council to modify the landscaping buffer easement (Restrictive Covenant) with or without the consent of the parties, to the agreement.

It is considered appropriate to utilise the proposed area as carparking, given the carparking shortfall existing for the area, and the need to resolve the current problems.

Had the buffer not been cleared, then it is unlikely that this proposal would have been supported.

It is considered that the utilisation of the cleared buffer area will be more beneficial to adjoining landowners than leaving it in its current state. The application is therefore recommended for approval.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.4 (OCM1_6_2002) - PROPOSED PERTH WHITEWATER PARK (9629) (AJB)

RECOMMENDATION

That Council resolve to:

- (1) support the proposal to develop a Whitewater Park within the Sports Precinct at Cockburn Central subject to the development meeting all environmental, planning and engineering consultants;
- (2) promote Cockburn Central as the best location for the proposed facility; and
- (3) advise the Project Co-ordinator accordingly.

COUNCIL DECISION**Background**

It is proposed to develop a Whitewater Park in Perth which would create a six hundred metre long artificial whitewater river that would provide excellent facilities for canoeing and rafting in a scenic parkland setting. The park would be similar to that operating in Penrith NSW.

In November 2001 the promoters commissioned consultants to undertake detailed investigations on a number of sites around Perth including Cockburn Central. Detailed information on the sports precinct within Cockburn Central was provided in December 2001.

The Coordinator of the proposed Perth Whitewater Park, Mr Colin Thorpe, briefed Councillors and Senior Staff on the project in April 2002.

The initial studies and investigations have identified three suitable sites for the facility. These are Cockburn Central, Champion Lakes Kelmscott and Reid Hwy Bayswater. Detailed feasibility studies are now being undertaken to determine the preferred site.

Submission

N/A

Report

It is proposed to develop a Whitewater Park in Perth. The proposed development would create a six hundred metre long artificial

whitewater river designed for canoeing and rafting. It is proposed that the facility cater for a range of users from beginners to elite athletes and be suitable for staging international events. As with Penrith it is expected that the park would be a great family place and be a major tourist destination. An area of some 10 -11 ha is required for the facility.

The Draft Structure Plan for Cockburn Central endorsed by Council in March 2002 provides an area of some 18.5 ha for sporting facilities. Based on the information provided by the project coordinator and a recent inspection of the Penrith facility by the Chief Executive Officer and the Deputy Mayor, it is considered that the provision of the Whitewater Park within Cockburn Central is totally consistent with the vision for the area enunciated in the Draft Cockburn Central Structure Plan and would be of significant benefit to the residents of Cockburn.

Council officers strongly support the proposal to develop a Whitewater Park within the spots precinct at Cockburn Central notwithstanding that the development would need to satisfy all environmental, planning and engineering requirements.

Given that the proponents are now moving into the detailed feasibility stage to determine the preferred site, it is considered that Council should have a formal position of support for the project and continue to strongly promote Cockburn Central as the best location for the proposed facility.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.5 (OCM1_6_2002) - APPLICATION FOR EXTENSIONS TO DWELLING (SPA ROOM) - LOT 538; 11 MOENNICH COURT, COOLBELLUP - OWNER/APPLICANT: M WATT (1113651) (MW) (ATTACH)

RECOMMENDATION

That Council approve the application for the inclusion of a Spa Room in extensions to a dwelling at Lot 538; 11 Moennich Court, Coolbellup.

COUNCIL DECISION

Background

An application for a house extension at 11 Moennich Court, Coolbellup was received by the Building Department on 10th May 2002. Included in this submission was a proposed Spa Pool Room incorporated inside the house.

This room is to be enclosed by brick walls on three sides with the fourth side being of framed glass, floor to ceiling, with a self closing and latching door, opening away from the spa area.

Submission

The letter from Mr Michael Watts of 11 Moennich Court, Coolbellup, dated 10th May 2002 states:-

"Recently I submitted a request for approval to extend and amend my home at the abovementioned address. As there is further consideration required with regards to the Spa Room, I would ask that you give approval to the extensions (excluding the spa room) to enable us to proceed with the major part of the extension.

Could you please submit a request to the next meeting of Council Members for approval of the Spa Room. In the absence of a lockup gate which is normally found surrounding an outdoor spa, we would seek to install a self closing; locking sliding door in reinforced glass. The remaining 3 sides to the room would be brick walls. As the plans indicate, the room will be in the centre of the house under the main roof, which means that no casual entry is able to occur.

It would be appreciated if this request could be expedited at your earliest convenience."

Report

Amendments have once again been made to the Private Swimming Pool Regulations and came into force on the 5th November 2001.

These Regulations require that there be a fence or barrier between a door and the pool area.

Regulation 38D(1) stipulates that a local government cannot make a declaration under 38C(4) unless it is satisfied that it would not be practicable to enclose the pool with a fence and gate because the pool is enclosed by a building. Therefore, given the size of the room, it would be impracticable to place a fence between the spa and the door.

There will be children in the house but the owner has agreed to also have the door lockable. The door will comply with the relevant Australian Standards with regard to being self closing and latching.

The door opens into a lounge room and the spa room is situated in the centre of the house.

The applicant has undertaken to have the door lockable as well as the mandatory self closing and latching device.

Given the proposal complies in all other aspects other than having a door opening into the pool area directly, it is recommended that Council grant the request.

Strategic Plan/Policy Implications

Approval will be granted under the Building Regulations 1989 (and Amendments) – Regulation 38D(2).

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.6 (OCM1_6_2002) - UPDATE OF THE BIBRA LAKE NUTRIENT MANAGEMENT STUDY - STAGE 2 (6130) (PS) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Sinclair Knight Merz letter dated 22 April 2002;
- (2) accept that a “do nothing” approach will not lead to an improvement in Bibra Lake’s water quality; and
- 3) continue to explore avenues of funding and support to implement measures to improve the water quality of Bibra Lake

COUNCIL DECISION

Background

Bibra Lake is important to the Cockburn community as an area of recreation and conservation. Unfortunately Bibra Lake suffers from poor water quality which results in frequent algal blooms and associated impacts such as odour, poor aesthetics and midges. To provide information on how to remedy the poor water quality the “Bibra Lake Nutrient Management Study – Stage 1” was completed by Martinick and McNulty in 1999.

In 2002, Sinclair Knight Merz were commissioned to undertake Stage 2 of the Bibra Lake Nutrient Management Study, with the objective to

- Review the findings of the first report
- Refine and update the approximate cost of the proposed methods.

The “Bibra Lake Nutrient Management Study – Stage 2” report was received by Council in February, 2002. A number of recommendations were endorsed, including a request for Sinclair Knight Merz to provide advice on the implications of a “do nothing’ approach on the future of Bibra Lake as a conservation wetland. This report deals with this particular Council recommendation.

Submission

N/A

Report

Sinclair Knight Merz were asked to provide information on what would happen if the Council undertook a “do-nothing” approach. Sinclair Knight Merz indicated that further work would need to be undertaken to confidently answer this question. In particular there is a need to determine the “turn over” within Bibra Lake which can only be

determined with the development of a computer model. The development of such a model would require further information, in particular:

- What is the groundwater inflow and outflow for Bibra Lake ?
- What is the nutrient flow out of Bibra Lake ?
- What would be the role of nutrients within the sediments ?

An explanation and rough cost calculations, provided by Sinclair Knight Merz, are as follows.

- What is the groundwater inflow and outflow for Bibra Lake ?

There is the need to determine the “turn over” within Bibra Lake. If there is high groundwater flow out of the lake then nutrients would over time leave the lake. As a result there maybe observable changes to nutrient levels over the medium term (10 – 20 years). If there is little flow then nutrient would reside longer within the lake for a greater period (100 years or more)

Approximate cost = \$10,000 to undertake the necessary work.

- What is the nutrient flow out of Bibra Lake ?

More information on the flow of nutrients into the lake is needed to be able to develop the model. This level of nutrient information was not present within the completed study.

Approximate cost = \$50,000 to undertake the necessary work.

- What would be the role of nutrients within the sediments ?

The completed study highlighted the high level of nutrients present within the sediments. But to be able to model the future of this source there is a need to determine the rate of chemical adsorption of phosphorus in the soil and sediments, and the life cycle of phosphorus within the sediments.

Approximate cost = \$300,000 - \$500,000 to undertake the necessary work.

To answer the question of how a “do nothing “ approach will effect Bibra Lake would require the development of a model, and the cost of this computer model would be approximately \$360,000 - \$560,000.

It is considered that spending funds to ultimately answer this question can not be justified. Council officers are of the view that the water quality would at best remain the same ,but potentially could worsen, if the City applies a “do-nothing” approach, assuming that there is no change in the flow of nutrients from surface water and groundwater, the

nutrients stored in the sediment and nutrients leaching from the Southern landfill. These are reasonable assumptions.

Essentially the City's ability to significantly improve the water quality of Bibra Lake is dependent on obtaining external funding and support from research institutes, industry and government agencies. It would be prudent to continue to assess the level of available support and the viability of the project before expending further funds, in particular any modelling. If the Council is successful with accessing external funding and other resources, then at that stage it maybe important to develop a model of Bibra Lake.

In the interim Council should continue to focus on ground activities to improve the water quality Bibra Lake, such as catchment management and further works into reducing the impact of the Southern landfill. These suggested actions will reduce the nutrient input in to the lake. The only uncertainty is will it be sufficient to result in a "noticeable" improvement in water quality. This would be a better approach towards improving Bibra Lake's water quality than if the Council pursued a "do nothing" approach.

A copy of the advice from Sinclair Knight Merz is included in the Agenda attachments.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

Budget/Financial Implications

To be determined.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

14.7 (OCM1_6_2002) - LEGAL PROCEEDINGS - PT LOT 146 JANDAKOT ROAD, JANDAKOT - OWNER: BARELLE PTY LTD (5513162) (DB) (ATTACH)

RECOMMENDATION

That Council:

- | | |
|-----|--|
| (1) | receive the report; and |
| (2) | not proceed with legal action against the owner of Pt Lot 146 Jandakot Road, Jandakot. |

COUNCIL DECISION

Background

ZONING:	MRS:	Rural – Water Protection
	DZS:	Resource
LAND USE:	Vacant	
LOT SIZE:	52.6091 ha	

Council at it's Ordinary Meeting on 15 January 2002 resolved the following, in regard to a subdivision proposal for the land:

- "(1) *advise the Western Australian Planning Commission that Council does not support the subdivision of Pt Lot 146 Jandakot Road, Banjup for the following reasons:-*
1. *The land has not been rehabilitated in accordance with the approved excavation management plan.*
 2. *Potential environmental impacts on the land.*
 3. *The creation of an undesirable precedent.*
 4. *Set out in the Council's letter to the Western Australian Planning Commission dated 17 July 2001 and 3 December 2001.*
- (2) *instigate further legal action against the owner of Lot 146 Jandakot Road, Banjup for non-compliance with planning conditions in respect to the use of the land for an extractive industry.*"

Submission

With regard to (2) above, Council's solicitor indicates that if the City were to pursue litigation against Barelle Pty Ltd, it is likely to be unsuccessful. The land is a former sand quarry that was mined from 1977 to 1999. The City sought to prosecute the owner because conditions of planning approval remained outstanding, relating to the

rehabilitation of the land following the completion of the sand mining operations.

Report

Any prosecution must allege that Barelle was, as at a specified date, using land, or permitting the land to be used. The statutory limitation period for commencing proceedings under the Town Planning & Development Act is 12 months. Barelle ceased sand excavation activities more than 2 years ago. It is understood that Barelle ceased operations on 30 August 2000. Therefore any prosecution in relation to the use of the land pursuant to section 10.4(a)(i) would now be statute-barred.

Nevertheless, even though Council did not support the subdivision approval was granted by the Western Australian Planning Commission placed stringent conditions requiring the rehabilitation of the land to ensure that the land is revegetated.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

- | | |
|-------|--|
| APD27 | Subdivision Policy For Sand Extraction Sites And Other Sites In Jandakot & Banjup North Of Armadale Road |
| APD29 | Development Compliance Process |

Budget/Financial Implications

Legal proceedings commenced in accordance with Council’s resolution, however the action at this stage is only administrative and should not impact on the Council’s legal expenses budget.

Implications of Section 3.18(3) Local Government Act, 1995

Nil

14.8 (OCM1_6_2002) - PROPOSED NATURAL THERAPY CONSULTING ROOMS - LOT 92 (NO. 156) ROCKINGHAM ROAD, HAMILTON HILL (2202533) (MR)

<p>RECOMMENDATION</p> <p>That Council approve the proposed Natural Therapy Consulting Room on Lot 92 (No 156) Rockingham Road, Hamilton Hill subject to the following conditions.</p> <p>Standard Conditions</p> <ol style="list-style-type: none"> Standard Conditions and footnotes as contained in Council Policy APD17 as determined appropriate to this application by the delegated officer under clause 7.6 of the City of Cockburn District Zoning Scheme No 2 and; <p>Special Conditions</p> <ol style="list-style-type: none"> Hours of operation being limited to 7:00am to 7:00pm, Monday to Friday, and not at all on weekends or public holidays. Installation of security motion sensor floodlights at the front of the building.
--

<p>COUNCIL DECISION</p>

Background

ZONING:	MRS:	Urban
	DZS:	Residential R15
LAND USE:	Dwelling	
APPLICANT:	Michael & Irene Cox	
OWNER:	Diana Kington	

LOT SIZE:	710m ²
USE CLASS:	Consulting Rooms "AA"

Submission

The applicant seeks approval to use an existing dwelling as a Natural Therapy Consulting Room. This will consist of a Naturopath and Remedial Therapist. The following information has been provided by the applicant in support of this proposal:-

- Two practitioners are proposed with an estimated number of 1 to 5 clients per practitioner during weekdays and 1 to 3 clients per practitioner on Saturday;
- No structural changes are proposed to the house except to conform to building requirements;
- A security system will be installed and locks placed on driveway gates and windows. There will also be regular day-time inspections during the weekend;
- Vehicle entry is proposed from Rockingham Road and exit via Packham Street. Provision can be made to accommodate 10 car parking bays as per Council's requirements and this will necessitate the removal of trees and bushes on the street corner. Vegetation close to the house will remain and the frontage to Packham Street and a large tree facing Rockingham Road;
- The parking bays are proposed to be constructed from wood chipped bays and concrete slabbed walkways;
- The site uses septic tanks and is expected to be connected to sewer within 12 months;

Report

The proposal was advertised for 21 days to gauge public comment. The City wrote to nearby neighbours informing them of the proposal and the opportunity to view plans and comment. The proposal was also advertised by way of a sign erected on-site. At the close of the submission period 4 submissions were received all raising no objections to the proposal subject to various conditions outlined below in some submissions:-

- Only if it doesn't occur after normal working hours;
- Provided there are not a lot of cars on the Packham Street verge;
- All gates to the street are locked at night and on weekends to stop vehicles parking and entering the premises;

- Installation of security lights;
- Overhanging branches on the northern boundary being trimmed and seed branches of the coffee palms being cut out.

Special conditions of approval are recommended to address these potential issues and these will assist in maintaining the residential amenity of the area during and after business hours. Saturday operating hours proposed, conflict with a submission received. On balance the weekday hours could be extended between 7:00am to 7:00pm to compensate for no business activities occurring during weekends or public holidays.

The proposal complies with the City of Cockburn Town Planning Scheme No 2 in respect of car parking, landscaping and other standards. Access should be redirected via Packham Street and then onto Rockingham Road. The car park will also need to be properly constructed from either concrete, bitumen or pavers and soakwells installed in accordance with the City's standard conditions.

There are no objections to the consulting room from a planning viewpoint.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.9 (OCM1_6_2002) - RECONSIDERATION OF SPECIAL CONDITION 4 - 12 AGED OR DEPENDENT PERSONS DWELLINGS - LOT 1482 WAITCH LOOP, CNR THE GRANGE, BEELIAR (4413738) (VM)

RECOMMENDATION

That Council issue a revised Form 2 Notice of Approval for the development of 12 Aged or Dependent Persons Dwellings on Lot 1482 Waitch Loop Cnr The Grange, Beeliar, subject to the same conditions

approved at the Ordinary Meeting of Council held on 18 September 2001, except for the following condition:-

Special Condition 4 – deleted as follows:-

"4. *The aged or dependent persons units on the ground floor being designed and constructed in accordance with the relevant Australian Standard such as AS1428 and any other special requirements detailed in the Aged Persons Accommodation – Development Guidelines.*"

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	DZS2:	Residential R40
LAND USE:	Vacant	
APPLICANT:	Oldfield Knott Architects Pty Ltd	
OWNER:	Dept of Housing and Works	
LOT SIZE:	2,148m ²	
USE CLASS:	Aged or Dependent Persons Dwellings ("AA" Use)	

The Council approved the development for 12 Aged or Dependent Persons Dwellings at its Ordinary Meeting on 18 September 2001.

Submission

The applicant seeks reconsideration of special condition 4 outlined in the above recommendation and has provided the following reasons:-

".. *Class 3 of the BCA is defined as aged care accommodation under a single roof (institutional). Class 1 does not preclude accommodation in single or grouped form for persons over 55 years of age.*"

Report

The initial application specified that the development was for aged persons dwellings, not for dependent persons. Special condition 4 is only required for developments where the special needs of the occupants require access for people with disabilities, and therefore needed to be a dependent persons dwellings. The applicant in a letter dated 31 May 2002 stated that the development is for accommodation for persons over 55 years of age only.

Given that the proposal does not comprise a building or facility specified under PSPD1 – "Access for People with Disabilities", and that the applicant has stated that the development is for Aged Persons Grouped Dwellings, compliance with the Australian Standards AS1428 is deemed unnecessary. Special condition 4 should be deleted on this basis.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

The Planning Policies which apply to this item are:-

APD12 Aged Persons Accommodation – Development Guidelines.

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.10 (OCM1_6_2002) - ATWELL WATERS ESTATE - PUBLIC OPEN SPACE AND BEENYUP ROAD VEGETATION PROTECTION - LOT 61 BARTRAM ROAD, ATWELL - OWNER: PEET & CO - APPLICANT: MASTERPLAN/SINCLAIR KNIGHT MERZ/ATA ENVIRONMENTAL (115032) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) in respect to the issue of inappropriate clearing of part of the Atwell Waters public open space area, not commence prosecution proceedings against Peet & Company Ltd, but express its disappointment to Peet & Company Ltd with the clearing works that occurred and advise that the area is required to be cleared and rehabilitated to a high standard;
- (2) in respect to the shortfall of public open space, advise Peet & Company, Masterplan Consultants and the Western Australian

Planning Commission that it will accept cash-in-lieu of land in this instance due to the particular circumstances detailed in the Officers Report;

- (3) in respect to the Beenyup Road upgrade plan, advise Peet & Company Ltd, Landcorp and the Western Australian Planning Commission that the plan prepared by Sinclair Knight Merz (drawing C600-A) is agreed to conditional upon;
1. Strict site work management controls (ie appropriate measures to ensure protection of trees during earthworks and their survival following works);
 2. The proponent investigating and reporting back on the potential to relocate large trees that are affected by site works, into the public open space areas within either the Atwell Waters or Atwell South development, with a view to transplanting the trees within the open space subdivision;
 3. Additional pedestrian drain crossings being constructed in and parking embayments moved to locations considered appropriate by the Director of Planning and Development;
 4. Revegetation with appropriate species in those areas where trees do not exist and will not be affected by upgrading works;
 5. No fill material being placed around the base of trees to be retained; and
 6. existing trees and verge vegetation not within the agreed site works area are to be protected from any damage for the duration of works period.

COUNCIL DECISION

Background

Lot 61 Bartram Road, Atwell is the site of Peet & Company Limited's Atwell Waters residential estate. Earthworks have recently been carried out on the site in preparation for subdivision.

Submission

This report concerns three aspects of the Atwell Waters development, namely;

- The inappropriate clearing of native vegetation within an area intended to be preserved for public open space, contrary to the condition of approval;
- A proposal to address a shortfall in the provision of public open space; and
- A proposal to upgrade the section of Beenyup Road through the Atwell South Development Area, whilst retaining the existing avenue of trees within the road reserve;

The Administration has no delegated authority to make decisions on these matters and accordingly submits this report for Council's consideration.

Report

The Western Australian Planning Commission on 1 February 2002 gave preliminary approval to the Atwell Waters subdivision. The site has recently been cleared and civil engineering works are under way. Peet & Co. has begun marketing the sale of new residential lots within the estate.

Inappropriate clearing of Public Open Space and recommended Council response

Through the structure planning and subdivision assessment process for the Atwell Waters development, it was established that Peet & Co. would set aside an area of approximately 2.2 hectares within Lot 61 for the purposes of public open space and drainage.

Given that Lot 61 contained areas of native vegetation, it was also established that bushland within a portion of the proposed public open space area would be left intact and enhanced with the addition of vegetation relocated from cleared areas on the rest of the site.

The Council's earthworks approval required protection of the open space area and various management plans submitted on behalf of Peet & Co. committed to ensuring this.

On 7 May 2002, a visit to Lot 61 by Staff revealed that the future open space area intended to be protected from earthworks had been cleared. After seeking an explanation for the clearing, Peet & Co. advised that the contractor undertaking the earthworks had made an error and cleared beyond the area approved. Peet & Co. has committed to reinstating the area intended for native bushland retention and has submitted a proposed rehabilitation strategy in this regard.

It is open to Council, under the provisions of its Scheme, to pursue Peet & Co. for breaching the terms of the development approval issued by Council for earthworks.

However, on the basis that;

- The area cleared was not, compared to other examples of natural bushland within the district, of the greatest environmental significance and is relatively small in area (5000m²);
- Peet & Co. has expressed regret over the incident and its occurrence is more a case of poor site management than a deliberate act of disregard for approval conditions or Council requirements; and
- Peet & Co. has submitted a draft rehabilitation strategy to reinstate the area that shouldn't have been cleared, which although yet to be approved by the Staff, will be required to conform to strict criteria to ensure rehabilitation is successful;

It is recommended that Council resolve not to initiate prosecution proceedings in this instance. Council should however express to Peet & Co. its disappointment with the events that occurred and advise that it has an expectation that the area cleared will be rehabilitated to a high standard.

Proposal to pay cash-in-lieu of shortfall of Public Open Space provision

The subdivision approval for Atwell Waters requires 10% of the site to be set aside for public open space. As mentioned above, the public open space area is to also contain areas for drainage.

As a result of satisfying the Water and Rivers Commission's requirements for drainage, areas required for drainage purposes are now larger than the notional areas shown on the subdivision application. Given that the drainage facilities are to be integrated with public open space, such that they have the appearance of a lake surrounded by vegetation, it is Western Australian Planning Commission and Council policy to allow a 50% credit for open space drainage facilities. The enlargement of drainage areas is at the loss of "dry" areas of public open space, which in this case has created a shortfall in the areas credited for open space below 10%.

Masterplan Consultants, on behalf of Peet & Co, has submitted figures that once credits for drainage areas are taken into account, the area credited for open space is deficient of the 10% requirement by 584m².

There are considered to be two options to address the shortfall:

- Increase the area of public open space to 10%; or

- Accept a cash payment equivalent to the value of the land in shortfall (ie cash-in-lieu in line with section 20C of the Town Planning and Development Act).
- It should be noted that the applicant must request to make a cash-in-lieu payment and this request must be agreed to by both the Council and the WAPC.

Given that the subdivision design and detailed engineering work has substantially progressed, accommodating an enlarged open space area would require an overhaul of the entire subdivisional plan. Further, there is no value to Council in a stand-alone area of open space only to gain an extra 584m². Therefore, given the area of shortfall is small, it is considered reasonable to accept cash-in-lieu in this instance.

Beenyup Road upgrade – Protection of Melaleucas

It is a requirement of the Town Planning Scheme that planning proposals for the Atwell South Development Area shall ensure the retention of existing remnant vegetation in the reserve for Beenyup Road, unless the local government agrees in particular circumstances that some of the vegetation may be removed. This Scheme requirement applies to the section of Beenyup Road between Bartram Road and the proposed intersection with the future Tapper Road extension. It should be noted that Staff have no delegated authority to determine the circumstances where it is appropriate to allow vegetation to be removed.

Beenyup Road is an existing road constructed to a typical rural standard (ie 20 metre wide reserve, unkerbed with spoon drains on either side). Its main feature is the numerous Melaleucas (paperbarks) that line either side of the road pavement, whose canopies overhang the road to create a unique and attractive streetscape.

Landcorp's Atwell South (Harvest Lakes) and Peet & Co.'s Atwell Waters developments abut Beenyup Road and their respective subdivision approvals require the submission of a plan for the upgrade of Beenyup Road, whilst protecting existing trees. In this respect, Sinclair Knight Merz has submitted a proposal on behalf of Landcorp and Peet & Co for the upgrade of Beenyup Road. The most significant aspect of this plan is the illustration of the impacts of roadworks on the existing trees (see Agenda Attachments).

The Beenyup Road upgrade plan allows for a 6.0 metre kerbed road, with parking embayment in several locations where no trees exist. Drainage is to be maintained with the open spoon drains, with culverts and pedestrian crossings at various points. A footpath is aligned along the reserve edge, providing pedestrian access to the abutting residential lots. Vehicular access to all abutting lots is to be provided by laneways at the rear, that is, no direct vehicular access will be allowed from Beenyup Road. The plan meets engineering requirements.

Having met engineering requirements, the remaining consideration is the extent of removal of existing trees. There is no clear guidance on what is an acceptable level of "loss" of the trees other than to suggest that consideration needs to be given to whether the resulting integrity of the streetscape will provide the amenity value intended by the Scheme requirement. This is matter of subjective analysis and is difficult to quantify.

The plan has surveyed the extent of existing trees within the road reserve and shows those to be retained and those to be cleared. It is evident that some trees will be cleared at the intersections between Beenyup Road and the subdivisional roads and at the future intersection of Beenyup and Tapper Roads. It was always considered inevitable that some loss in these circumstances would occur, as there is an obvious need for road linkages between the Atwell Waters and Atwell South developments. In most instances the trees lost are smaller, though some larger trees are affected. There are very few additional trees to be lost elsewhere along the road and it is evident from the plan that on balance a substantial proportion of the trees will be retained.

The Council accept the Beenyup Road upgrade plan subject to the following issues being considered;

- Strict site work management controls;
- The potential to relocate large trees into public open space areas;
- Additional pedestrian drain crossings being constructed;
- Revegetation with appropriate species;
- No fill material being placed around the base of trees;
- Tree protection.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*
 - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
- *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
APD4	Public Open Space
APD20	Design Principles For Incorporating Natural Management Areas Including Wetlands And Bushlands In Open Space And / Or Drainage Areas
APD28	Public Open Space Credit Calculations
APD30	Road Reserve And Pavement Standards

Budget/Financial Implications

Cash in lieu funds can only be expended in accordance with section 20C of the Town Planning and Development Act.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.11 (OCM1_6_2002) - TOWN PLANNING SCHEME NO. 3 - DEPARTMENT OF PLANNING AND INFRASTRUCTURE ADVICE (9485) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;

- (2) approve a late change requested by the Water Corporation to proposed Town Planning Scheme No 3 – Scheme Map, by replacing the “Public Purpose Reserve” with the “Resource Zone” applying to Lots 11, 34 and 100 Berrigan Drive, Jandakot only, and incorporate this request as a late submission in Schedule 3;
- (3) proceed with proposed Town Planning Scheme No. 3, subject to the modifications requested by the Department of Planning and Infrastructure and where detailed in this report, proceed with revised draft Town Planning Scheme No. 3;
- (4) subject to (2) and (3) above, adopt revised draft Town Planning Scheme No 3 and forward the Council decision to the Western Australian Planning Commission requesting that the Hon. Minister for Planning and Infrastructure grant final approval under Town Planning Regulation 21;
- (5) in anticipation of the Hon. Minister for Planning and Infrastructure granting final approval; the proposed Scheme Text and Scheme Map be modified in accordance with the Council decision and the documentation be signed by the Mayor and the Chief Executive Officer ready to be forwarded to the Western Australian Planning Commission upon receipt of the Hon Minister’s advice under Town Planning Regulation 24.

COUNCIL DECISION

Background

Council at its Ordinary Meeting held on 19 March 2002 resolved to proceed with draft Town Planning Scheme No 3 subject to various Scheme Text and Scheme Map modifications in response to the following considerations namely:-

1. Those modifications required by the Hon. Minister for Planning and Infrastructure and set out in the Commissions letter dated 17 July 2001;
2. Further modifications to include relevant amendments to TPS2 that have since been gazetted or are likely to be gazetted;

3. Further modifications to address matters in response to public submissions received during the re-advertising of Town Planning Scheme No 2;
4. Further Scheme Text and Scheme Map modifications identified by the Council's Development Department.

Submission

Town Planning Scheme No 3 was modified to reflect the changes adopted by the Council and was referred to the Department of Planning and Infrastructure (“DPI”) as a draft version for review. The Acting Executive Director of Statutory Services of the Department of Planning and Infrastructure responded to the City in preliminary advice by letter dated 17 May 2002.

Schedules 1 (Scheme Text), Schedule 2 (Scheme Map) and Schedule 3 (Summary of Submissions) were returned with various comments. These Schedules are included in the attachment to this report. The DPI require 17 changes to TPS3.

Report

The recommended response to each of the DPI requirements is set out in the table to follow:-

Major Modifications

	TPS3 provision	Department of Planning & Infrastructure (“DPI”) Comment	Recommended Response
1.	Part 6 – Development Contribution Areas (DCA) Schedule 1 submission 4 (1/4) and Schedule 3 Submission 1 (3/1)	The Scheme Text is inconsistent with the Model Scheme Text Provisions for Development Contributions. DPI have asked the Council to confirm if it is intended to either retain current structure (content must be consistent with the model scheme text) or incorporate a revised structure using the model scheme text.	Retain the current structure of the Scheme Text and ensure that Part 6 content is consistent with the latest version of the model scheme text with the exception of Development Contribution Cost methodology and minor modifications.
2.	Special Industry A	The DPI want to ensure that all the	The Scheme Text and Scheme Map be

	Zone – Robb Jetty (1/13)	uses currently permissible under the Special Industry A zone are included in Restricted Use 9 – Special Industry A.	modified to include a new Additional Use – Fashion Leather Park in accordance with AU5 uses listed in the Second Schedule of TPS2. The subject land includes Lot 102, Pt Lot 4 and 8 Rollinson Road, Lot 303 Darkan Avenue, Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 Pt Lot 1 Garston Way, Hamilton Hill.
3.	Parks and Recreation north side of Railway where it crosses Cockburn Rd (1/13)	<p>DPI believe there is an inconsistency between the Industry zoning in the MRS and the Light Industry zoning in TPS2. DPI have asked the Council to clarify the reason for this inconsistency.</p> <p>This matter was investigated by the City and the following response is provided:-</p> <p>The Council in a modification to draft TPS2 changed the subject land to Parks and Recreation prior to the gazettal of the Scheme in 1992. It is understood that this was based on the Coogee Master Plan. The Parks and Recreation reserve was included in the Coogee Revised Concept Plan prepared by the Ministry for Planning in May 1995. The reason for the Parks and Recreation Reserve is to maintain</p>	<p>The Scheme Map(s) should not be modified to ensure consistency with the MRS by zoning the subject land Light Industry in TPS3.</p> <p>When TPS3 has been finalised the Council should await the outcome of MRS Amendment 1010/33 – Port Catherine and the North Coogee Master Plan and then if the consistency continues, request the Commission to initiate an amendment to the MRS to include the subject land in a Parks and Recreation Reserve in the MRS. The inconsistency has existed for 10 years without any requests from the WAPC to make the Scheme consistent. The Council is strongly opposed to any further industrial zoned land being established on the coast. There is no justification for this.</p>

		<p>a suitable transition to future residential development associated with Port Catherine Marina Development and to provide a reserve corridor linking the beach reserve with the linear parkland along the ridgeline.</p> <p>Notwithstanding the above comments the MRS requires the Council's Scheme to be consistent with the Zones and Reservations in the MRS, unless the Minister approves otherwise, in which case TPS3 will prevail.</p>	<p>The subject land, Lot 251, which is 10.6 ha, is owned by the WA Land Authority (LandCorp).</p>
4.	<p>Special Use 12 ("SU12") Amcor Paper Mill (1/33)</p>	<p>DPI agreed to the SU Zone applying to Lot 503 owned by Amcor but have not accepted the SU Zone applying to Lot 502 owned by LandCorp. Lot 502 must be replaced with an Industry Zone to be consistent with the MRS, with the waste effluent ponds on Lot 502 being included in an "additional use" designation.</p>	<p>Modify the Scheme Map and Text in accordance with the DPI's instructions and include Council's modifications for the Amcor site. The rezoning of Lot 502 – LandCorp site to Special Use is not accepted by the DPI and should be replaced with the Industry zone and additional use for the effluent ponds for consistency with the MRS and TPS2 as instructed.</p>
5.	<p>Special Use 3 Port Catherine (1/34) MRS Amendment 1010/33.</p>	<p>It is unlikely that MRS amendment will be finalised until July 2003 and accordingly TPS3 should not be modified to include Port Catherine at this stage.</p>	<p>Delete SU3 and change the Scheme Text and Map for conformity with those zones and reserves contained in the advertised TPS3.</p>

6.	Removal of corresponding zones and reserves for MRS Amendment No 1040/33 Tapper Rd MRS Amt 1032/33 SW Metro Transit Route MRS Amt 1038/33 Thomsons Lake Regional Centre (2/9)	It is premature to modify TPS3 to conform to these proposed amendments to the MRS prior to these amendments being gazetted.	Delete the proposed zones and reserves corresponding to these proposed amendments to the MRS and retain with zones and reserves contained in TPS2 and the MRS, together with the Minister's instructions set out in the Commission's letter dated 17 July 2001.
7	Rezoning of Land bounded by Mell Road, Rigby Avenue, Rockingham Road to Residential R30 (3/24)	<p>Review provision 2 in Development Area 1 (DA1) Schedule 11 so that residential development is not precluded in this instance which provides for residential development... <i>"except within the odour buffer surrounding Watsons"</i> and other appropriate land uses.</p> <p>The DEP have not objected to the proposed rezoning and this rezoning to residential is appropriate.</p>	<p>Modify the wording of provision 2 to state:-</p> <p>2. To provide for residential development <u>and other appropriate land uses generally outside of</u> (except within the odour buffer surrounding Watsons or buffer to the Woodman Point WWTP, Munster Pump Station and other appropriate land uses.</p> <p>The residential zone boundary should correspond with the odour buffer using existing cadastral lot boundaries overlaid with the odour buffer to either include or exclude lots rather than create split zoning lots.</p>

Minor Modifications

	Clause	Comment	Recommendation
--	--------	---------	----------------

1.	Commercial Vehicle Parking Table 3 (1/17)	DPI are concerned about a late change of parking standards to those advertised in TPS3 without advertising. This should proceed as a separate scheme amendment.	The Scheme text should be changed to ensure consistency with the advertised version of TPS3 in respect of commercial vehicle parking standards applying to shops, showroom, tavern, retail filling station and health studio.
2.	Detailed Area Plan Clause 6.2.16 (1/17)	Further justification is required for the modifications to Detailed Area Plans ("DAP's").	Delete reference to " <i>Notwithstanding clause 5.2..</i> " and replace with:- <i>"The requirements of the Residential Planning Codes may be varied,..etc"</i> This will allow the Council to vary the R-Codes when applying DAP's to residential development the Development Zone. The text changes will also to provide for themes in residential development (ie cottage lots) and avoid having to grant variations to the R-Codes on a case by case basis.
3.	Clause 5.10.8 Commercial Vehicles (1/19)	Various minor text changes were proposed to commercial vehicle Scheme provisions	The modifications on reflection are not necessary since the advertised scheme (clause 5.9.8) can impose conditions or withdraw approval to park a commercial vehicle.
4.	Additional Use 10 ("AU10") Schedule 2 (1/21)	AU10 only applies to a portion of Lot 81 Wattleup Road. The Scheme Requirements	The first line of the Scheme Text should be amended to read " <i>fruit and vegetable</i>

		were expanded to address the requirements of the Minister.	<i>warehouse and distribution centre</i> ” to be consistent with Amendment 291 to TPS2 adopted by the Council.
5	Restricted Use 4 Schedule 3 South Lakes Shopping Centre (1/24)	Simplify the land description	Change RU4 land description to reflect the current Lot 101, 102, 103, 104 and 105 Omeo Street, South Lake
6.	Restricted Use 8 Schedule 3 Murdoch Drive/Farrington Road, North Lake (1/26)	Minor Scheme Text change	Delete reference to “ <i>motor vehicle hire</i> ” and amend the wording to “ <i>Industry-Service and Industry-Cottage</i> ”
7.	Commercial Vehicle Parking definition (1/30)	Minor Scheme Text change	Change the definition “..in excess of 3.5 tonnes” to “..3.5 tonnes or more.”
8.	Industry – Noxious and Industry – General (Licensed) Definition (1/32)	Minor word corrections	Ensure consistency with the Minister’s letter dated 14 March 2002 and as agreed by the Council.
9.	Lot 196 Berrigan Drive (2/8)	Include Lot 196 within a Commercial Zone with a Restricted Use (“RU6”) zone as the owner has recently sold part of his land that would have provided access to the lot. This is a new proposal not considered by the Council previously. The proposal is consistent with the current commercial zoning in TPS2.	Agree to change Lot 196 to Commercial RU6.

Developer contribution costs also need to be explained for Development Contribution Area 6 – Beelias Drive extension between Stock Road and Cockburn Road, and a public submission relating to DCA5 – Spearwood Ave extension. Schedules 1, 2 and 3 – Summary of Submissions have been adjusted to address the Departments questions and further substantiate the Council’s recommendation from the points raised above.

There is a high expectation that TPS3 will replace TPS2, so that the benefits of the new zones and provisions and residential densities can be applied to land within the district.

The detailed recommendations contained in the attachment to the Agenda have been divided into separate schedules comprising the Summary of Submissions, Scheme Text and Scheme Map. Modifications to the scheme text and maps:-

- Generally include the changes instructed by the Hon. Minister;
- Respond to relevant submissions;
- Ensure greater consistency with the Model Scheme Text (Regulations);
- Include recent relevant Scheme Amendments to DZS No.2; and
- Resolve minor Scheme Map and Text errors.

These recommended changes are detailed in the attached Schedules 1, 2 and 3.

The main issue in the advice of the Department of Planning and Infrastructure relates to the deletion of the Special Use Zone applying to Lot 502 Sudlow Road now owned by LandCorp (formerly by Amcor). This matter was the subject of two recent Council Reports (item 14.14 OCM19/2/02 and item14.11 OCM 19/3/02) and is discussed in Schedule 1/Submission 33.

DPI believes that TPS3 should be modified in accordance with the requirements of the Minister. The text modifications to the Special Use 12 provisions recommended by the Council for the Amcor Paper Mill site was accepted. However the Department objected to the inclusion of the LandCorp site (Lot 502) in the Special Use Zone because this is inconsistent with the MRS zoning for Industry. This stance is not logical. The Department recommended that Lot 502 be included in the Industry zone in accordance with the Minister’s requirement on the advertised TPS3. It was agreed to retain Lot 503 in the Special Use Zone (“SU12”) given its use as a paper mill and for an additional use to be extended over Lot 502 to permit effluent disposal produced by the mill. This is supposed to be disposed of on the mill site, according to the Act.

However, in the interests of finalising TPS3, it is recommended that the Council is compliant, and no longer contest this issue.

Section 35 of the Metropolitan Region Town Planning Scheme Act requires Local Governments to make town planning schemes consistent with the Metropolitan Region Scheme. Where the City does not comply with this requirement, the Minister may serve a notice to direct the Council to change its town-planning scheme. It is on this basis that it is recommended that the Council modify TPS3 in accordance with the Departments position. However, it should be noted that the Minister has the discretion to approve local schemes not in conformity with the MRS and where this occurs the local scheme prevails (MRS Clause 21).

A late request was also received from the Water Corporation to rezone Lots 11, 34 and 100 Berrigan Drive from a Public Purpose Reserve to a Resource Zone as the land is surplus to their requirements and the Corporation intends to sell this land. There are no objections to this change to the Scheme Maps. This is a final minor modification that should not require readvertising.

It is recommended that Council proceed to adopt the modifications detailed in Schedules 1, 2 and 3 and comply with the advice from the Minister for Planning and Infrastructure. This should ensure that TPS3 will proceed to finalisation with the Minister without delay.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas which apply to this item are:-

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

3. Conserving and Improving Your Environment

- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

4. Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*
- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

Budget/Financial Implications

The total expenditure for the preparation of TPS No. 3 is \$29,700 (approx). TPS3 has been prepared in-house, using the Model Scheme Text, which has resulted in the Council saving a large amount of money in the preparation of a Local Planning Strategy, Scheme Text and Scheme Map.

Implications of Section 3.18(3) Local Government Act, 1995

The preparation of a Town Planning Scheme for the district is a requirement under the Town Planning and Development Act.

14.12 (OCM1_6_2002) - APPLICATION TO ESTABLISH A LIQUID FERTILISER MIXING OPERATION AND TO UNDERTAKE WORK TO A HERITAGE LISTED BUILDING AT LOT 1 (707) ROCKINGHAM ROAD, MUNSTER - OWNER: LANDCORP - APPLICANT: V J DADLEY (3317851) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the application to establish a liquid fertiliser mixing/packaging operation and to undertake conservation works on a heritage listed house at Lot 1 (707) Rockingham Road, Munster subject to the following conditions:

Standard Conditions

1. Standard conditions and footnotes as contained in Council Policy APD 17 as determined appropriate to this application by the delegated officer, under clause 7.6 of Council's District Zoning Scheme No. 2; and

Special Conditions

1. Heritage conservation works listed in the report prepared by KTA Partnership Architects, dated 3 May 2002 are to

be completed to the satisfaction of the Principal Planner within 6 months of the date of this approval;

2. The applicant shall either:
 - a) Contain the work area and ensure all liquid waste is collected and disposed of off-site at an approved location to the satisfaction of the Principal Health Officer; or
 - b) Submit a management plan for the collection, treatment and on-site disposal of all liquid waste for the approval of the Principal Health Officer, which shall be complied with on an ongoing basis.
3. There shall be no odour generated by the activity that is discernable beyond the lot boundary.
4. No deliveries or activities causing noise and/or inconvenience to neighbours being carried out on Saturday, Sunday or public holiday before 9am or after 5pm Monday to Friday.
5. The Approval may be withdrawn by the Council upon receipt of substantiated complaints.
6. The term of this approval is limited for a period of 3 years.

(2) issue a MRS Form 2 Notice of Approval; and

(3) advise those who made submission of the Council's decision;

(4) advise the applicant that:-

1. An application to demolish "Dadley House" lodged by LandCorp was referred to the WAPC for determination on 26 September 2000 as a public work was not determined and therefore is deemed refused.
2. The conditional approval issued by the Council does not provide any guarantee that the owner of the land, LandCorp, will not apply in the future to demolish "Dadley House" as part of the public works associated with the Marine Industries Technology Park.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION



Background

ZONING:	MRS:	Urban Zone
	TPS No.2:	Rural Zone
	TPS No.3:	Special Use ("SU9") Marine Industries Technology Park
LAND USE:	Vacant dwelling and rural sheds	
LOT SIZE:	1.0121 ha	
USE CLASS:	Light Industry 'X' Special approval subject to clause 5.8.9 – Conservation Incentives of DZS2.	
OWNER:	LandCorp	
APPLICANT:	Mr Victor Dadley	

The proponent, Mr V Dadley has a conditional agreement with LandCorp to lease the “Dadley home and stone shed”, which is a place that is on the Council's Municipal Heritage Inventory.

The place has a "C" Management Category as outlined below:-

"Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme etc."

LandCorp applied to demolish the "Dadley Homestead" over a year ago and this application was referred to the Western Australian Planning Commission for determination as public work under the Metropolitan Region Scheme. The Council received substantial public opposition to the demolition of the buildings and in response at its Ordinary Meeting on 17 October 2000 the proposal was not supported. The application has not been determined by the Commission. City Officers previously met with representatives from LandCorp regarding the heritage considerations of the place. LandCorp purchased the site after the local heritage listing was given by the Council. The land was purchased because of proposals to include the land in a Marine Industries Technology Park.

The main homestead was built in the 1920/30's and originally constructed of course-faced limestone blocks, the house has had additions constructed to it, which are out of character with the original structure. The house has not been lived in for approximately 2 years. As such, the buildings have deteriorated, being in need of rehabilitation if they are to have any hope of being retained for the longer term.

The buildings are recorded to be of “aesthetic and historic” significance at the local level, being on the original Dadley homestead block.

Submission

Mr Dadley ("the applicant") seeks Council's approval to establish a liquid organic fertilizer mixing operation in the existing stone shed on the site while undertaking improvements to the home and gardens to restore them to their "original condition".

The proposed liquid fertiliser mixing operation has been summarised as follows:-

- Installing a 1.5 metre high x 1.5 metre wide, 900 litre fibreglass mixing tank in the stone shed;
- Mixing "organic liquid minerals and vitamins" in the tank using a 1 horsepower electric pump;
- Transferring the mixed product into 10 litre plastic containers;
- One person will operate the mixer, while another may be involved labelling the containers;
- Transporting ingredients/product to and from the site on a car trailer.

The applicant only proposes to operate the use for the duration of his lease with LandCorp, being an initial term of 3 years. LandCorp however have not given a long term commitment to the conservation of the place or the permanency of the proposed use.

The complete application documents, including site plan, list of products and a photograph of the mixer are contained in the Agenda attachments.

The applicant also intends to restore the Heritage Listed dwelling, which he proposes to sub-lease to the manager of the mixing operation. The renovation work is discussed later in this report.

Report

At the close of the 21 day submission period, six (6) submissions were received from nearby and adjoining landowners. Four submissions oppose the application while two are neutral. The issues raised in the submissions are examined in detail and are set out in the Agenda attachment.

The main concerns raised in submissions relate to:

- a) introducing an industrial activity into a Rural Area,
- b) uncertainty about the future Marine Industries Technology Park.

Other key issues to consider relate to:

- a) noise and potential odour,
- b) traffic impacts.

The fundamental aspect of this development application is that 'conservation' work is being proposed, to justify the use as a conservation incentive to retaining the heritage place. The proponent has submitted a schedule from a builder of the proposed restoration work. In order to ensure at the very least that 'conservation' work was to be undertaken (as opposed to basic repair work), a heritage architect was engaged by the City to assess the condition of the house.

A list of conservation works has been identified by the Council's Heritage Architect. The Agenda attachments contain the report provided by Chris Keen, KTA Partnership Architects dated 3 May 2002. Although the report recommends more work to be undertaken to the house than the applicant has proposed, it is important to ensure that the house is being 'conserved' if the mixing operation is to be considered favourably.

Having considered the above, it is recommended that the proposal be approved for the following reasons:

1. The mixing activity is enclosed within the existing shed (no new buildings).
2. The application is unique as it involves the conservation of the heritage building and will not create a precedent for the establishment of industry in a Rural Zone.
3. Despite that the use is light industrial and is not permitted in a Rural Zone, the Council can exercise its discretion pursuant to clause 5.8.9 of TPS2 to give a special approval as a conservation incentive, which in this instance relates to the use of the land, which requires an absolute majority decision.
4. The proposal is generally consistent with the uses to be included in the proposed Marine Industries Technology Park in TPS3. TPS3 is also a seriously entertained planning proposal (public works) which Council can have due regard to.
5. The environmental impacts of the proposal have been assessed in terms of visual, noise, odour and traffic. There is no potential off-site impact. The nearest neighbouring residence is some 80 metres away and all of these matters can be dealt with as conditions of approval.
6. Conservation works will be carried out on the heritage listed residence as a trade-off to the approval of the mixing operations.
7. The limited term of approval sought is for 3 years only which gives a temporary scope to the use.

In summary, given the small scale of the operation, it is considered here the activity can be managed to ensure it will have no adverse impact on either the environment or on adjoining neighbours.

Strategic Plan/Policy Implications

2. Planning Your City

- *‘To ensure that the development will enhance the levels of amenity currently enjoyed by the community.’*

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM1_6_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for May 2002, as attached to the Agenda.

COUNCIL DECISION

That Council:

Background

It is a requirement of the Local Government (Financial Management) Regulations 1996, that a List of Creditors be compiled each month and provided to Council.

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

Nil

17. COMMUNITY SERVICES DIVISION ISSUES

**17.1 (OCM1_6_2002) - PROPOSED CLOSURE OF GOLFING FACILITY
ADJACENT TO BIBRA LAKE (1101399) (DMG)**

RECOMMENDATION

That Council:

- (1) decommission the area adjacent to Bibra Lake, located opposite Adventure World on Progress Drive, currently used as an informal golf range and revert the area to a passive reserve area, and;
- (2) consider allocating \$8,000 on the 2002/03 Municipal Budget to provide for the necessary remedial works to be undertaken in order for the area to be returned to a passive reserve.

COUNCIL DECISION

Background

This issue was deferred from the May, 2002, Council Meeting to enable further consideration to be given to the matter by Elected Members, that they have understood the issues pertaining to public liability and community consultation.

In the 1980's, Council utilised Government provided Grant Funding to construct a public "pitch and putt" golf facility at the south-western corner of Bibra Lake. While the facility was a suitable use of the area for the time, it has become evident more recently that there is potential for hazards to arise as a result of errant golf balls leaving the area and posing risk to the public using the adjacent road and footway.

Submission

To close the area as a golf facility and revert it to passive use public open space.

Report

Since the facility was established close to 20 years ago, a number of factors have contributed to it becoming a less desirable area for this type of use.

Significantly, there has been a decline in public usage of the area over the years. This is probably due to there being adequate alternatives located in near proximity to this area (North Lake and Jandakot facilities provide more modern "pitch and putt" type courses).

As a result of this decline in usage, Council maintenance of the facility is not as regular as would be expected of a higher quality service. The protective fence along Progress Drive is in disrepair, there are no flags to indicate where the greens are and the care and maintenance of the facility is not of a standard associated with a normal golf course.

Of most critical importance, however, is the potential for conflict between users of the course and members of the public who use the adjoining dual use path and Progress Drive. Use of those public thoroughfares has increased significantly in recent years to the extent that Council has received reports of errant golf balls straying from the course area, creating a potential hazard for passing pedestrians, cyclists and vehicular traffic. Associated with this conflict, of course, is the threat of litigation being brought against Council in the event that a person or personal property is hurt or damaged as a result of contact from an errant golf ball being hit by a user of the course.

Taking these three factors – low usage, low maintenance and potential liability risk – it is considered that Council should take steps to close the area as a golf facility and revert it to an area reserved for passive public pursuits.

For this to occur, it is proposed to remove the wire mesh fence which separates the grassed area from the public thoroughfare (road reserve) and undertake some minor landscaping works which would eliminate any connection between the proposed usage and that of a golf facility.

Prohibition signs would be erected, enabling Council Rangers to effectively patrol the area, in case any members of the public continue to practice golf at the site.

Strategic Plan/Policy Implications

Key Result Area – "Providing an optimum range of community services" refers.

Budget/Financial Implications

Estimated \$8,000 to revert the area to passive use public open space. Cost provided by Parks Service Unit, which will undertake the remedial work.

Implications of Section 3.18(3) Local Government Act, 1995

Adequate alternative golf facilities are located a short distance away in Baker Court, North Lake and Hope Road, Jandakot.

17.2 (OCM1_6_2002) - MARKETING POSITION STATEMENT (1077) (CHE)

RECOMMENDATION
That Council establish a working party comprised of Elected Members _____ and _____ and Council staff appointed by the Chief Executive Officer, to develop a position statement for use in a future marketing campaign to promote the district.

COUNCIL DECISION

Background

Council has over the past years been utilising promotional campaigns to attract new residents, tourists and business to the District. There has however not been a slogan or position statement to be the focus of marketing campaigns. The position statement will highlight the unique and appealing nature of the City.

Submission

N/A

Report

The City's mission statement – “to make Cockburn the place to live, work and visit in the metropolitan area” – is broad. This mission statement has meant our current branding campaign has to cover a number of topics, including investment; safety; tourism; environment; and housing.

What is needed is a position statement that reflects the nature or character of the City. The position statement would not replace the mission statement or key result areas. The position statement complements the mission statement and provides a slogan on which future marketing campaigns will be centered.

Some examples of position statements used by other Local Governments are:

Bunbury – Living the Vision

Fremantle – Very Freo

Stirling – City of Choice

Joondalup – Creating the Future

Swan – Let's make it Happen

Armadale – City Living Country Style

In order to create a position statement that reflects what is unique about Cockburn, it is proposed that a working party be established consisting of Elected Members and staff to consider the matter and draft position statement(s) for consideration by Council. The working party will also be involved in the development of the strategies to arrive at the recommended statement for Council.

Strategic Plan/Policy Implications

The development of a marketing position statement assists to enhance the achievement of the City Mission

Budget/Financial Implications

Program will be covered within the existing budgets.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

17.3 (OCM1_6_2002) - COOGEE BEACH SURF LIFE SAVING CLUB (8004) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) supports the Coogee Beach Surf Life Saving Club taking responsibility of the area of the beach between the Woodman Point Jetty to James Rock in accordance with the requirements of the Western Australian Surf Life Saving Association;
- (2) approves the Coogee Beach Surf Life Saving Club having use of the old First Aid Room on Powell Road, Coogee provided that it takes responsibility for all service costs, minor internal and external maintenance including cleaning of the building;
- (3) supports the proposed location for the Coogee Beach Surf Life Saving Club rooms as per the attached plan on the understanding that the Club will seek all the necessary approvals for the construction of the facilities to proceed;
- (4) allocate for consideration on the 2002/03 budget a sum of up to \$32,000 for the purchase of essential equipment for a Surf Life Saving Club, approved for purchase by Council, provided that the Council contribution is matched on a dollar for dollar basis with other funds and the equipment is only used by the Coogee Beach Surf Life Saving Club unless the City approves the use by another organisation, is capable of being securely stored at Coogee Beach and is returned to Council in the event that the Club ceases to operate; and
- (5) advises the Coogee Beach Surf Life Saving Club that Council is:
 1. prepared to give consideration to contributing up to a maximum of \$300,000, subject to Budget constraints on a dollar for dollar basis for the construction of surf club rooms on Coogee Beach provided that all necessary approvals have been gained and the Club membership is in excess of 400 members for two successive years;
 2. not prepared to support the inclusion of a public restaurant within the proposed facility.

COUNCIL DECISION

Background

Following community interest shown in the formation of a Surf Life Saving Club from a survey conducted at the Coogee Beach Party held in 2001, a group has recently been formed. The Coogee Beach Surf Life Saving Club Steering Committee which has probationary affiliation

with Surf Life Saving Western Australia (SLSWA), has finalised a constitution. On the 14th of May 2002 a Board of Directors was elected and the group formally constituted.

The Club has, through Surf Life Saving Western Australia, been given responsibility for the area between Woodman Point to James Rocks within the City of Cockburn.

Submission

In a written submission forwarded to Council the Club seeks approval and support for the following:

- To provide lifesaving services along the beachfront, and the jetties of Coogee Beach and Woodman Point within the City of Cockburn borders of Woodman Point Jetty to James Rocks on Owen Anchorage,
- To use the Council owned building in Powell Rd. Coogee Beach, as a temporary training and equipment storage area, until a permanent Club facility is available on the Coogee Beach beachfront,
- To assist the Club in identifying a location on the Coogee Beach beachfront, for the provision of a permanent amenities building, suitable for the provision of lifesaving services,
- To provide financial assistance of up to \$35,000 in 2002/2003, to assist in the establishment of the Club, and the purchase of essential rescue equipment and training aids.

In the submission presented by the Club it is anticipated, based on the level of community interest and demographic profiles of other areas similar to Cockburn, that it will have in their first year 120 members, growing to 600 to 800 members within 5 years and will continue to grow to 1000 members by 2010. The Club states that it will make a significant contribution to the City of Cockburn community through:

- The provision of a safer, more enjoyable beach
- The delivery of volunteer beach patrols; surveillance, protection, first aid, paramedical and rescue services
- Offering educational and training courses in surf/water rescue, first aid and resuscitation to members of the community.
- Providing a new range of recreational and sporting opportunities for the junior and youth members of the community.
- Offering programs and leadership development,

- The provision of sustainable, safe and enjoyable activities, for males and females junior and youth members, as a feeder system into becoming surf lifesavers.
- Offering sport as a major incentive for the community to join, refining lifesaving skills and techniques, and members to stay fit and involved. Offering youth of the district a healthy sporting and social involvement, which will foster the values of team spirit, family participation, health, fitness and achievement of personal goals,
- Adding a new dimension to the provision of community services within the city of Cockburn,
- Supporting SLSWA in the provision of a Sun Smart School and Community Education Program, and a professional Lifeguard Service.

Report

Prior to commitment to any individual request from the Club it is logical for Council to determine the level and extent of its commitments to the Club over time. It is most likely that as the Club grows it will soon outgrow the small first aid rooms it is requesting the use of. There is likely then for a larger specific Surf Life Saving facility to be required. The Club ought to be given a clear indication from Council as to the level of support it will provide and the possible location of any new facility.

All coastal local authorities (other than Kwinana) within the metropolitan area of Perth have Surf Life Saving Clubs within their municipal area. These clubs tend to have memberships of between 800 and 1200 and provide a valuable community life saving service on the beach area for which they have jurisdiction. Besides the safety aspect, they also provide an important social and recreational activity for young people and their families.

The Coogee Beach does not have a significant surf risk. As the beach becomes more popular there will undoubtedly be some community pressure to have an increased presence of rangers or some one with authority to control anti social activity on the beach. The presence of a Surf Life Saving Club on Coogee Beach could be an effective and community participation means by which to address these long-term issues.

In respect to the specific points in the submission from the Coogee Beach Surf Life Saving Club the following comments are made:

- The Council has a long term interest in supporting the area of beach between Woodman Point to James Rock for the purposes of

Surf Life Saving as coming under the jurisdiction of the Coogee Beach Surf Life Saving Club.

- The old first aid rooms on Powell Road have been used on an informal basis by the Coogee Beach Surf Life Saving Club for a number of months. As there appears to be no better use of this building the arrangement for the use of this building by the Club should be formalised with an agreement being established for the Club to use the building and to be responsible for all service costs and minor maintenance.
- The Club will require initial funding to assist in purchasing essential capital items necessary for it to carry out its functions. It is proposed that the Club provides detail of this equipment to Council prior to Council approving funding of such items to ensure an inventory of Council provided items can be kept, to enable the items to be recovered in the future, should the Club cease.
- A request has been made for the City to assist in finding a suitable site for the future location of facilities. This is a somewhat complex issue. All the beach front reserve area in the vicinity of the Coogee jetty and parking area is reserved for recreational purposes and on simple land vesting grounds could be used to establish a surf life saving clubrooms. There is great difficulty in however, establishing a commercial/food outlet activity on the reserve. Such an approval would require a decision of the State Parliament. There is also great deal of difficulty in having any buildings placed upon the reserve due the environmental sensitivity of the coastal dunes. This matter would require a detailed and rational argument and probably a great deal of political will at the State Government level to gain approval for any structures on the dunes. The difficulty in having a commercial activity included in the structure would be even more problematic.

The cost of a complete Surf Club building with entry roads, storage areas, tower, clubrooms and kiosk/restaurant will be in the vicinity of \$3 million. A building excluding the kiosk/restaurant is likely to cost in the vicinity of \$1 million. These figures are indicative only and a great deal of detailed work would be required to get a more accurate figure. To use the provision of new club/change rooms for a sporting club on a reserve as a benchmark a Council contribution of up to \$300,000 towards a club facility with a membership of 400 would be reasonable. With the expected figures of membership provided, this membership is anticipated to be reached by 2006.

Council has already made a commitment to progress the development of the kiosk/cafe on the Powell Road Reserve. The Club has indicated that they require a kiosk/restaurant to make the operation of the facility and the Club viable without significant outside funding. It would be difficult to justify the Council contributing to the construction of a

kiosk/café and another surf life saving facility also with a kiosk/café/restaurant.

Strategic Plan/Policy Implications

Facilitating a range of services responsive to the needs of the community. Currently, this proposal is in line with Council's practice of providing base facilities for community organisations to become established in the District.

Budget/Financial Implications

There is a request for \$35,000 for 2002/03 toward the purchase of equipment for the Club, which is expected to be at least matched by funds from other sources. However, under Community Grants the Association was provided with \$3,155 towards its establishment.

Subject to the Club meeting its membership targets and Budget constraints Council would consider contributing up to \$300,000 toward the cost of clubrooms for the surf club.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

17.4 (OCM1_6_2002) - WATSONS RESERVE CLUB ROOMS UPGRADE (3209779) (AJ)

RECOMMENDATION

That Council allocate an additional sum of \$25,000 for the upgrade of the Watsons Reserve club rooms with funds to be drawn from the Community Facilities Reserve Fund provided that the Southern Spirit Soccer Club enters a lease arrangement for the control, operation and maintenance of the facility.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

At the 2001/02 budget allocation, Council approved \$80,000 for the upgrade of the Watsons Reserve Clubrooms. This included an amount

of \$15,000 to upgrade and refurbish the kitchen facilities and \$65,000 to build change rooms and storage.

The two primary sporting clubs at Watsons Reserve are the Southern Spirit Soccer Club and Phoenix Park Little Athletics Club.

Submission

For the past several years there has been discussions between Council Officers and members of the Southern Spirit Soccer Club on an upgrade of the facilities. The Club has recently written to the City inquiring why the works budgeted for this financial year have not proceeded to date.

Report

The initial intention of the upgrades was to build two change rooms of approximately 60m² onto the existing facility along with an upgrade of the kitchen facilities. This was a direct result of requests from the incumbent sporting clubs to create change rooms to allow the main hall to be used as clubrooms and would also allow for a greater variety of social activity and events at Watsons Reserve. It would also allow the home teams and away teams to have their own change rooms without requiring all other patrons to vacate the facility as the main hall is currently being used as change rooms during the winter season.

On the approval of the 2001/02 budget a detailed design and estimate was commissioned from Vernon Design and Drafting which included a more integrated and holistic design with some minor changes from the original concept.

On detailed analysis and design the cost estimate for the work increased by \$25,000 due mainly to the need to provide a disabled access toilet and the identification of problems of building design due to the location of septic tanks. The cost of painting, usually a maintenance item was included to provide for a totally refurbished and attractive building. It is a mandatory requirement for a disabled toilet to be included in any major upgrades or refurbishment.

Currently there are 32 playing members at the Southern Spirit Soccer Club and 75 members of the Phoenix Park Little Athletics Club. The potential growth on usage for Watsons Reserve can increase to 50 for soccer and up to 150 for the little athletics. Watsons Reserve has the potential to have increased usage and its proximity to Edwardes Park gives scope for substantial increase in usage over the two reserves. An upgrade of the basic facilities on Edwardes Park would be difficult to justify, as it has no parking areas and is a considerable distance from any road.

There is capacity for both the Southern Spirit Soccer Club and the Phoenix Park Little Athletics Club to increase in numbers. The field is being used at about 2/3 of its potential capacity as determined by the City's Parks Department.

The upgrade of the Watsons Reserve clubrooms can be considered in the context of the other active reserves in the area. Beale Park is operating beyond the ground capacity. Santich Park has a comfortable level of usage near capacity but has Australian Rules as it is winter sport. The South Coogee oval has no building infrastructure to speak of and is likely to be reduced in size with the realignment of Russell Road.

Strategic Plan/Policy Implications

Facilitating the needs of your community.

Budget/Financial Implications

The 2001/02 budget has an allocation totalling \$80,000 for the upgrade of the Watsons reserve Clubrooms with a further \$25,000 required to carry out the works to meet current requirements.

Implications of Section 3.18(3) Local Government Act, 1995

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

21. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

24.1 (OCM1_6_2002) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

RECOMMENDATION

Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (a) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (b) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (c) managed efficiently and effectively.

COUNCIL DECISION

25. CLOSURE OF MEETING

Nil

