

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 FEBRUARY 2007 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 8 FEBRUARY 2007 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Ms L Goncalves	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mrs B. Pinto	-	Secretary/PA to Director, Finance & Corporate Services
Mr N. Evans	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.03 pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (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 AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 08/02/2007) - PUBLIC QUESTION TIME

Chris Thomson, Herald Publishing, Fremantle

Mr Thomson referred to an advertisement of the Corruption and Crime Commission, which appeared in the Cockburn Gazette this week.

Q1. Has Mayor Lee and any City of Cockburn Councillor been summonsed to appear before an upcoming hearing of the Corruption and Crime Commission?

A1. Mayor Lee replied that any enquiries or investigations by the Corruption and Crime Commission whether real or unreal are not things he would comment on in these Chambers. Mayor Lee suggested to Mr Thomson that should he have any queries regarding this matter, to contact the Corruption and Crime Commission.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 3371) (OCM 08/02/2007) - ORDINARY COUNCIL MEETING - 11/01/2007

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 11 January 2007, be adopted as a true and accurate record.



COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 10/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

9.1 (MINUTE NO 3372) (OCM 08/02/2007) - APPLICATION FOR LEAVE OF ABSENCE - CLR OLIVER (1705) (DMG)

RECOMMENDATION

That Council grants leave of absence to Clr Oliver from attending the Ordinary Council meetings scheduled for 8 March and 12 April 2007.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 10/0

Background

By advice received by the Chief Executive Officer on Monday, 15 January 2007 Clr Oliver has requested leave of absence from Council for the Council meetings to be held in March and April 2007.

Submission

To grant Clr Oliver leave of absence from attending Council meetings, as requested.

Report

Council may grant leave of absence to members, thus enabling them not to attend Council meetings for a period up to and including 6 consecutive Ordinary Council meetings. Clr Oliver's application is to cover the next two meetings scheduled for 8 March and 12 April 2007.

Strategic Plan/Policy Implications

Governance Excellence



- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*

Budget/Financial Implications

N/A

Legal Implications

Sec. 2.25 of the Local Government Act, 2005 refers.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER

Nil



13. COUNCIL MATTERS

13.1 **(MINUTE NO 3373) (OCM 08/02/2007) - PERTH AIRPORTS MUNICIPALITIES GROUP (1212) (DMG)**

RECOMMENDATION

That Council:

- (1) decline the invitation of the Perth Airports Municipalities Group Chairman to join the group; and
- (2) advise the Perth Airports Municipalities Group accordingly.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr V Oliver that the matter be deferred to a future Council Meeting.

CARRIED 10/0

Reason for Decision

Clr Allen mentioned that it has been several years since a City of Cockburn Councillor had attended a meeting. He and Clr Oliver wished to attend a meeting on an 'observer' basis, so as to be in a position to report back to Council if the membership is a good proposition and a relevant one, mainly for the purposes of informing Council of the many issues involving the Jandakot Airport.

Background

The Perth Airports Municipalities Group (PAMG) is constituted primarily

- “(1) to provide a forum for meaningful discussion on issues which affect metropolitan airports and their environs;*
- (2) to investigate, report and formulate recommendations in respect of matters affecting or likely to affect the development of these airports; and*
- (3) to monitor their use and environmental impact on neighbouring communities.”*

The City of Cockburn was a member of PAMG for at least 7 years.

At the Ordinary Meeting of Council held on 15 October 2002, Council resolved to:-



- “(1) *withdraw from membership of the Perth Airports Municipalities Group; and*
- (2) *advise the Perth Airports Municipalities Group accordingly”.*

This decision was reaffirmed by Council at its meeting held on 18 March 2003.

Submission

On 2 January 2007, the Mayor of Belmont, Councillor Glenys Godfrey, wrote to Council requesting the City of Cockburn consider joining PAMG. Councillor Godfrey is also the chairperson of PAMG.

Report

The business dealt with by the PAMG is predominately Perth Airport related and not relevant to the City of Cockburn.

In recent years, the Jandakot Airport Community Consultative Committee (JACC) has provided a more relevant forum for addressing matters related to Aircraft noise and airport related issues affecting the City of Cockburn.

It is therefore not recommended that Council seeks membership of the Perth Airports Municipalities Group.

Should Council prefer to rejoin PAMG, the following alternative recommendation may be useful for consideration:

That Council:

- (1) *renew its membership of the Perth Airports Municipalities Group;*
- (2) *nominate (Elected Member) _____, as delegate and (Elected Member) _____, as deputy delegate; and*
- (3) *advise the Perth Airports Municipalities Group accordingly.*

Meetings are held on a quarterly basis at the offices of member Councils on rotation, plus an Annual General Meeting.

Strategic Plan/Policy Implications

Governance Excellence

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*



Budget/Financial Implications

Annual membership fees are \$500.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

PAMG has been advised that the matter will be considered by Council at its meeting to be held on 8 February 2007.

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3374) (OCM 08/02/2007) - CLOSURE OF PORTION OF STRATTON STREET, HAMILTON HILL - APPLICANT: DEPARTMENT OF HOUSING AND WORKS (450031) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) request the Minister for Planning and Infrastructure close portion of Stratton Street, Hamilton Hill adjoining house numbers 29, 31 and 33, pursuant to Section 58 of the Land Administration Act 1997, subject to the Department of Housing and Works lodging a bond of \$5,000 to cover the cost of a replacement footpath; and
- (2) advise owners of the adjoining land, being the Department of Housing and Works, of Council's decision.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

The adjoining land to the proposed portion of road closure (house numbers 29, 31 and 33 Stratton Street, Lots 1, 2 and 3 on Diagram 21838) consist of 3 lots, each only 7.5 metres wide. These lots were created in 1956 and intended for attached local shops. The subdivision created a step of 3 metres in the street alignment presumably to facilitate vehicle parking at the front of these Lots.

Submission

The Department of Housing and Works has written to the City requesting that the (3) three metre wide portion of road reserve adjoining Lots 1, 2 and 3 be closed.

Report

Lots, 1, 2 and 3 are vacant lots and would appear to have been vacant since originally being created for shops in 1965. The (3) three metre wide step in the road frontage is therefore not required. The Department of Housing and Works intend amalgamating the three lots with the portion of road closure and redevelop the resultant land for residential purposes.

The Department of Housing and Works have undertaken to re-establish the footpath on the roadside of the new road frontage following the completion of any construction undertaken on the site. They are agreeable to lodging a bond for the estimated cost of replacement footpath, until it is constructed.

The proposal was advertised in the Herald newspaper and at the conclusion of the consultation period no submissions were received.

All of the Service Authorities have been contacted and their responses received. These responses do not include any objections to the closure.

Following Council's resolution the request will be forwarded to State Land Services. The closed road portion will be revested to freehold land and sold to the Department of Housing and Works, conditional on the land being amalgamated with Department of Housing and Works' land. It is anticipated that the Department of Housing and Works will



have applied for and received Western Australian Planning Commission approval to amalgamate the adjoining 3 lots, to facilitate/incorporate the closure.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

All costs will be covered by Department of Housing and Works

Legal Implications

Section 58 of the land Administration Act 1997 refers

Community Consultation

The proposal was advertised in the Herald newspaper. No objections were received.

Attachment(s)

Site Map

Advice to Proponent(s)/Applicant

The Proponent(s) has been advised that the matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.2 (MINUTE NO 3375) (OCM 08/02/2007) - SALE OF PORTION OF LOT 379 PHOENIX ROAD, HAMILTON HILL - OWNER: CITY OF COCKBURN - APPLICANT: DEPARTMENT OF HOUSING AND WORKS (2200584; PHOENIX) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the offer of \$1,800 exclusive of GST from B J Healy for the purchase of 60m² of Lot 379 Phoenix Road, Hamilton Hill;
- (2) accept the offer of \$1,800 exclusive of GST from M and S Galati for the purchase of 60m² of portion of Lot 379 Phoenix Road,



Hamilton Hill;

- (3) accept the offers for the above, subject to portions of land in 1 and 2 above being amalgamated with the purchasers adjoining land and all costs associated with the amalgamation plus legal costs being borne by the purchasers; and
- (4) transfer the proceeds of the sales to the Land Development Reserve Account.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

Lot 379 was created in 1996 when the former pedestrian access way was purchased from the Crown and amalgamated with a City of Cockburn freehold lot. It was anticipated that closure and purchase of the former pedestrian access way would make it easier to dispose of sections of the redundant former pedestrian access way to adjoining landowners.

Submission

The owners of Lot 161 and 162 have made written offers to purchase the subject land for \$1,800 plus GST and have undertaken to meet all costs associated with the WAPC amalgamation, survey and transfer costs.

Report

A valuation report by Licensed Valuer Jeff Spencer determined the land portions to have values of \$1,800. Section 3.58 of the Local Government Act 1995 classifies as exempt a disposition where the land is disposed to an adjoining owner and its market value is less than \$5,000 and the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee.

The subject land portions only have value to the adjoining owners. Owners in Jamy Place could have gained some value from the disposition land but due to the lesser lot widths of these lots, the usefulness of the additional land is of a lesser degree. It is not



considered to be of significant benefit to the Jamy Place adjoining owners.

The valuation report states in part that:

- The land upon acquisition will only enhance their lot sizes to a more spacious dimension and will not allow higher density development.
- The subject land is at the rear with a fall in contour, which would typically incur a level of discount.
- The closure of this former pedestrian accessway is consistent with the Southwell Master Plan adopted by Council at its meeting held on 10 November 2005.

Lots 161 and 162 are zoned 'Residential' with an R20 density coding. Both lots are only 809m² in area and even with the inclusion of the adjoining 60m², would still be insufficient in size to be redeveloped for anything greater than a single dwelling.

Following Council's resolution the owners will engage a Licensed Surveyor to complete Western Australian Planning Commission application and preparation of Survey Plans to facilitate the amalgamation of the purchase land portions with Lots 161 and 162.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

Funds will be transferred to the Land Development Reserve Fund.

Legal Implications

Section 3.58 of the Local Government Act 1995 refers.

Community Consultation

N/A

Attachment(s)

Site Map



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.3 (MINUTE NO 3376) (OCM 08/02/2007) - PROPOSED COMMERCIAL/RESIDENTIAL DEVELOPMENT - LOT 168 (NO. 81) QUILL WAY, HENDERSON - OWNER: AMBERBEST PTY LTD - APPLICANT: ROSS MCDONALD ARCHITECTS (3316657) (TW) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse to grant its approval for Residential/Commercial development on Lot 168 (81) Quill Way, Henderson for the following reasons:-
 1. The proposed residential component of the development is in direct conflict with the objectives of the Industrial Zone stated in the City of Cockburn's Town Planning Scheme No.3, which surrounds the subject lot zoned "Local Centre". The objectives of the Industrial Zone are "to provide for manufacturing industry, the storage and distribution of goods and associated uses, which by their operations should be separated from residential areas." (Part 4.2.1. TPS No.3).
 2. The proposed residential component of the development is inconsistent with the objective of the Local Centre Zone in the City of Cockburn's Town Planning Scheme No.3 which is to provide for convenience retailing, local offices, health, welfare and community activities which serve the local community.
 3. The proposed residential component of the development is centrally located within the Australian Marine Complex (AMC), which is reflected as a Special Use Zone in the City of Cockburn's Town Planning Scheme No.3, and is therefore in direct conflict with existing and future marine engineering, shipbuilding and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry and marine engineering.



4. The proposed residential component of the development is within the Woodman Point Waste Water Treatment Plant (WPWWTP) Buffer. The proposal may be affected by odour impacts from the Waste Water Treatment Plant, which would also impact on the amenity of future residents.
 5. The proposed residential component of the development is within the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy area, which identifies the potential degraded air quality. According to the Department of Environment, the air quality in this area is managed to levels appropriate to an industrial zone and it is not suitable for residential development.
 6. The proposed residential component of the development is in conflict with the draft statement of planning policy, which precludes residential development within the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy area.
 7. The proposed residential component of the development does not comply with the Environmental Protection Authorities Guidance for the Assessment of Environmental Factors: Separation Distances between Industrial and Sensitive Land Uses.
 8. The proposed residential component of the development is in the vicinity of at least one major hazard facility of the Australian Marine Complex (Air Liquide's acetylene plant) and would significantly affect their risk planning for the area by the Fremantle Ports Authority.
 9. The introduction of residential landuse has the potential to limit future industrial activities in the area due to the potential for industrial offsite impacts on the amenity of future residents associated with light, fumes, dust, noise, odour and public safety.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal but not issue a decision pursuant to the Metropolitan Region Scheme;
 - (3) refer the application to Commence Development to the Western Australian Planning Commission for a decision pursuant to the Metropolitan Region Scheme advising of the Councils refusal under City of Cockburn's Town Planning Scheme No.3 and that it is of the opinion under the notice of delegation that the application should be determined by the Commission on the

- grounds that the proposal is within an area of State Significance and is in the public interest due to the impact of the proposal on the Australian Marine Complex;
- (4) advise the applicant and those departments whom made a submission of Council's decision accordingly; and
 - (5) instruct the Director of Planning and Development to prepare a report for the next Council meeting to amend the City of Cockburn's Town Planning Scheme No.3 to preclude residential development and residential accommodation on the subject property.

COUNCIL DECISION
 MOVED Clr K Allen SECONDED Clr I Whitfield that Council not consider this item at this time and it be deferred to a future meeting.

CARRIED 10/0

Reason for Decision

To allow the applicant additional time in which to discuss the various State Government Agencies' concerns and determine whether they can be adequately addressed.

Background

ZONING:	MRS:	Industry
	TPS3	Local Centre (Special Use 2)
LAND USE:	Hotel/Tavern and Commercial	
LOT SIZE:	18,472m ²	
USE CLASS:	Multiple Dwellings – P Hotel – A Shop - P Office – D	

21 May 2003 – Approval granted for a proposed Hotel and Commercial Offices – Determined under delegated authority.

- The proposal incorporated a hotel/tavern as well as commercial and retail facilities within lot 168 Quill Way. The proposal was intended to service the surrounding industrial development and provide a entertainment and commercial focal point for the Henderson Industrial Area.



23 February 2005 – Renewal of approval granted for a Hotel and Commercial Offices – Determined under delegated authority.

- This proposal was the same as the approval granted on the 21st of May 2003. The applicant renewed the approval as the two-year expiry period was approaching.
- Two special conditions were added to this approval. The first limited guests and employees of the proposed hotel to short-term stay. The second instructed the applicant to place a notification on the Titles notifying future residents and customers that the proposed development is within the *Woodman Point Waste Water Treatment Plant Buffer* and the *Kwinana Environmental Protection (Air Quality Buffer)* and the proposed development may be affected by odour emissions.

Submission

The applicant has provided the following justification in support of the proposal which has been summarised accordingly:-

Features of the proposal

- The existing tavern and motel buildings are proposed to be demolished. The existing single story commercial building will be relocated, and the existing two-storey office building will be upgraded.
- The proposed new development includes two apartment buildings, comprising 108 apartments in total. One building will be five storeys in height, the other four. Both buildings will have a pool, gym and entertaining area.
- The proposed development also includes new shopping buildings and a new two-storey office building.

Justification for the proposal by the applicant

- The proposed buildings will be designed to protect residents from the impacts of noise from the surrounding industrial area. The residential buildings will be designed to the recommendations of an acoustic report commissioned by the applicant.
- Dingle & Bird Environmental prepared a report in relation to possible air quality and odour issues from the sewerage works and other surrounding industrial activities. The report found that no adverse conditions exist on the subject site and that conditions will only improve in the future.



- Existing businesses in the Henderson Industrial Area have expressed interest in the proposed development to accommodate and serve persons associated with the surrounding industrial area.
- Potential residents will be notified of the possible impacts of noise and odour.
- Air conditioning will be installed in the residential and commercial buildings to further protect against odour.
- A nearby business involved in the open air servicing of submarines is relocating to a new indoor facility, which will further improve air quality.
- The proposed development will be marketed towards local workers. The proposal will be less attractive to families and tourists, due to the location being within an industrial area.

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

Responses from Government Agencies

The application was referred externally to the Water Corporation, Department of Environment, Fremantle Ports Authority, and the Department of Industry and Resources. The following summarises the responses received from the Departments.

Water Corporation

- The Water Corporation were initially opposed to the proposal, as the development is within the Water Corporation's Waste Water Treatment Plant (WWTP) Buffer. In the Water Corporation's view, residential development is not a compatible land use within this buffer area.
- A second response, however, conditionally supported the proposal. The conditions entailed: offering temporary accommodation only, providing no opportunity for the strata subdivision of individual units, and placing a notification on the Titles drawing attention to any possible odour impacts from the Waste Water Treatment Plant.
- The Corporation sited a technical discrepancy in relation to the odour buffer contour lines in the report prepared by Dingle & Bird Environmental.
- The conditions recommended by the Corporation are intended to address long-term residency, and to remove the responsibility from the Council and the Corporation against possible future complaints in regard to odour. The reasoning being, that if people only stay



short-term, they are more likely to endure with any affects from odour.

Department of Environment

- The Department of Environment were strongly opposed to the proposal for the following reasons:
- The proposed development is within the Woodman Point Waste Water Treatment Plant (WPWWTP) Buffer. The proposal may be affected by possible odour impacts from the Waste Water Treatment Plant.
- The proposed development is within the Environmental Protection (Kwinana) (Atmospheric Wastes) Policy (Kwinana EPP) area, which has the potential to degrade air quality.
- Residential amenity may be affected by 24-hour noise created by surrounding heavy marine industry.
- The Department of Environment also sited various technical discrepancies in relation to the odour buffer contour lines and the odour monitoring testing periods in the report prepared by Dingle & Bird Environmental.

Fremantle Ports Authority

- Introducing residential uses has the potential to affect risk planning in the industrial area.
- Introducing residential uses has the potential to limit future industrial activities in the area.

Department of Industry and Resources

- Introducing residential uses has the potential to limit future industrial activities and compromise existing activities in the area on public safety grounds.
- The proposed development would be in the vicinity of at least one major hazard facility of the Australian Marine Complex (Air Liquide's acetylene plant).

Report

The subject land is zoned Local Centre (Special Use 2) under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application, with the exception that Multiple Dwellings are permitted in the City of Cockburn Town Planning Scheme No 3. Normally,



residential use would be acceptable on this basis, but the following report outlines significant concerns with the proposal.

Setting

The subject land is centrally located within the Henderson Industrial Area, providing easy access to services, and to service the surrounding heavy industrial uses. The industrial uses within the area are associated with the marine industry and by their nature, generally comprise large-scale industrial activities.

Responses from Government Agencies

The proposed development comprises mixture of residential and commercial uses to predominantly service the surrounding industrial area.

Similar approvals have been granted in the past for Hotel and Commercial development. The issues of odour and amenity were to be controlled by notifications on titles and limiting stay periods. However, the Council should attempt to avoid land use conflicts rather than be satisfied with merely warning potential residents and by doing so removing responsibility away from the Council.

The majority of Departments consulted with the exception of the Water Corporation, were in strong opposition to the proposed development.

The proposed development is within two buffer areas. Residential development within these buffer areas is considered an unsuitable use. Both the Department of Environment and the Water Corporation are not convinced with the noise and odour testing carried out by the applicant. There is reason to doubt whether the applicant can address the issues of noise and odour affectively.

The proposed development conflicts with surrounding land uses in the area. Not only will the proposed residential amenity be affected by the surrounding industrial activity, the potential exists for industrial activities to be affected by proposed residential development. The primary role of the industrial area is to provide for marine related industrial activities. The proposed residential development is considered to, and is likely to compromise existing and future industrial activities.

Recommendation

It is recommended that Council refuse the application for Residential/Commercial development on Lot 168 (81) Quill Way, Henderson



Strategic Plan/Policy Implications

Demographic Planning

- *To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.*
- *To ensure development will enhance the levels of amenity currently enjoyed by the community.*

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes
APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
Planning and Development Act 2005
State Administrative Tribunal Regulations

Community Consultation

The application was referred externally to the Water Corporation, Department of Environment, Fremantle Ports Authority, and the Department of Industry and Resources.

Attachment(s)

- (1) Location
- (2) Site Plan and Elevations
- (3) Applicant's justification
- (4) Responses from Government Agencies

Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.



14.4 (MINUTE NO 3377) (OCM 08/02/2007) - FINAL ADOPTION OF AMENDMENT NO. 18 TO TOWN PLANNING SCHEME NO. 3 - RESERVE 39181 BARTRAM ROAD, SUCCESS - OWNER: DEPARTMENT OF AGRICULTURE - APPLICANT: MGA TOWN PLANNERS (93018) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt Amendment No. 18 to Town Planning Scheme No. 3 subject to the scheme amendment report being modified to include the text amendments recommended by the Water Corporation as contained in the Schedule of Submissions and in anticipation of the Hon. Minister’s advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (2) adopt the structure plan subject to the following modifications:-
 1. Include the whole portion of the proposed road within a road reserve (to be shown as “white” on the structure plan); and
 2. Include the portion of land marked “Landscaped Drainage” within a Local Reserve – Lakes and Drainage.
- (3) advise the submissioners of Council’s decision accordingly.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Urban Deferred Region Reserve – Other Regional Roads
	TPS3:	Public Purposes – Department of Agriculture Development Area 8 Development Contribution Area 2
LAND USE:	Previous Apiary Site	
LOT SIZE:	5.6471 ha	



Council at its meeting held 13 July 2006 initiated Amendment No. 18 to Town Planning Scheme No. 3 and associated structure plan for the purpose of public consultation.

Submission

It is proposed to amend Town Planning Scheme No.3 by rezoning Reserve 39181 Bartram Road, Success from 'Public Purposes' to 'Development' Zone (Development Area 28) and Development Contribution Area 2 in order to facilitate appropriate residential, commercial and mixed business subdivision and development of the site.

A copy of the proposed amendment map and structure plan is included in the Agenda attachments.

Report

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the *Environmental Protection Act* but did provide advice and recommendations relating to acid sulfate soils, flora, fauna, stormwater and groundwater. Refer to schedule of submissions contained with the Agenda attachments.

The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days.

Community Consultation

The City received 3 submissions in respect to Amendment No. 18, with submissions from Water Corporation, Western Power and Development Planning Strategies on behalf of Gold Estates of Australia Pty Ltd.

The submission from Gold Estates made comments regarding the responsibility of the developer of Reserve 39181 to construct the round-a-bout at the intersection of Bartram Road and the proposed subdivisional road. This comment is acceptable to the City, as the proposed development of Reserve 39181 will generate the need for a controlled 4-way intersection at Bartram Road and the proposed subdivisional road and as such the subdivider/developer of Reserve 39181 should be wholly responsible for the cost and construction of this round-a-bout.

Gold Estates also made comment with respect to the impact the commercial uses may have on surrounding residential land. The use of



the Local Centre and Mixed Business sites will be subject to the Environmental Protection (Noise) Regulations 1997, with respect to noise emissions and operating hours. Controlling vehicular access points, landscaping, building orientation etc at the development approval stage could further reduce the impacts of commercial activities on the site.

It is considered that the submissions do not require explanation over and above that outlined in the Schedule of Submissions.

Conclusion

It is recommended that the Council proceed with the final adoption of Amendment No. 18 subject to the scheme amendment report being modified in accordance with the recommendations contained within the Schedule of Submissions and the adoption of the associated structure plan and refer it to the Western Australian Planning Commission for final consideration.

Strategic Plan/Policy Implications

Demographic Planning

- *To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.*

Governance Excellence

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*

Natural Environmental Management

- *To ensure 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:

APD4 Public Open Space

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Regulations
Town Planning Scheme No. 3



Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 18 concluded on 8th December 2006. At the close of advertising, 3 submissions were received.

Refer to the Schedule of Submissions contained in the Agenda attachments.

Attachment(s)

- (1) Site Plan
- (2) Amendment Map
- (3) Structure Plan
- (4) Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.5 **(MINUTE NO 3378) (OCM 08/02/2007) - FINAL ADOPTION OF AMENDMENT NO. 13 TO TOWN PLANNING SCHEME NO. 3 - VARIOUS LOTS FARRINGTON ROAD, NORTH LAKE - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93013) (MD) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt Amendment No. 13 to Town Planning Scheme No. 3 without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (2) advise the submissioners of Council's decision accordingly.



COUNCIL DECISION

MOVED Cllr V Oliver **SECONDED** Cllr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

Council at its meeting held 9 November 2006 resolved to adopt modifications to Amendment No. 13 for the purpose of advertising.

Submission

The scheme amendment documentation has been revised in accordance with the WAPC requirements and proposes the following changes to the Scheme: -

1. Amend the Scheme boundary to reflect the new District boundary (refer to attached legal description).
2. Include a Special Use Zone ("SU3") over Lot 4065 Farrington Road on Plan 191259 and Lot 4066 Farrington Road on Plan 191260 and Lot 4557 Farrington Road on Plan 191259.
3. Include Lot 5 Allendale Entrance on Diagram 66412 and Lot 1 Allendale Entrance on Diagram 63519 and Pt Lot 50 on Diagram 78591 (Loc 630) Farrington Road within the Development Zone and within Development Area 30 ("DA 30").
4. Add a new portion of Farrington Road as a Local Road Reserve.
5. Include the Kwinana Freeway within a Primary Regional Road reserve.

This report seeks Council support to final adoption of Amendment 13.

Report

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that the scheme amendment did not require formal assessment, however advised that the native vegetation within the amendment area had not been assessed and would need to be investigated further at either the structure plan, subdivision and/or development stage. This is acceptable to the City.



The amendment was subsequently advertised seeking public comment in accordance with the Regulations for a reduced period of 21 days as agreed with the WA Planning Commission (WAPC).

Community Consultation

The City received 2 submissions in respect to Amendment No. 13 from the Water Corporation and Western Power. Neither submission objected to the amendment. The submissions do not require explanation over and above that contained in the schedule of submissions.

Refer schedule of submissions contained with the Agenda attachments.

Conclusion

It is recommended that the Council proceed to adopt Amendment No. 13 and refer it to the Western Australian Planning Commission for final consideration.

Strategic Plan/Policy Implications

Demographic Planning

- *To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.*

Employment and Economic Development

- *To encourage development of educational institutions that provides a range of learning opportunities for the community.*

Budget/Financial Implications

The Scheme Amendment documents are being prepared in-house where costs incurred relate to the administration, advertising of the documents and reporting to Council.

Legal Implications

Planning and Development Act 2005
Town Planning Regulations
Town Planning Scheme No. 3

Community Consultation

The modified Scheme Amendment documentation was advertised to relevant service authorities and the community for a reduced period of 21-days.



Attachment(s)

- (1) Site Plan;
- (2) Scheme amendment map;
- (3) Scheme amendment document;
- (4) Schedule of submissions.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.6 (MINUTE NO 3379) (OCM 08/02/2007) - PROPOSED AMENDMENT NO. 54 TO TOWN PLANNING SCHEME NO. 3 - LOT 232 CHESHAM WAY & LOT 237 DACRE COURT, HAMILTON HILL - OWNER: LOT 232 CITY OF COCKBURN, LOT 237 WATER CORPORATION - APPLICANT: CITY OF COCKBURN (93054) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION DECIDING TO AMEND CITY OF COCKBURN
TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 54

Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. rezoning Lot 232 Chesham Way, Hamilton Hill from Local Reserve – “Lakes & Drainage” to “Residential” (R20);
2. rezoning Lot 237 Dacre Court, Hamilton Hill from “Public Purposes – Water Corporation” to “Residential” (R20); and
3. amending the Scheme Map accordingly.



- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
- (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	TPS3:	Lot 232: Local Reserve – 'Lakes & Drainage' Lot 237: 'Public Purposes – Water Corporation'
LAND USE:	Lot 232: Drainage sump Lot 237: Vacant	
LOT SIZE:	Lot 232: 0.1715 ha Lot 237: 0.0539 ha	



Council's Land Management Strategy was adopted by Council at its meeting held 27 July 2005. Lot 232 Chesham Way, Hamilton Hill has been identified in the Land Management Strategy as land possibly available for sale subject to further investigation.

Lot 237 Dacre Court is a freehold lot now owned by the City of Cockburn. The Water Corporation formerly owned the vacant freehold lot, but the lot was surplus to the Water Corporation's requirements and the Water Corporation subsequently sold Lot 237 to the City of Cockburn.

Council's Strategic Finance and Investment Committee at its meeting held 19 July 2006 resolved to approve the purchase of Lot 237 Dacre Court, Hamilton Hill from the Water Corporation and initiate a rezoning of the subject lots to Residential (R20) to facilitate residential subdivision and development.

A proportion of the funds generated from the sale of the residential lots will be used towards the rationalisation and relocation of the sump located on Lot 232.

Refer site plan contained with the Agenda attachments.

Submission

The purpose of this amendment is to rezone Lot 232 Chesham Way and Lot 237 Dacre Court, Hamilton Hill to 'Residential' (R20) to facilitate the rationalisation of a drainage sump located on Lot 232, in accordance with Council's Beautification Program for sumps.

Refer proposed Zoning Map contained within the Agenda attachments.

Report

Lot 232 Chesham Way, Hamilton Hill is a freehold lot owned by the City of Cockburn and is currently reserved for "Lakes & Drainage" under the Council's Town Planning Scheme No. 3 (the 'Scheme'). The lot currently contains a fenced drainage sump towards the centre of the lot.

Lot 237 Dacre Court, Hamilton Hill is a freehold lot now owned by the City of Cockburn. Lot 237 Dacre Court is currently reserved for 'Public Purposes – Water Corporation' under the City's Scheme.

Initial investigations show that the stormwater sump could be relocated to Lot 237 to safely cater for the drainage requirements of the local catchment. The preliminary budget of \$40, 000 would allow for all civil works including reconfigured pipe works, a new metal deck fence along the western boundary of the sump and the remediation of the current sump.



The proposed rezoning of the subject lots to 'Residential' (R20) will facilitate the creation of three (3) residential lots from the existing Council freehold lot.

Even though it is proposed to relocate the drainage sump from Lot 232 to Lot 237, it is proposed to rezone Lot 237 to 'Residential', as the final design and land area requirements for the drainage sump has not been determined yet. The 'Residential' zoning over Lot 237 will provide maximum flexibility to provide for a drainage sump as well as the potential to utilise any excess land on Lot 237 for residential purposes by amalgamating the excess land with Lot 232.

Public Open Space Implications

As the subject lots have previously been set aside for drainage purposes, the rationalisation of the reserves will not have an impact on previous public open space provision for the area, as drainage sumps traditionally do not attract a credit towards public open space.

The total combined land area of the two subject lots is 2244 m² and as such, it is not feasible to provide public open space as part of the future residential subdivision of the lots. Instead it is proposed to provide cash-in-lieu of public open space in respect of that portion being subdivided into residential lots.

The drainage sump currently located on Lot 232, will be rationalised and relocated to a portion of Lot 237 as part of the residential subdivision of the site.

Conclusion

The rezoning of the subject lots to 'Residential' (R20) will facilitate the rationalisation and relocation of the drainage sump currently located on Lot 232 to Lot 237, and will facilitate a three (3) lot subdivision of Lot 232. Each residential lot created from the subdivision of Lot 232 would be above 500m² in area and would each have direct frontage to a gazetted road, in keeping with the surrounding residential land.

It is recommended that Council initiate proposed Scheme Amendment No. 54 for the purpose of advertising.

Strategic Plan/Policy Implications

Demographic Planning

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



Budget/Financial Implications

Costs associated with preparing the documents in-house.

The proposed zoning of the subject lots to 'Residential' will facilitate residential subdivision of the lots and the net proceeds generated from the sale of the created lots will be transferred to the Land Development Reserve Fund.

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No. 3
Town Planning Regulations

Community Consultation

The proposed scheme amendment will be advertised for a period of 42 days to relevant government agencies and surrounding community upon initiation of the amendment.

Attachment(s)

- (1) Site Plan;
- (2) Proposed Zoning Map.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.7 (MINUTE NO 3380) (OCM 08/02/2007) - PROPOSED STRUCTURE PLAN - LOTS 802 & 9028 GIBBS ROAD AND LOT 803 LYON ROAD, AUBIN GROVE - OWNER: LANDCORP - APPLICANT: ROBERTS DAY (9645F) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the structure plan for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Rd), Aubin Grove subject to the following modifications to the structure plan:
 - 1. Include on-street car parking bays for the northern R30 laneway lots located in the North-East development cell at a rate of 1 bay per two lots.



2. Amend the 12 metre road reserve adjacent to the public open space within the north-east development cell to 13.5 metres in width.
- (2) upon receipt of a revised Structure Plan compliant with Clause (1) above, forward the Structure Plan documents and schedule of submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No 3;
- (3) adopt the officer comments within the Schedule of Submissions contained in the Agenda attachments for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Rd), Aubin Grove and forward those comments requiring consideration to the applicant for information;
- (4) advise the proponent that a road reserve will be requested at the subdivision/development stage for the north western development cell to provide a hard edge interface to the public open space and Bush Forever site to the south; and
- (5) advise those persons who made a submission of Council's decision.

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that consideration of the matter be deferred to a future Council meeting, subject to:

- (1) Elected Members being provided with a copy of the covering letters and full submissions received by the DEC (formerly DoE) and the Water Corporation, along with a report by an Environmental Officer detailing the specific concerns raised by each of the Agencies and how they are addressed in the proposed Structure Plan;
- (2) information on how the boundaries to the Bush Forever site were determined and whether any aspect of this proposal has been referred to the EPA for assessment;
- (3) an aerial photograph being provided in the attachments; and
- (4) original Bush Forever documents being provided.

CARRIED 8/2



Reason for Decision

The report in the Agenda is focused directly at the Structure Plan. It fails to address the most important environmental issues associated with the Bush Forever site. This area of land is pristine bushland, is rich in biodiversity and contains two conservation category wetlands. The areas proposed to be developed need to be carefully reviewed by Council, as the north east corner is high quality bushland. More time and more information is needed before such an important decision is made.

Background

ZONING:	MRS:	Urban
	TPS3:	Development Development Area 11
LAND USE:	Vacant – bushland	
LOT SIZE:	SW Cell: 2.7275 ha NW Cell: 3.2494 ha NE Cell: 9.5058 ha Lot 800 (Bush Forever site): 26.7180 ha	

The site was originally known as Lot 204 Lyon Road, Aubin Grove and partially contained Bush Forever Site No. 492. In 2006 the site was subdivided as a result of a Negotiated Planning Solution to protect the Bush Forever Site while allowing some residential development to occur. Bush Forever Site No. 492 (Lot 800 Lyon Road) was subsequently excised from the remaining land zoned for 'Development' and vested with the Western Australian Planning Commission. The subdivision created three separate and distinct 'Development' cells in the South West, North West and North East corners of the site.

Submission

Roberts Day has submitted a proposed structure plan for Lots 802 & 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Rd), Aubin Grove on behalf of the landowner, LandCorp.

The structure plan proposes the creation of approximately 135 residential lots ranging in area from 339m² to 14054m² in three distinct development cells. The lot sizes reflect the residential densities (R20, R30 and R40) as depicted on the Structure Plan. The North Western cell proposes the creation of one 'super' lot that will be later subdivided when plans for the adjoining Harvest Lakes Neighbourhood Centre have been finalised.

As well as a Bush Forever site, the site also contains a Conservation Category Wetland (CCW), with buffers to the wetland being contained within the public open space and Bush Forever site.



Refer to site plan and proposed Structure Plan contained with the Agenda attachments.

Report

The proposed structure plan is generally in accordance with the Southern Suburbs District Structure Plan (stage 2) in that it proposes medium density (R40) in the north-west cell and generally residential R20 for the remaining areas.

Public Open Space

The net subdividable area of the site, once the deductions for the pump station, core wetland and drainage were removed, totalled 13.7633 ha.

The structure plan proposes 1.1614 ha (8.4%) creditable public open space (POS) and it is proposed to provide cash-in-lieu for the remaining 0.2149 ha (1.6%) shortfall of POS, which is consistent with the approach used on the Sanctuary Estate by Stocklands, which is located immediately to the south.

The public open space comprises a 50% credit towards areas within a 30 metre CCW buffer, totalling 0.7793 ha.

The City is supportive of the amount of POS provided for the site, given that the Bush Forever site (approximately 26.72 ha in area) and majority of the CCW has been excised from the developable land and will be protected within a Parks and Recreation reserve, to be managed by the City.

The cash-in-lieu could be used to fund playgrounds within the POS, dual use paths within the Bush Forever site etc.

Bush Fire Management Plan

The proponent has submitted a Bush Fire Management Plan to the City to demonstrate how bush fire protection can be provided to the development cells while still providing protection from clearing to the Bush Forever site.

The Bush Fire Management Plan demonstrates that a 20 metre low fuel zone can be achieved to buildings, with the low fuel zone comprising 7 metres within the backyard of properties, 10 metres within POS and road reserves and 3 metres within the existing fire breaks around the Bush Forever site.

The Bush Fire Management Plan has been referred to the City's FESA representative and is acceptable to the City.



Community Consultation

The City received eight (8) submissions in respect to the proposed structure plan, including submissions from Western Power, Water Corporation and the Department of Environment.

The Department of Environment (DoE) originally raised concern regarding the reduced buffers (less than 50 metres) to the Conservation Category Wetland (CCW). However, after receiving a submission from the applicant's environmental consultant on the proposal, the Department of Environment provided a second submission on the proposed structure plan, stating that the buffers proposed to the CCW are considered environmentally acceptable, for reasons outlined in the submission contained in the schedule of submissions. Given the DoE's acceptance of the proposed buffers to the CCW, the City supports the buffers proposed in the structure plan.

The City also received four (4) submissions from nearby landowners. One submission raised concerns with respect to the impact the development would have on their lifestyle, particularly during the subdivision/construction stage. In response to this submission, the site is zoned 'Development' for the purposes of residential development and it is inevitable that residential development will occur. Many of the concerns raised can be monitored and controlled through the Environmental Protection Act (i.e. with respect to noise) and a dust management plan will need to be prepared prior to subdivision and/or development. This will ensure that any emissions from the subdivision can be minimised.

Another resident objected to the number of lots proposed within the south-west development cell. In response to this submission it is advised that the development is proposed at an R20 density. This density is adopted as a base density throughout the City and is also consistent with the R-Coding applicable to the immediate surrounding locality. The Residential Design Codes have provisions relating to setbacks and maintaining privacy to adjoining dwellings.

The submissions do not require explanation over and above that outlined in the Schedule of Submissions. Refer Schedule of Submissions contained in the Agenda attachments.

Conclusion

It is recommended that the Council adopt the structure plan for Lots 802 and 9028 Gibbs Road and Lot 803 Lyon Road (formerly Lot 204 Lyon Rd), Aubin Grove and refer the structure plan to the WA Planning Commission for final consideration.



Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.*

Natural Environmental Management

- *To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.*
- *To ensure 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:

SPD1	Bushland Conservation Policy
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD28	Public Open Space Credit Calculations

Budget/Financial Implications

The cost of maintaining the public open space at the expiry of the 2 year maintenance period.

Legal Implications

Advertised in accordance with the provisions of section 6.2.8 of City of Cockburn Town Planning Scheme No 3.

Community Consultation

The structure plan was advertised to the community for a period of 21 days. This included an advertisement in two local papers circulating in the District, letters to adjoining owners, letters to servicing and other government agencies, copies of the report and plans on Councils web site and a copy at the front counter.

Attachment(s)

- (1) Site Plan,
- (2) Proposed Structure Plan,
- (3) Schedule of Submissions.



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.8 **(MINUTE NO 3381) (OCM 08/02/2007) - SOUTH BEACH SUBDIVISION CLEARANCE SOIL CLASSIFICATION - OWNER: STOCKLAND (121958) (SDS) (ATTACH)**

RECOMMENDATION

That Council:

(1) support the request to reclassify Lots 338 to 351 (inclusive) Breaksea Drive within the South Beach Estate with a partial soil classification of 'P' under AS2870-1996 on the basis of the Coffey Geotechnics Report titled "*South Beach Village Redevelopment – Stockland South Beach Pty Ltd, Lot 100 Rollinson Road, South Beach*", subject to:

1. Satisfactory compliance with all other conditions of Western Australian Planning Commission Subdivision Approval for Lot 100 Rollinson Road, North Coogee dated 14 January 2004.
2. A notification under Section 70A of the Transfer of Land Act being prepared in the form below and lodged with the Registrar of Titles Office on the Certificate of Title of all lots for endorsement of development works. This Notification affects 14 lots and is to be sufficient to alert prospective purchasers of the geotechnical investigation and site classification including building and site construction requirements. The Notification should (at the cost of the applicant) state as follows:

"A 4.0m wide portion of land along the full length of the rear (rear) boundary is classified 'P' under AS2870 – 1996, because of the presence of loose soils within the soil profile along the eastern boundary, which could lead to unacceptable settlement for a residential structure located in close proximity to these loose soils if not addressed by adequate engineering. Foundations for a 'P' classification must be designed by a suitably qualified Geotechnical Engineer taking into account the conditions that have resulted in this classification. These



requirements can result in additional development costs. It is recommended that structures within the remainder of the Lot (the area not classified 'P') be designed with foundation systems and to allow structural movement of the magnitude equivalent to a residence constructed with an 'S' classification foundation under AS2870-1996."

3. A letter of support being provided by the City of Fremantle for the edge filling that has occurred beyond the subdivision into the former South Fremantle Tip site, or alternatively, the removal of the fill and an engineering solution being provided (also subject to the support and/or approval of the City of Fremantle).
 4. The applicant obtaining certification from a suitably qualified structural engineer to certify the structural integrity of the existing estate wall/retaining wall.
- (2) advise Stockland of the Council's decision accordingly.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

N/A

Submission

Stockland seeks Council approval in a letter dated 15 January 2007 to classify the rear 4 metres of Lots 338 to 351 Breaksea Drive, which abuts the former South Fremantle Tip site, with a "S" classification.

A geotechnical report has been prepared which identifies the setback of residences from the eastern boundary of the lots to reduce the risk the presence of unsuitable material will have on proposed structures.

"As stated in Coffey Geotechnics report it is recommended that structures along this eastern boundary be designed with foundation systems and to allow structural movement of the magnitude equivalent to a residence constructed with an "S" classification foundation under AS2870-1996. A setback of 4m is proposed along the full length of this



boundary. In selecting this set back distance, we have given consideration to the following: -

- *...The base of the natural sand may therefore intersect the slope of the former tip site at nominally between 7m AHD (northern end of boundary line) and 9m AHD (middle of the boundary line). The pre-earthworks survey shows this intersection line would generally be along the alignment of the boundary line.*
- *The proposed building set back will be more than 6m west of the line of CPT testing etc...*

In order to provide a mechanism to regulate any proposed building access the 4m setback line, it is proposed the strip of land between this line and the building line be classified 'P' under AS2870-1996. A 'P' classification does not preclude construction. However foundations for structures built into an area classified 'P' would need to be designed by a competent geotechnical engineer."

The removal of uncontrolled fill within the former tip site that impacts on the zone of influence of building footings was ruled out as an option. This is due to the excavation required, which would encroach a significant distance into the former South Fremantle tip site. This option has also been dismissed as a result of environmental/health issues.

Other engineering options were considered but these would require the removal of the boundary wall. The cost of works and practicalities also meant that sheet piling is not an option.

The lot classifications proposed based on the above, are as follows:

- Lots 338 to 351 – Assigned a building setback, and "P" classification, to a 4m wide strip along the rear of all Lots (adjacent the development eastern boundary). Site classification for the balance of these lots is "S"

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

Report

Geotechnical Investigations

Lots 338 to 351 includes 14 lots that share a common boundary with the former South Fremantle Tip site Geotechnical assess must indicated to the rear of the lots have a 'P' or "Poor" classification for residential development based on Australian Standard 2870 - 1996. Council's Filling of Land Policy APD35 does not accept class 'P', 'H' and 'E' classification, which are required to be fully remediated to enable building construction based upon Class 'A', Class 'S' or Class



'M' standards. Ordinarily the City would not favour a 'P' classification, as prospective purchasers are disadvantaged and forced to bear the costs associated with foundation design.

The applicant's Geotechnical Engineer in a report dated 15 December 2006 advised that development should be excluded from within 4.0 metres of the boundary to the former South Fremantle Tip site. The 'P' classification within this area still means that the majority of the land can still be developed.

Accordingly, full remediation of the site is not required given that other engineering solutions can be applied to ensure that the site is acceptable for residential development.

Recommendation

Based on the geotechnical advice that the applicant has obtained, which indicates the site can be developed for residential development based on an engineering design solution, it is recommended that the request to reclassify the subject lots be conditionally supported.

Strategic Plan/Policy Implications

Demographic Planning

- *To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.*

Lifestyle and Aspiration Achievement

- *To conserve the character and historic value of the human and built environment.*

The Planning Policies which apply to this item are:-

APD17	Standard Development Conditions and Footnotes
APD30	Road Reserve and Pavement Standards
APD35	Filling Of Land

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
Residential Design Codes 2002
Planning and Development Act 2005
State Administrative Tribunal Regulations



Community Consultation

N/A

Attachment(s)

- (1) Location Plan
- (2) Applicant's letter of request
- (3) Site Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) has been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.9 (MINUTE NO 3382) (OCM 08/02/2007) - SINGLE HOUSE CODES APPROVAL - LOT 1 (NO.34B) MOTRIL AVENUE, COOGEE - OWNER: T AND C YELAVICH - APPLICANT: LEN FARINOLA (3319092) (AJW) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval for the erection of single residential dwelling on Lot 1 (No.34b) Motril Avenue, Coogee, in accordance with the approved plans subject to the following conditions:

STANDARD CONDITIONS

- 1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
- 2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
- 3. All openings in the northern side elevation being glazed using either opaque/translucent glazing, or having sill heights 1.65 metres above the Finished Floor Level of the respective floor.
- 4. The submission of a landscaping plan to Council's satisfaction prior to the issue of a building licence.



5. Landscaping is to be undertaken, reticulated/irrigated and maintained in accordance with the approved plan prior to the occupation of the site.
6. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
7. All stormwater is to be contained and disposed of on-site.
8. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.
9. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
10. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

FOOTNOTES

1. The application has been determined on the basis of the amended plans provided for assessment by Council.
 2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.
 3. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the applicant and submissioner of Council's decision accordingly.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	557m ²	
USE CLASS:	House – Single (R-Code) 'P' (Permitted)	

The subject site is located on the eastern side of Motril Avenue in Coogee. The following points describe the existing situation regarding the land and it's setting:

- The land is currently vacant;
- The site falls approximately five (5) metres in height from Motril Avenue to the rear boundary of the lot (from approximately 28 metres AHD – Australian Height Datum, to 23 metres AHD);
- The site is flanked to the south by a split level two (2) storey dwelling under construction;
- The site is flanked to the north by a single residence approved by Council in 1988; and
- The land adjoining to the rear (fronting Hamilton Road) is currently vacant.

Submission

Application has been made to erect a single residence across three (3) levels on the land. As proposed, the dwelling will consist of the following:

- A lower living level, adjacent to a pool proposed within the rear yard;
- A middle living level, including a rear balcony orientated in an easterly direction (and a two (2) bay double garage at the front of the dwelling); and
- An upper level consisting of three (3) bedrooms and a family area.

A number of retaining walls are also proposed, including the following:

- A retaining wall at the rear of the land, retaining for part of its length, the swimming pool; and
- Retaining walls on the northern boundary of the lot.



It is noted that the plans now before Council supersede those submitted with the application. Several changes have been made to the original plans for the purpose of addressing concerns identified by Council's Statutory Planning Service, and those raised by the adjoining property owner to the north.

From a planning perspective, the revised plans are now considered acceptable and are generally supported. Bearing this in mind, and having regard for the support offered in respect of the application by the adjoining property owners to the south and east, the following report deals primarily with the following matters relating to the northern side of the proposed development:

- Boundary setbacks;
- Building height;
- Site works; and
- Privacy.

In essence, the matters covered by the report deal with concerns identified by Council's Planning Service and/or those raised by the adjoining property owner to the north.

Report

Boundary Setbacks

With the exception of three (3) projections beyond the determined side setback area, two (2) of which are considered extremely minor, the majority of the proposed dwelling will be positioned beyond the side setback line adjacent to the north side boundary.

- Two (2) of the projections will be situated adjacent to the side setback area of the adjoining dwelling and will have minimal impact; whilst
- The rear of the proposed dwelling will be setback over 2.50 metres further (than required) from the rear yard of the adjoining dwelling (approximately 4.8 metres).

Bearing the above in mind, the proposed building setbacks are supported. With respect to the adjoining property owner's concern about the impact of the proposed building setbacks on the foundations of his property, it is noted that this is a construction related responsibility, addressed through the building licence approval process.



Building Height

The maximum building heights for the dwelling based on the requirements of the Residential Design Codes (R-Codes) are six (6.0) metres for walls and nine (9.0) metres for the roof.

With the exception of a small triangular section of wall toward the rear of the proposed dwelling, the proposal generally complies with the prescribed wall height requirement adjacent to the north side boundary, and is beneath the nine (9.0) metre roof requirement (particularly at the front and rear of the dwelling). The extent of the non-compliance ranges from approximately 0.4 metres to 1.0 metre, across a distance of 7.37 metres.

It is noted the non-compliance remains despite several amendments to the original plans. In response to concerns identified by Planning Services and the adjoining owner in respect of the proposed dwelling height, the applicant amended the plans to incorporate the following changes:

- A reduction in the Finished Floor Level (FFL) of the dwelling by 300mm;
- The removal of the upper level balcony at the rear of the proposed dwelling; and
- A reduction in the roof pitch across the majority of the dwelling from 25 degrees to 21 degrees.

The collective changes, notwithstanding the remaining non-compliance, have addressed what was previously an area of major non-compliance (and are considered to have addressed the concerns raised by both Council and the adjoining property owner).

The concerns of the adjoining owner relating to height are summarised as follows:

- The proposed building is out of character with the streetscape (by virtue of its height);
- The height of the walls make the building “*look intrusive*”; and
- The height of the building will contribute to a loss of privacy.

In response to the concerns, the following comments are made.

Motril Avenue is characterised by a mix of dwelling heights i.e. single and two storey dwellings. The proposed dwelling, therefore, is not considered to be out of character with the remainder of the street. In regard to the concern that the building will *look intrusive*, it should be noted that the disparity that will exist in building heights on the subject and adjoining land will in part reflect the generally higher level of 34b Motril Avenue, and to a large extent, the manner in which the respective lots are developed.



The approved Building Licence plans for the dwelling erected on 36 Motril Avenue adjoining to the north indicate the site was 'cut' to accommodate the dwelling; the site was cut by at least 1.5 metres to accommodate the south-western corner of the dwelling. In comparison, the dwelling proposed for 34b Motril Avenue (the subject land) is proposed generally atop the existing ground level (with the exception the rear lower living level).

The matter of loss of privacy due to building height is covered below.

Site Works

Several retaining walls are proposed for the north side boundary of the subject land, a number of concerns in respect of which have been raised by the adjoining owner. The concerns are as follows:

- The retaining walls appear higher than normally permitted;
- The retaining walls may impact on drainage in the vicinity of the boundary; and
- Erection of the retaining walls will impact on the foundations of, and the paving around the adjoining dwelling.

For the length of the front half of the building, a retaining wall 0.64 metres above the ground level surrounding the adjoining dwelling to the north is proposed (0.5 metres permitted by the R-Codes without approval; up to (one) 1.0 metre permitted by Council Policy). Beyond this (towards the rear of the site), the retaining proposed is either marginally above (approximately 100mm) or below (approximately 350mm) the ground level/s of the adjoining property.

It is noted the retaining details represent amendments to the original plans for the purpose of addressing the concerns raised. From a planning perspective, the retaining proposed is considered relative to the ground levels of the adjoining property, and is supported.

Similar to the adjoining owners concerns regarding building setbacks, issues regarding drainage and the construction of the retaining walls are building related matters, and are taken into account/form part of the building and construction process.

Privacy

Concerns raised by the adjoining owner regarding privacy relate to windows in the north side wall, and the potential for overlooking from the open space/pool area at the rear of the dwelling. In response, the following comments are made:

- The openings in the north side elevation will be either glazed using translucent glazing, or will have sill heights of 1.65 metres. These



measures are commonly used for the purpose of addressing issues of privacy; and

- The open space/pool area at the rear of the dwelling will sit approximately 350mm lower than the same area of the adjoining property to the north.

Bearing the above points in mind, the loss of privacy due to overlooking is not considered an issue. It is also noted that the middle level balcony complies with the 'Cone of Vision' requirements of the R-Codes, whilst the rear of the proposed dwelling is orientated away from the yard of the adjoining dwelling to the north.

Other

In addition to the concerns covered above, the adjoining property owner has expressed a concern that the ground level of the subject land has been artificially increased in the past. In the event this has occurred, the increase in height is considered to have been minor.

Contour information considered in conjunction with the assessment of the application indicates a consistent fall across the subject and adjoining land prior to the site works associated with the erection of the dwelling on 36 Motril Avenue. The 'cutting' of 36 Motril Avenue, however, appears to have included part of 34 Motril Avenue, resulting in a sudden fall across the northern two (2) meters of this property towards 36 Motril Avenue.

Conclusion

The assessment of the subject application has involved several sets of plans and the additional consultation of adjoining property owners. The plans now before Council are generally compliant with the planning controls applicable to the land with the exception of the minor variations mentioned. It is, therefore, recommended that the application be conditionally approved.

Recommendation

That Council conditionally approve the application to erect a single residence across three (3) levels on Lot 1 (No.34b) Motril Avenue, Coogee.

Strategic Plan/Policy Implications

Demographic Planning

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



Budget/Financial Implications

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

Legal Implications

Town Planning Scheme No.3
Residential Design Codes 2002
Planning and Development Act 2005

Community Consultation

Adjoining owners were consulted regarding the proposal.

Attachment(s)

- (1) Site plan, floor plans and elevations;
- (2) Objector submissions.
- (3) Site photographs.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil

14.10 (MINUTE NO 3383) (OCM 08/02/2007) - SINGLE HOUSE CODES APPROVAL - APPLICANT: DALE ALCOCK HOMES PTY LTD (6005382) (BA) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to the proposed Single (R-Code) House Lot 617 (No. 16) Grampian Crescent, Aubin Grove in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.



2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. No building activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

SPECIAL CONDITION

6. The surface finish of the boundary wall abutting the adjoining lot to be constructed to Council satisfaction.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. In regards to Condition No. 6, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the submissioners of Council's decision accordingly.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0



Background

ZONING:	MRS:	Urban
	TPS3	Residential R20
LAND USE:	Residential	
LOT SIZE:	836M ²	
USE CLASS:	"P"	

Submission

Approval is sought for a Single (R-Code) House with two boundary walls, on the northern and southern boundaries. The applicant has provided the following justification in support of the proposal, which has been summarised accordingly:-

- Both boundary walls will not have any adverse impacts in regards to bulk, scale and setback on the streetscape.
- Neither wall will cause unreasonable overshadowing of the adjoining property

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

Report

The proposed development complies with the standards and provisions of the City's Town Planning Scheme No 3 and the Residential Design Codes with the exception of the following:-

- Clause 3.3.2 A2 ii. – "In areas coded R20 and R25, walls not higher than 3.0m with an average of 2.7m up to 9m in length up to one side of the boundary".

The applicant seeks a variation to the above clause by proposing two boundary walls. The southern boundary wall is comprised of a garage parapet. The northern boundary involves an alfresco parapet.

Two (2) landowners were advised of the development application. One (1) letter of objection was received. The objectors are concerned as the boundary wall on the northern side is proposed adjacent to their ensuite and study windows. They are concerned that the wall will impact on light entering these rooms. The objector was contacted by Council's Planning Services to see if they would support posts on the boundary instead of a solid wall. This suggestion was rejected on the grounds of noise concerns. One option the neighbour would consider was to set back the alfresco wall a distance of 0.75m. The applicant, however, rejected this as it represented a significant loss in their outdoor living area.



Comment

The objection to the boundary wall is considered an unreasonable concern. According to Performance Criteria under the R-Codes, buildings on the boundary must ensure direct sun into habitable rooms of adjoining properties is not affected. An ensuite is not considered a habitable room and this is the main room affected. The study is considered a habitable room. However, given the orientation of adjoining dwelling and proposed parapet, the impact of future over-shadowing is considered to be minimal.

In light of the above; it is recommended that Council support the application on the basis that the proposed Single (R-Code) House will not adversely affect the amenity of neighbouring properties.

Strategic Plan/Policy Implications

Demographic Planning

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

The Planning Policies which apply to this item are:-

- APD17 Standard Development Conditions and Footnotes
- APD32 Residential Design Codes

Budget/Financial Implications

N/A

Legal Implications

- Town Planning Scheme No 3
- Residential Design Codes 2002
- Planning and Development Act 2005
- State Administrative Tribunal Regulations

Community Consultation

The application was referred to adjoining property owners for comment for a period of 14 days in accordance with the City's Town Planning Scheme No. 3. At the close of the submission only two submissions had been received. One letter of objection was received.

Attachment(s)

- (1) Location Plan
- (2) Site Plan and Elevations
- (3) Applicant's justification



Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at the February 2007 Council Meeting.

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

Nil

14.11 (MINUTE NO 3384) (OCM 08/02/2007) - SALE OF PORTION OF LOT 3 YANGEBUP ROAD - OWNER: CITY OF COCKBURN (3318030; 3316149) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) notes the valuation of the subject land to be \$240,000 exclusive of GST, as at 9 November 2006;
- (2) in light of the valuation, the proposal to dispose of the subject land to LRC Pty Ltd for \$65,316 subject to s3.58 of the Local Government Act 1995 not proceed;
- (3) notes the proposal by Mr De Petra (LRC Pty Ltd) to pay \$240,000 plus GST for the subject land;
- (4) advise LRC Pty Ltd that it is proposed to dispose of the subject land to LRC Pty Ltd for \$240,000 plus GST;
- (5) if LRC Pty Ltd indicates it is prepared to purchase the subject land for \$240,000 plus GST, local public notice of the proposed disposition is to be given in accordance with s3.58 of the Local Government Act, 1995. Any submissions made on the proposed disposition are to be the subject of consideration in a further report to the Council after the conclusion of the advertising period and a final determination will then be made on whether to proceed with the disposition; and
- (6) transfer funds received from the Land Sale to the Land Development Reserve Fund.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0



Background

Council at its meeting on 21 November 2003 resolved to:

- “(1) purchase Lot 29 on Diagram 42435 area 3423 m2 for \$115,000 from the State of Western Australia;*
- (2) at the completion of (1) above, sell 439 m2 of portion of Lot 29 plus 138 m2 of Pt Lot 621, being a total of 577 m2, to LRC Pty Ltd for \$65,316 pursuant to Section 3.58 of the Local Government Act, 1995;*
- (3) draw funds to purchase the land in (1) above from the Land Development Reserve Fund and monies generated by the sale in (2) to be transferred to the Land Development Reserve Fund.”*

Submission

LRC Pty Ltd wrote to the City on 21 December 2006, advising that they are prepared to pay \$200,000 for the 577m² of Council's Lot 3 adjoining LRC's Lot 618 Lomax Court, Beeliar. In further correspondence on 29 January 2007, LRC Pty Ltd has now offered to pay \$240,000 for the subject land.

Report

Part 1 of the 2003 resolution, the purchase of Lot 29 Lomax Court was delayed and not completed until November 2005. The delay in completing the purchase of Lot 29 came about due to the protracted compulsory acquisition of another portion of Lot 621, now Lot 3, by the Department of Education and Training. Legal advice at the time was that the City's compensation claim against the Department of Education and Training could be compromised if it dealt on the land while the matter of compensation was still subject to resolution. The matter of compensation for the land compulsorily acquired by the Department of Education and Training was resolved and the acquisition of Lot 29 finalised in 2005

Part 2 of the 2003 resolution could not be initiated until Part 1 was completed and given the delay and escalation of land values, the amount offered by LRC (\$65,316) was considered to be subject to review.

A valuation report prepared by Licensed Valuer Wayne Srhoy of McGees determined the value of the subject land to be \$240,000 exclusive of GST.



LRC Pty Ltd have been informed of the valuation report and have acknowledged that the offer of \$65,316 in 2003 no longer represents the market value of the land.

LRC Pty Ltd, in a letter dated 21 December 2006 have offered to pay \$200,000 plus GST for the 577m² of Lot 3. In their letter they point out that “*the land will accommodate 6 Age Person Units not houses so the value cannot be taken as a house lot*”. LRC Pty Ltd further considered the matter and in an email on 29 January 2007 stated that they will accept a purchase price of \$240,000 plus GST.

The valuer has indicated that this contention does not have any bearing on his valuation. LRC Pty Ltd previously had planning approval to construct 15 units on the site, comprising of LRC’s land Lot 618 plus the subject land. The previous approval has expired and an application for renewal has been made by LRC. The approval of the renewal of the Development Application is held up pending the resolution of the sale of the subject land.

The recommended offer of \$240,000 is consistent with the Licensed Valuers valuation report. In recommending this amount, consideration was given to the Licensed Valuers report and the desire of the purchaser to complete a project delayed by third party factors.

The sale of this land will enable an irregular portion of land to be fully utilized for housing. The impact of the proposed sale will have negligible affect on the balance of the City’s Lot 3. The resultant boundary configuration in this corner of Lot 3 may well be of benefit to the future subdivision layout of Lot 3.

The rate per square metre if the 577m² is sold for \$240,000 is \$416.00 per m².

Strategic Plan/Policy Implications

Employment and Economic Development

- *To plan and promote economic development that encourages business opportunities within the City.*

Budget/Financial Implications

Funds derived from the sale will be transferred to the Land Development Reserve

Legal Implications

Section 3.58 of the Local Government Act 1995 refers.



Community Consultation

N/A

Attachment(s)

Site Map

Advice to Proponent(s)/Applicant

The proponent has been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.12 (MINUTE NO 3385) (OCM 08/02/2007) - PROPOSED STRUCTURE PLAN - HARVEST LAKES VILLAGE CENTRE- PORTIONS OF LOTS 9026 AND 9027 LYON ROAD, ATWELL - OWNER: LANDCORP - APPLICANT: CARDNO BSD (9684) (RD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Harvest Lakes Village Centre Structure Plan;
- (2) adopt the Schedule of Submissions contained in the Agenda attachment for Harvest Lakes Village Centre;
- (3) forward the Structure Plan documents and Schedule of Submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3;
- (4) advise those persons who made a submission of Council's decision;
- (5) advise the proponent of the requirement to prepare Detailed Area Plans (and associated Design Guidelines) for the development site pursuant to Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3. The Detailed Area Plans (and associated Design Guidelines) must be able to control the builtform outcomes to the satisfaction of the City of Cockburn;
- (6) advise the proponent to liaise with the Water Corporation prior to the subdivision and development stages with regards to the bore relocation and sewer main proposal; and



- (7) advise the proponent to liaise with the Public Transport Authority with regard to the provision of a bus terminus/stop within the Harvest Lakes Village Centre area.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Urban
	TPS3:	Development, Development Area No. 10.
LAND USE:	Vacant land.	
LOT SIZE:	9 ha Approximately	
AREA:		

The proposed Harvest Lakes Village Centre site (corner of Gibbs and Lyon roads, Attachment 1 refers) comprises a total of approximately nine hectares and is located within the south western corner of the Harvest Lakes Structure Plan (Attachment 2 refers). Council at its meeting held on 14 July 2005, resolved to adopt the Harvest Lakes Structure Plan which was also prepared by Roberts Day. Subsequently, the Western Australian Planning Commission (WAPC) endorsed the Structure Plan on 3 January 2006. The proposed Harvest Lakes Village Centre Structure Plan (the Village Centre Structure Plan) has been prepared as a requirement of the adopted Harvest Lakes Structure Plan (Attachment 2 refers), in order to refine the uses located within the Village Centre Precinct.

Submission

Roberts Day (applicant) at request of LandCorp has submitted a structure plan for the Harvest Lakes Village Centre Precinct.

Report

Harvest Lakes Village Centre Structure Plan

The final version of the Village Centre Structure Plan was prepared by Roberts Day on behalf of LandCorp in October 2006 (Attachment 2 refers). The purpose of the Structure Plan was to provide a strategic framework and guidance for future subdivision and development of the



land, ensuring the creation of a vibrant Village Centre that meets sound community design and environmental principles.

The main elements embodied in the Village Centre Structure Plan are:

- *A "main street" neighbourhood centre located at the intersection of Lyon Road and Gibbs Road containing a local shopping centre site of approximately 2.7 hectares (5000m² NLA) and a range of mixed use sites. This area can be tailored to an array of future business uses which will, in combination with the neighbourhood shopping centre, comprise a vibrant local employment centre.*
- *Provide a mixture of medium and high density residential development to support Transit Orientated Development (TOD) and provide a framework to facilitate a broad spectrum of socio-economic and demographic groups; and*
- *Provide civic spaces that create a sense of place within the Village Centre to support its function as the primary focus within the Harvest Lakes Estate.*

The Structure Plan document (Attachment 2 refers) also includes site analysis, community consultation and engineering traffic reports.

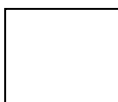
Consultation and Formal Advertising

To ensure the needs and aspirations of the Harvest Lakes community were considered during the planning process and reflected in the Village Centre Structure Plan, LandCorp implemented a five month consultation program during the preparation of the draft Structure Plan since 30 January 2006. Five avenues of consultation were undertaken with key stakeholders along with the ongoing provision of information and updates.

The Community Open Day which was the fifth phase of the consultation program, was carried out on 25 March 2006, with the Harvest Lakes community, relevant government and non-government agencies. Among 150 attendees, 68 people completed a questionnaire (Attachment 2 refers). Out of the 68 completed questionnaires, the results show that 78% participants support the Structure Plan (refer to Attachment 2 for detailed results).

Participants of the consultation program raised a variety of points of interest during the process, with a number of main themes emerging. These included:

- *A high demand for a wide range of local, accessible services and retail outlets.*



- *The desire for functional, safe and socially interactive POS, appealing to all members of the community.*
- *A degree of sensitivity regarding 3-4 storey development.*
- *Mixed support for a tavern in the Village Centre area, highlighting the need for careful planning and management.*
- *Design of the Village Centre to be aesthetically pleasing and to enhance and continue the distinctive character of the estate.*
- *The desire for a variety of family-friendly entertainment options, including a tavern, restaurants and cafes with adjoining play areas for children.*

The City conducted an internal Development Control Unit (DCU) to discuss and assess the proposed Village Centre Structure Plan soon after receiving the Structure Plan application. Several issues were raised by the DCU about the Structure Plan mainly relating to the layout of the street network (including footpath and dual-use path), design of Public Open Space (POS), urban water management, and public transport provision and linkage. Accordingly, the City requested the Structure Plan to be modified to address the issues raised from the DCU.

The City received the final version Structure Plan in October 2006 and subsequently commenced its formal advertising from 4 November 2006 to 1 December 2006, which included advertisements in Cockburn Herald (on 4 November 2006) and Cockburn Gazette (7 November 2006), letters to adjacent landowners, and letters to the government agencies seeking comment.

At the close of the advertising, eight submissions with no objection were received including seven from service authorities and one from a local resident. All the submission comments and officer's recommendations are included in the Schedule of Submission (Attachment 3 refers).

Main Issues Raised from Submissions

The Water Corporation has raised no objection to the proposal (Attachment 3 refers); however, it advises that the Structure Plan area contains an operational Water Corporation bore within the proposed Local Centre zone. It is understood that LandCorp intends to relocate the subject bore to the west of Lyon Road, and had discussions with the Water Corporation regarding a suitable site subject to detailed engineering design. Furthermore, in terms of sewerage, it is noted that the Water Corporation's proposed sewer main which runs along existing Lyon Road within the Structure Plan area is not in line with the proposed realignment of that section of Lyon road. These two issues however, can be dealt at subdivision stage. Accordingly, it is recommended that LandCorp to liaise with the Water Corporation prior to the subdivision and development stages with regards to the bore relation and sewer main proposal.



In respect of bus service within the Structure Plan area, the Public Transport Authority (PTA) advises that there is an existing bus stop which operates along Harvest Lakes Boulevard and Alliance Entrance to Gibbs Road, and the Village Centre will be within the 500m radius of the bus service. The PTA's submission has not made any comment on the bus terminus proposed in the Structure Plan apart from acknowledging that the subject site is within 500m of an existing bus service along Harvest Lakes Boulevard. From the City's point of view, however, it is believed that it would be desirable to have a bus terminus/stop within the Village Centre near the future train station and proposed supermarket, which will provide a better public transport link and more convenience to the future Village Centre. It is also one of the significant TOD principles which ensures sustainable development outcomes. Therefore, recommendation should be made to request LandCorp to further liaise with the PTA with regard to the provision of a bus terminus/stop. The City will need to join LandCorp to make a combined effort to negotiate the provision of a bus terminus/stop in the abovementioned locality.

Detailed Area Plans and Design Guidelines

Detailed Area Plans and associated Design Guidelines are required to control the builtform of the Village Centre. The applicant has advised that it is LandCorp's intention to provide the Detailed Area Plans and associated Design Guidelines to ensure a high quality of development including streetscape amenity. The City's Strategic Planning Department will liaise with LandCorp regarding the Detailed Area Plans and associated Design Guidelines in due course.

Drainage Issues

Drainage issue will be dealt at the subdivision stage. LandCorp will be required to prepare an Integrated Urban Water Management Plan to address the drainage and nutrient issues. This Integrated Urban Water Management Plan is to include water sensitive urban design principles.

Public Open Space (POS)

Table 1 of the Structure Plan document (refer to Attachment 2) includes a POS Schedule for the whole Harvest Lakes Structure Plan area. POS has generally been provided in accordance with the approved Harvest Lakes Structure Plan on the basis of an 8.5% contribution. An audit of the actual POS provided to date within the Harvest Lakes Estate demonstrated a slight shortfall in POS. This has been reduced through the provision of POS within the Village Centre. However, the total POS provided for the Harvest Lakes Estate including the Village Centre is 8.381ha which represents a shortfall of 590m² from the required 8.44 ha. A cash-in-lieu provision will be arranged by LandCorp at the subdivision stage to satisfy the Western



Australian Planning Commission's POS requirement. It is recommended that these funds can be spent on the Bush Forever site to the south of Gibbs Road.

Conclusion

The proposed Village Centre Structure Plan generally reflects the local community interests given that the comprehensive community consultation has been implemented by LandCorp. The design of the Structure Plan is generally in line with the *Liveable Neighbourhoods* and TOD principles. Furthermore, the final version of the Structure Plan has addressed the technical issues raised from the City's DCU. It is therefore recommended that the Council adopt the Structure Plan as the basis for future subdivision and development of the Harvest Lakes Village Centre area and refer the plan to the Western Australian Planning Commission for final endorsement.

Strategic Plan/Policy Implications

Demographic Planning

- *To ensure the planning of the City is based on an approach that has the potential to achieve high levels of convenience and prosperity for its citizens.*

Employment and Economic Development

- *To plan and promote economic development that encourages business opportunities within the City.*

Transport Optimisation

- *To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.*

The Planning Policies which apply to this item are:-

SPD4	'Liveable Neighbourhoods'
APD4	Public Open Space
APD16A	Standard Subdivision Conditions and Reasons for Refusal
APD17	Standard Development Conditions and Footnotes
APD26	Control Measures for Protecting Water Resources in Receiving Environments
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans

Budget/Financial Implications

N/A



Legal Implications

N/A

Community Consultation

The Structure Plan was advertised in accordance with the requirements of Town Planning Scheme No. 3. Eight submissions with no objections were received during the advertising period as mentioned previously.

A five month consultation program was carried out by LandCorp before the draft Village Centre Structure Plan was prepared. The consultation program included five key phases, as well as the provision of ongoing information and updates to the community. The Harvest Lakes Village Centre Residents Association (HLRA) was involved in the program from the outset and was involved in the process of planning how to encourage the involvement of key community groups. As a part of the consultation program, a planning workshop and follow-up planning meeting were held and attended by representatives of the Harmony Primary School, Harmony Primary School P and C and the HLRA. Furthermore, a community Open Day was also held to ensure opportunities were provided to all residents.

Attachments

- (1) Locality Map
- (2) Structure Plan Document
- (3) Schedule of Submissions

Advice to Proponent(s) Submissioners

The proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.13 (MINUTE NO 3386) (OCM 08/02/2007) - PROPOSED AMENDMENT NO. 50 TO TOWN PLANNING SCHEME NO. 3 - AUSTRALIAN MARINE COMPLEX SUPPORT INDUSTRY PRECINCT, HENDERSON - OWNER: LANDCORP - APPLICANT: LANDVISION (6004282; 93050) (RD) (ATTACH)

RECOMMENDATION

That Council:



- (1) receive the report;
- (2) initiate the following amendment:-

PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION
 DECIDING TO AMEND CITY OF COCKBURN TOWN
 PLANNING SCHEME NO. 3

AMENDMENT NO. 50

Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Removing Pt Lots 2 – 5, 14, 21, and 101, Russell Road, Lots 22 – 26, 102,103, 301, 4291, 4895, 4896 and 4898, Jessie Lee Street, Lots 2, P15, 125, 126, 901, 4618 and 4899, Anderson Road, Lot 2905 Cockburn Road, Henderson and part of the Anderson Road reserve, from the Industry zone and incorporating the land in the Special Use zone No. 22 and Development Area No. 29;
2. Removing Lots 303, 400, 500, 501, 502 and 4620, Cockburn Road; and Pt Lots 21, 2 – 5 and 101, Russell Road, Henderson from the unzoned area and incorporating it in Special Use zone No. 22 and Development Area No. 29.
3. Removing part of Lot P15 and 126, Anderson Road and part of the Anderson Road reserve from the Industry zone and including it in the Local Reserve - Parks and Recreation.
4. Amending the Scheme Map to include Special Use Zone No. 22 and Development Area No. 29 accordingly.
5. Amending Schedule 4 – Special Use zones, by adding:

No.	Description of Land	Special Use	Conditions
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<p>SU 22</p>	<p>Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson</p>	<p>Support industry for marine engineering, ship building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry and marine engineering industries together with other industrial uses in the energy, transport, chemical and mining industries, which need to be located on the coast to enable transport of any of its primary products by sea.</p> <p>Includes land and buildings used for the purpose of the research and development, technological development, training and education of persons involved in ship design, building, repair and engineering.</p> <p>In the western section of the Support Industry Precinct as delineated on the structure plan, the land may be used for showroom/warehouse and light industries related to or in support of the above objectives.</p> <p>Development of the estate is to be in accordance with a purpose built industrial park, planned and developed in accordance with an adopted Structure Plan and in accordance with design and development guidelines which provide for the construction of high quality buildings located within an attractive landscaped setting and where all emissions and hazards are contained on site.</p>	<ul style="list-style-type: none"> • Structure Plan to be adopted to guide subdivision, land use and development – Henderson Marine Support Precinct Park. (DA 29)
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The following land uses apply to the precincts identified on the Structure Plan:

Precinct 1

- (a) The following uses are 'P' **permitted uses**, subject to the uses being related to the objectives of the Support Industry Precinct:
- industry - general
 - industry - light
- (b) The following uses are '**D**' **uses** which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a Support Industry Precinct:
- educational establishment (but excludes Primary and Secondary Schools)
 - fuel depot
 - warehouse
 - motor vehicle repair (including boats)
 - transport depot
 - industry - service
 - caretakers dwelling
 - telecommunications infrastructure
 - other activities/uses which the Council is satisfied are directly related and associated to marine related industries
- (c) All other uses are '**X**' **uses**, not permitted.

Precinct 2		
<p>(a) The following uses are 'P' permitted uses, subject to the uses being related to the objectives of a Support Industry Precinct:</p> <ul style="list-style-type: none"> • bank • office • showroom • lunch bar • boat sales • consulting rooms • industry - service 		
<p>(b) The following uses are 'D' uses which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a Support Industry Precinct:</p> <ul style="list-style-type: none"> • childcare facility • recreation - private • petrol filling station 		
<p>(c) All other uses are 'X' uses, not permitted.</p>		
6. Amend Schedule 11 by adding:		
Ref. No.	Area	Provisions
DA 29	Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson	<p>1. Subdivision, land use and development to accord with the adopted Structure Plan.</p> <p>2. The objectives of the Development Area are to:</p> <ul style="list-style-type: none"> (a) promote the purposes and functions of the Technology Development Act 1983 (as amended); (b) ensure that uses within the Development Area are directly related to or incidental to ship design, ship building, the offshore petroleum, chemical and mining industries, ship repair and marine engineering in accordance with the provisions of Special Use Zone No. 22;



- (c) encourage research and development relative to marine related industry, the offshore petroleum, chemical and mining industries;
- (d) encourage attractive and efficient facilities;
- (e) provide for the safe movement of vehicular and pedestrian traffic; and
- (f) protect the amenity of areas adjacent to the zone.

3. Development Standards

The following provisions apply to all land included in the SU22 zone and DA29 area in addition to any provisions which are more specifically applicable to that land under the Scheme:

(a) Building Setbacks

A person shall not erect or cause or permit to be erected any building or any portion of a building nearer to a street alignment than as follows;

Front boundary

Buildings shall be setback a minimum of 15 metres from the front boundary. This area shall be used for landscaping and car parking.

The setback shall apply to any structure greater than 1 metre in height other than approved signage, retaining walls or displays.

Secondary street boundaries

For corner lots, buildings shall be setback a minimum of 7.5 metres from the secondary street.

Side and rear boundaries

Setbacks shall comply with Building Code of Australia.

(b) Landscaping

- (i) A minimum of 5% of the total area of each lot must be landscaped between the lot boundary and the boundary line (excluding verge areas) or as varied under the provisions of Clause 5.9.2 of the Scheme;

- (ii) Notwithstanding sub-clause (i) above, lots with a boundary to Cockburn Road shall set aside a 3 metre wide landscape strip along the road frontage and this area shall be landscaped and maintained to the satisfaction of the local government;
- (iii) A landscape plan detailing the mix of hard and soft surfaces shall accompany any application for planning consent. Landscaping shall be provided in accordance with the approved plan and maintained to the satisfaction of the local government;

(c) Vehicle Parking and Servicing Facilities

- (i) Vehicle parking shall be provided in accordance with Tables 2, 3 and 4 - Vehicle Parking Provisions;
- (ii) Vehicle parking and servicing areas shall be screened from the street and either located behind the building or a landscape strip;
- (iii) Where vehicle parking and servicing facilities are proposed between the building and street alignment, they shall be designed in such a way as to complement the building and be screened from the street.

(d) Building Design

Buildings shall be designed to accord with the principles of the Support Industry Precinct Design Guidelines;

(e) Signage

- (i) A plan or description of all signs for the proposed development, including signs painted on a building, shall be submitted to and approved by the local government as a separate application;
- (ii) Signage is to complement the architectural proportion and scale of the building.
- (iii) Roof signs will not be permitted.



		<p>(f) Prohibited Uses</p> <p>No storage, transport, handling, use and disposal of chemicals or toxic and hazardous substances shall occur within 100 metres of the wetland boundary.</p> <p>(g) Sustainability</p> <p>Development is to incorporate energy and water use efficient design, material and products wherever practical.</p> <p>(h) Fencing</p> <p>Security fencing will be permitted along side and rear boundaries; front fencing to any street frontage should be limited to a minimum. Where security fencing is required to a street frontage, the fence line is preferably to be set back to the building line.</p> <p>The minimum standard for fencing is black PVC coated galvanised link mesh with black support members.</p> <p>(i) Stormwater Management</p> <p>All stormwater is to be managed on site to ensure no significant runoff from the lots onto roads will occur with the exception of lots located within the "Groundwater Protection Zone" (see Structure Plan). These lots will drain into a designated drainage swale to avoid direct discharge to the adjacent wetlands.</p>
<p>(3) sign the amending documents, and advise the WAPC of Council's decision;</p> <p>(4) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;</p> <p>(5) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;</p> <p>(6) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following advice from the</p>		

Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;

(7) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and

(8) advise the applicant of Council's decision accordingly.

COUNCIL DECISION
 MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Industrial
	TPS:	Industry
LAND USE:		Industrial
LOT SIZE:		Various
AREA:		N/A

The Australian Marine Complex (AMC) has been developed to facilitate and enhance the opportunities created by clustering of the marine, defence and resources industry. It comprises four adjoining precincts and two facilities (refer to Attachment 2 Figure 2):

- Shipbuilding Precinct, including a Marine Support Facility;
- Support Industry Precinct;
- Fabrication precinct, comprising a Common User Facility and Fabricators' area; and
- Technology Precinct.

The land subject of this proposed amendment (Attachment 1 refers) forms part of the Support Industry Precinct and comprises a number of lots located at the corner of Russell Road and Cockburn Road in Henderson, 23 km south of the Perth CBD (refer to Attachment 2 Figure1). The majority of the land is currently zoned Industry (portions of the land is unzoned or reserved) in the City of Cockburn's Town



Planning Scheme (TPS) No. 3 which allows for a wide range of industrial uses.

The Purpose of this amendment is that LandCorp wishes to ensure the subject land is developed for only marine related support industries, including research and technology development. To facilitate this objective, it is proposed to include the subject land in a "Special Use" zone with special Scheme provisions (inserted in Schedule 4 of the Scheme) to stipulate land use permissibility. Furthermore, to ensure development occurs in a comprehensive and orderly manner, the amendment also proposes to place the subject land in a "Development Area" with special Scheme provisions (inserted in Schedule 11 of the Scheme) to control development within the area incorporating the requirement of a structure plan.

Submission

Landvision (applicant) at request of LandCorp has submitted the document for the proposed Scheme Amendment No. 50 (Attachment 2 refers).

Report

Amendment No. 50

The subject land is currently zoned "Industrial" under the Metropolitan Region (MRS). The majority of the land is currently zoned "Industry" under the City's Town Planning Scheme No. 3 (TPS No. 3) with a portion of unzoned land along Cockburn and Russell Roads as a result of its removal from the Fremantle – Rockingham Highway Primary and Other Regional Road Reserve (refer to Council Agenda Item No. 14.4 OCM 14/12/2006 -- Scheme Amendment No. 48).

Geographically, the AMC Support Industry Precinct is divided by Cockburn Road into the two parts: the western and eastern parts. The western part fall into Special Use Zone No. 2 (SU2) and Development Area No. 17 (DA17) with special Scheme provisions (listed in Schedules 4 and 11 of the City's TPS No. 3) to ensure land uses within the area are restricted to marine related. In the eastern part, however, the land subject of proposed Amendment No. 50 is zoned "Industry" and does not falls into the SU2 and DA17 areas, which technically allows for a wide range of industrial uses including non-marine related uses.

To enure the subject land is developed only for marine related support industry, including research and technology development, and in keeping with the development in the SU2 and DA17 area, LandCorp proposes this Scheme amendment (Amendment No. 50) to include the subject area into proposed SU22 and DA29. Special Scheme provisions for SU22 and DA 29 will be inserted in Schedules 4 and 11



of TPS No. 3 to provide land use permissibility and development standards for the subject area incorporating the requirement of a structure plan.

In comparison to the Scheme provisions for SU2 and DA17, the proposed Scheme provisions for SU22 and DA29 provide more detailed land use permissibility, objectives and development standards. Apart from marine support land uses permitted within SU2, SU22 also includes land uses for the purpose of the research and development, technological development, training and education of persons associated with ship design, building, repair and engineering. These additional land uses will provide more flexible land uses for the subject site and present a land use “transition” between the Technology Precinct and the western part of Support Industry Precinct. The provisions for proposed DA 29 provide more detailed objectives and development standards such as building setbacks, car parking requirements and landscaping provisions.

In addition, Amendment No. 50 seeks to include portions of industrial land along the western side of the subject land (part of Lot P15 and 126, which fall into the wetland buffer) into Local Reserve – Parks and Recreation. This will restrict any industrial development occurring within the wetland buffer area in terms of statutory planning.

Amendment No. 48

As mentioned previously, currently Amendment No. 48 to the City’s TPS No. 3 seeks to include the portion of unzoned land (as a result of its removal from the Fremantle – Rockingham Highway Primary and Other Regional Road Reserve) in the Industry zone. Amendment No. 48 has been adopted by the Council on 14/12/2006 and is pending the Minister’s final approval.

Amendment No. 48 will not impact upon proposed Amendment No. 50. With regard to the unzoned land which will be included in the proposed SU22/DA29, Amendment No. 50 will supersede that part of Amendment No. 48 relating to this unzoned land.

Subdivision

The final stage (Stage Two) subdivision (Attachment 3) for the subject land was approved by the WAPC on 26 June 2006. As required by one of the subdivision conditions, the Integrated Environmental Management Plan (IEMP) has been prepared by Strategen (LandCorp’s environmental consultant) and has now been approved by the Department of Environment and Conservation (DEC) and the City’s Environmental Services.



Structure Plan

The Structure Plan (refer to Attachment 2 Figure 5) has been prepared for the subject land which conforms with the approved subdivision layouts for Stage One and Stage Two. Under normal practice, a structure plan is usually prepared prior to the subdivision stage to guide subdivision. Nevertheless, the purpose of this proposed Structure Plan is more of a requirement of Scheme Amendment No. 50, which provides two precincts – Precincts 1 and 2 (depicted on the Structure Plan). These incorporate with the proposed SU22 provisions to stipulate land use permissibility in the two precincts.

A separate application will be made by the proponent for the Structure Plan to be adopted by the Council and endorsed by the WAPC. The City has advised the applicant that an application for the Structure Plan should be lodged with the City as soon as possible to enable Amendment No. 50 and the Structure Plan being assessed in a similar timeline.

Conclusion

Proposed Amendment No. 50 is to ensure the subject area to be developed for marine related industry to be consistent with the rest of the Support Industry Precinct. Furthermore, the inclusion of additional land uses for marine related research and development, technological development, training and education will provide more flexible land uses within the subject area while still ensuring the area is in keeping with the objectives of the surrounding precincts. It is therefore recommended that that Council initiate Amendment No. 50 for the purpose of advertising.

Strategic Plan/Policy Implications

Employment and Economic Development

- *To plan and promote economic development that encourages business opportunities within the City.*
- *To pursue high value employment opportunities for our residents.*
- *To encourage development of educational institutions that provides a range of learning opportunities for the community.*

Budget/Financial Implications

N/A



Legal Implications

Planning and Development Act 2005
Town Planning Scheme No 3
Town Planning Regulations 1967

Community Consultation

N/A

Attachment(s)

- (1) Site Plan
- (2) Scheme Amendment Document
- (3) WAPC Subdivision Approval (Reference: 130639)

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 February 2007 Council Meeting.

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

Nil.

14.14 (MINUTE NO 3387) (OCM 08/02/2007) - RENEWAL/MODIFICATION OF DEVELOPMENT APPROVAL - RURAL LIVING ZONE - PROPOSED SINGLE (R-CODE) HOUSE - DEMOLITION OF EXISTING DWELLING - LOT 166 (NO.90) BRITANNIA AVENUE, BEELIAR (3411074) (SDS) (ATTACH)

RECOMMENDATION
That Council:

- (1) grant its approval for a new single house and demolition of existing dwelling on Lot 166, No. 90 Britannia Avenue, Beeliar, in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

- 1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
- 2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.



3. No building activities causing noise and/or inconvenience to neighbours being carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
6. Crossovers are to be located and constructed to the City's specifications. Copies of specifications are available from the City's Infrastructure Directorate. Existing crossovers that are not required as part of the development, shall be removed and the verge reinstated within a period of 60 days, to the satisfaction of the Council.

SPECIAL CONDITION

1. Provision of an approved effluent disposal system to the satisfaction of Council's Health Service and/or the Department of Health must be installed prior to the occupation of any habitable building to be erected on the land.
2. Upon completion of the proposed septic system (for the new residence) the existing septic system servicing the weatherboard dwelling is to be decommissioned as per the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
3. The existing residence to be demolished prior to the occupation of the proposed primary residence. A Demolition Licence being issued by Council's Building Department, prior to the commencement of any demolition works.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. With regards to Condition No. 7, the applicant is advised that septic installations must comply with the requirements of the Government Sewerage Policy and the Health Act 1911. An application for approval to construct septic tanks is to be made to the Council's Health Service. Your current approval is valid until 30 August 2007.

3. With regards to Condition No. 9, the applicant is advised that asbestos is to be handled in accordance with the Health (Asbestos) Regulations 1992 and disposed of in accordance with the Environmental Protection (Controlled Waste) Regulations 2001. Any queries should be directed to City's Health Services.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

COUNCIL DECISION
 MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

ZONING:	MRS:	Rural
	TPS3	Rural Living
LAND USE:	House, Outbuilding	
LOT SIZE:	4047m ²	
USE CLASS:	P	

Council originally granted approval for a new primary residence and the conversion of the existing single house to ancillary accommodation on 8 September 2005. The conditional approval was granted subject to the applicant preparing a legal agreement in a form acceptable to the Council binding the owners and successors of Title to the following:

- The existing residence will continue to be used as the primary residence by the owners until the proposed dwelling is completed.
- Upon completion of the proposed dwelling the existing dwelling will be converted to ancillary accommodation.
- The ancillary accommodation will only be occupied by member(s) of the same family as the occupiers of the main dwelling.

The applicant has since reconsidered their position and have decided to demolish the existing residence upon completion of a new primary residence as stated in their letter dated 4 January 2007 (attached).



Submission

On the 21 December 2006 the City received a renewal/modification application for Lot 166 (No. 90) Britannia Avenue, Beeliar. The applicant has requested the City reconsider conditions to their existing development approval dated 8 September 2005.

The applicant provides the following in support of their request.

- The existing dwelling will be demolished upon completion of the proposed new primary residence.
- There is no need for the creation of a legal agreement as the conversion of the existing dwelling to an ancillary accommodation is now redundant.

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

Report

The subject land is zoned Rural Living under the City of Cockburn Town Planning Scheme No 3. The intent of the Rural Living Zone is to provide for residential use in a rural environment. Subject to clause 5.10.2 (a), only one single house may be erected on any lot.

The proposed primary residence is acceptable to discretion being exercised in the following instances: -

- The reduced front setback of 7.5 metres from Jervois Street in lieu of the required 20 metre setback under Town Planning Scheme No. 3.
- The reduced side and rear setbacks of 4.5 metres from the northern and western boundaries respectively in lieu of the required 10 metre setback under Town Planning Scheme No. 3.

In respect to these matters it is considered as follows:-

- A reduced street setback be supported given the general occurrence of reduced setbacks within the Rural Living Zone area. It should be noted that, Council's Policy (APD10) prior to it's modification in March 2005, previously permitted a minimum 7.5 metre street setback.
- The side setbacks be supported given the minimum side setback as prescribed by the Bush Fires Act 1954 is maintained. Similar side setback reductions have also previously been permitted within rural living zone areas.

Due to the applicant's intention to demolish the existing dwelling upon completion of the new primary residence, it is recommended Council use its discretion to support the application.



Strategic Plan/Policy Implications

Demographic Planning

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

Lifestyle and Aspiration Achievement

- *To conserve the character and historic value of the human and built environment.*

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3

Attachment(s)

- (1) Location Plan
- (2) Site Plan and Elevations
- (3) Applicant's justification

Advice to Proponent(s)/Submissioners

The Proponent and submissioners(s) have been advised that this matter is to be considered at the February 2007 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3388) (OCM 08/02/2007) - LIST OF CREDITORS PAID - DECEMBER 2006 (5605) (KL) (ATTACH)

RECOMMENDATION

That Council received the List of Creditors Paid for December 2006, as attached to the Agenda.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

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***Governance Excellence***

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid - December 2006.

Advice to Proponent(s)/Submissioners

N/A



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

Nil.

15.2 (MINUTE NO 3389) (OCM 08/02/2007) - STATEMENT OF FINANCIAL ACTIVITY - DECEMBER 2006 (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for the period ended 31 December 2006, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0

Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

Regulation 34(2) requires the Statement of Financial Activity to be accompanied by documents containing:–

- (a) details of the composition of the closing net current assets (less restricted and committed assets),
- (b) explanations for each material variance identified between YTD budgets and actuals; and
- (c) any other supporting information considered relevant by the local government.

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents are to be presented to the Council.

Submission

N/A



Report

Attached to the Agenda is the Statement of Financial Activity for December 2006.

Note 1 shows how much capital grants and contributions are contained within the reported operating revenue.

Note 2 provides a reconciliation of Council's net current assets (adjusted for restricted assets and cash backed leave provisions). This provides a financial measure of Council's working capital and an indication of its liquid financial health.

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These assist to substantiate the calculation of Council's net current assets position.

The Reserve Fund Statement reports the budget and actual balances for Council's cash backed reserves, whilst the Restricted Funds Analysis summarises bonds, deposits and infrastructure contributions held by Council. The funds reported in these statements are deemed restricted in accordance with Australian Accounting Standard AAS27.

Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality.

For the 2005/06 financial year, Council had adopted a materiality threshold of 10% or \$10,000, whichever is the greater. There is a need to review this for the 2006/07 financial year. For this purpose, a Position Statement will be developed and submitted to a future DAPPS Committee meeting.

Strategic Plan/Policy Implications

Governance Excellence

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*

Budget/Financial Implications

Where variances are of a permanent nature, these will be noted and addressed at the mid-year budget review.



Legal Implications

Section 6.4 of the Local Government Act, 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, refer.

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports – December 2006.

Advice to Proponent(s)/Submissioners

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 (MINUTE NO 3390) (OCM 08/02/2007) - YOUTH ADVISORY COUNCIL - CANBERRA TRIP (8304) (MA)

RECOMMENDATION

That Council:

- (1) approve a delegation of up to six (6) Youth Advisory Council (YAC) Members to participate in an educational trip to Canberra, during March 2007, while Federal Parliament is in session;
- (2) give priority of selection to YAC Members who have not previously visited Canberra;
- (3) nominate _____ (Elected Member) and require the Chief Executive Officer to appoint a member of staff to participate in the delegation in a supervisory and leadership role; and



- (4) allocate the sum of \$18,620 to cover the cost of the Youth Advisory Council – Canberra Trip with the funds to be allocated in the March 2007 budget review.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that the recommendation be adopted, subject to the nomination from Cllr Goncalves to participate in the delegation being accepted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

For the past 16 years, Council has held funds in reserve for a delegation of young people from the City of Cockburn to visit Canberra for educational purposes. The original educational visits to Canberra began in 1989, with school students from within the City were able to apply to visit. The trips occurred whilst Parliament was sitting in order to give students a valuable educational experience regarding the Federal Parliamentary system of Australia. In 2002, a delegation of Youth Advisory Councillors was appointed to visit Canberra. This was the first visit to include only Youth Advisory Councillors. The decision to send only Youth Advisory Councillors was made due to associated costs and staff resources and also provided the Youth Advisory Councillors with the opportunity to gain a significant behind the scenes view of Parliament. A second visit consisting only of Youth Advisory Councillors occurred in March 2005.

Submission

N/A

Report

The rationale for the Canberra trips has been to allow those participating to gain an insight into the operation of the Federal Government and visit the attractions of national significance located in Canberra, particularly the Australian War Memorial, the High Court and the National Screen and Sound Archive.

Delegates spend a full day at Parliament House, observing the Senate and the House of Representatives, participating in a role play with the Parliamentary Education Office and meeting with significant, relevant Ministers to raise particular issues directly with them. Delegates have



also been invited by a local federal member to attend a meal at Parliament House followed by an after hours view of Parliament House. A main aim of the Youth Advisory Council is to represent the aspirations, views and needs of young people within the City of Cockburn. This aim would be realised if the YAC could raise youth issues that are of local significance with Federal politicians.

The Youth Advisory Council has discussed the issue of how many members can go and understand the restrictions due to funding. In 2002 the Youth Advisory Council developed eligibility criteria. Namely that the participants have never visited Canberra before, they are over the age of 15 years and have been a member of the Youth Advisory Council for over 12 months. There are 6 members who meet the eligibility criteria. The eligible members are Youth Mayor Renae Whiteford, Deputy Youth Mayor Jade Castle, Mia Turner, Lauren Gerondal, Samantha Harris and Elyce Lines.

Due to the City's Duty of Care to Youth Advisory Council members who are under 18 years of age, it would be strongly advisable to ensure that a qualified staff member who is experienced in supervising young people attend the Canberra visit. The staff member will also be trained in first aid and will be well prepared for emergency situations. It is also appropriate for an Elected Member to attend in order that they can be a political guide for the YAC members and provide a Local Government perspective within the Federal Government setting

Strategic Plan/Policy Implications

Employment and Economic Development

- *To pursue high value employment opportunities for our residents.*

Budget/Financial Implications

The total estimated cost of the visit to Canberra in March 2007 for a period of five nights and six days from Saturday 24 March to Thursday 29 March is \$18,620.

Including the duly appointed Elected Member and the Youth Services Coordinator, the estimated cost per person is \$2,037.50 (based on the following calculations and excluding staff wages).

YAC Canberra Educational Visit March 2007		
Costs for 8 People		
Description	Total Cost / person	Total Cost
Airfares	850.00	6800
Accommodation	475.00	3800
Transport (8 seater)	93.75	750
Airport Transfers	8.75	70



YAC Canberra Educational Visit March 2007		
Costs for 8 People		
Description	Total Cost / person	Total Cost
Meals (16 meals)	480.00	3840
Entry fees	100.00	800
Miscellaneous	30.00	240
Sub Total	\$2,037.50	\$16,300
Staff Wages		3238
Sub Total2		\$19,540
Youth Services Contribution		918
TOTAL		\$18,620.00

The reserve account entitled "Youth Advisory Council Canberra Trip", which had previously been set aside for this purpose was closed in the 2006/07 budget in accordance with the review of Council funded Reserves.

An absolute majority decision of Council is required to allocate funds for the bi-annual Youth Advisory Council Canberra Trip.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.2 **(MINUTE NO 3391) (OCM 08/02/2007) - COCKBURN YOUTH ADVISORY COUNCIL MEMBERSHIP (8304) (MA)**

RECOMMENDATION

That Council, in accordance with Section 5.10 of the Local Government Act 1995, appoint the following individuals as members of the Youth Advisory Council:



1. Renae Whiteford (Youth Mayor)
2. Jade Castle (Deputy Youth Mayor)
3. Nigel Morrison
4. Fiona Morgan
5. Mia Turner
6. Samantha Harris
7. Lauren Gerondal
8. Elyce Lines
9. Luke Bowman
10. Holly Ramage
11. Emma Kirby

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr L Goncalves that the recommendation being adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The Cockburn Youth Advisory Council was established in 1993 as a Junior Council to provide advice to the City on youth issues. In 1997, the State Minister for Youth Affairs encouraged the establishment of Youth Advisory Councils. At this time the Cockburn City Council adopted the changeover of the Junior Council to Youth Advisory Council with members aged between 12 and 21 years. The Youth Advisory Council established a Charter in 1997 to outline the objectives and administrative processes for the Youth Advisory Council.

In 2003, the Charter was revised and renamed the Youth Advisory Council Terms of Reference.

The following members retired in 2006 due to a variety of reasons including age, work and study commitments and motherhood.

- Ryan Bulluss
- Lance Ward
- Jelena Benic
- Kirstin Semple
- Melanie Bird
- Alia Glorie



Submission

N/A

Report

Positions on the Youth Advisory Council are advertised as they become vacant. Applications for vacant positions are publicised through posters, leaflets and public notices in local publications for example, the Cockburn Gazette, Cockburn City Herald, school newsletters and in notices to community and sporting groups.

The Youth Mayor, Deputy Youth Mayor and Youth Services Coordinator interview all Youth Advisory Council applicants. The names put forward for consideration by Council are those considered most appropriate for the role of Youth Advisory Council Member.

Strategic Plan/Policy Implications***Lifestyle and Aspiration Achievement***

- *To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.*

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Applications for vacant positions are publicised through posters, leaflets and public notices in local publications for example, the Cockburn Gazette, Cockburn City Herald, school newsletters and in notices to community and sporting groups.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

Preferred applicants have been advised that their names have been submitted to Council for formal approval.



Non-preferred applicants have been advised that the names of the preferred applicants have been submitted to Council for formal approval and that they shall be considered for future vacant positions.

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

Nil.

17.3 (MINUTE NO 3392) (OCM 08/02/2007) - TENDER NO.RFT39/2006 - HAMMOND ROAD SPORTS/RECREATION FACILITIES (RFT 39/2006) (KW) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept Tender No.RFT39/2006 from Connell Wagner Pty. Ltd. for civil engineering services for Hammond Road Sport/Recreation Facilities for the lump-sum of \$90,783 GST incl. (\$82,530 GST excl.) for Stage 1 and for \$75,922 GST incl. (\$69,020 GST excl.) for Stage 2, with an overall total contract value of \$166,705 GST incl. (\$151,550 GST excl.); and
- (2) allocate an additional \$22,930 to CW 4208 Hammond Road Regional Facilities from the Community Infrastructure Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The City of Cockburn engaged the YMCA of Perth in collaboration with their specialist partner Corporate and Regional Enterprise (CARE) Consulting to undertake a needs analysis and to prepare a preliminary concept plan for a community and recreational facility for the eastern suburbs of the City.

The facilities for the Hammond Road site were determined through careful analysis of community survey results and consultation, evaluation of current facility and service provision within the City and



the demonstrated needs of the community. The process also involved review of previous relevant documentation, detailed population analysis, in depth consultation with key local and industry stakeholders and final review from the project reference group.

To guide this project, Thomson Marquis Project Management was appointed in September 2006. Further, Bollig Design Group were appointed to provide Architectural services for the project.

Submission

Tenders closed at 2:00pm (AWST) on Tuesday 12 December 2006 and five tender submissions were received from:

- McDowall Affleck Pty. Ltd.
- Arup
- BG&E Pty. Ltd.
- Connell Wagner Pty. Ltd.
- Van Der Meer Consulting

Report

Compliant Tenderers

All of the submissions met the compliance criteria, except:

- Arup has only \$1M(US) public liability cover
- Connell Wagner has only \$1M professional indemnity cover
- Connell Wagner requested consideration of amendments to the Conditions of Contract.

Both of the above are able to put in place additional insurance to meet the requirements if required and therefore all submissions were evaluated fully.

The report in the Confidential Attachment contains discussion on Connell Wagner's request for amendments to the Conditions of Contract, which will be forwarded under separate cover.

Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Relevant Experience	25%
Skills and Experience of Key Staff	25%
Tenderer's Resources	15%
Demonstrated Understanding	15%
Tendered Price – Lump Sum	20%
TOTAL	100%



Tender Intent/Requirements

Tender requirements were based on the Specification containing Overview, Works Schedule and Scope of Work prepared by the City's Consultant Project Manager, Richard Archer of Donald Cant Watts Corke (WA) Pty Ltd

Evaluating Officers

The tender submissions were evaluated by:

1. Shane Harris – South Lake Leisure Centre Manager
2. John Radaich – Manager, Engineering
3. Richard Archer – Consultant Project Manager, Daniel Cant Watts Corke (WA) P/L

Scoring Table

Scores			
Tenderer's Name	Non-Cost Evaluation Score 80%	Cost Criteria Evaluation Score 20%	Total Score 100%
McDowell Affleck Pty. Ltd.	53.58%	14.28%	67.9%
Arup	59.66%	6.23%	65.9%
BG&E Pty. Ltd.	52.92%	10.65%	63.6%
Connell Wagner Pty. Ltd.	58.50%	20.00%	78.5%
Van Der Meer Consulting	48.08%	18.80%	66.9%

Evaluation Criteria Assessment

All tenderers have the capacity to meet the City's requirements as detailed in the Specifications. Refer to attached comments against individual evaluation criteria.

Tender Assessment

The evaluation committee members separately read and evaluated the submissions, then met to discuss the ratings and recommendations. A combined rating for each criteria of each submission was determined by aggregating the scores from each of the committee members.

The evaluation committee recommends awarding the contract for Civil Engineering services on the Hammond Road Sport/Recreation Facility



to the Connell Wagner Pty. Ltd. for an amount of \$82,530 plus GST (total \$90,783) for Stage 1 and for \$69,020 plus GST (total \$75,922) for Stage 2. The appointment for Stage 2 should be subject to the appropriate funding and approvals being received.

Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain community facilities that meet community needs.*
- *To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.*

Lifestyle and Aspiration Achievement

- *To facilitate and provide an optimum range of community services and events.*
- *To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.*

Budget/Financial Implications

There is a fund allocation of \$150,000 under Account No.CW 4208 in the 2006/07 Budget to cover the first stages of Project Management, Architectural and Civil Engineering consultancies.

The lump-sum tendered is \$82,530 plus GST (total \$90,783) for Stage 1 and for \$69,020 plus GST (total \$75,922) for Stage 2. The total contract value is \$151,550 plus GST (total \$166,705).

The total Stage 1 contract values for Project Management (\$52,000) and Architectural services (\$38,400) is \$90,400 (excluding GST). This, together with the \$82,530 proposed, gives total consultancy costs of \$172,930 (excluding GST). The total is greater than the approved budget allocation of \$150,000, and hence the reason for this submission to Council.

This project has been adopted by Council and is listed in the City of Cockburn – A Plan for the District 2006-2016 with a total estimated cost of \$5.25 million.

Additional funds to cover the balance of Stage 2 consultancies will be sought in the 2007/08 Budget.



Tenders for the construction phase of the project will be called in the near future. The results of the tender will be brought to Council for decision.

Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.

Community Consultation

Extensive community consultation was undertaken through the needs assessment conducted by the YMCA and CARE.

Tender number RFT 39/2006 Civil Engineering Services – Hammond Road Sport-Recreation Facilities, Success WA was advertised on Saturday 25 November 2006 in the Local Government Tenders section of “The West Australian” newspaper.

Attachment(s)

1. Tendered Prices – “Confidential” – provided to Elected Members under separate cover.
2. Tender Evaluation Sheet – “Confidential” – provided to Elected Members under separate cover.
3. Compliance Criteria Checklist
4. Evaluation Criteria Comments

Advice to Proponent(s)/Submissioners

N/A

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 COUNCILLORS OR OFFICERS

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3393) (OCM 08/02/2007) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) 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
- (3) managed efficiently and effectively.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 10/0



25 (OCM 08/02/2007) - CLOSURE OF MEETING

MEETING CLOSED 7.26 PM

CONFIRMATION OF MINUTES

I, (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: Date:/...../.....

