CITY OF COCKBURN

ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 13 SEPTEMBER 2007

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 13 SEPTEMBER 2007 AT 7:00 PM

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AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 13 SEPTEMBER 2007 AT 7:00 PM

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

3. DISCLAIMER (To be read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)

Nil

5. APOLOGIES AND LEAVE OF ABSENCE

Nil

6 (OCM 13/09/2007) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

A response to questions (Q2 to Q9) raised by Mr Logan Howlett, North Lake at the Ordinary Council Meeting of 9 August 2007, as outlined in the Minutes of that meeting, was forward to him by letter signed by the Chief Executive Officer dated 15 August 2007.

Mayor Lee has prepared a response to the questions relating to himself and the Deputy Mayor, and is waiting on clarification of details before sending the information to Mr Howlett.

7. PUBLIC QUESTION TIME

Nil

8. CONFIRMATION OF MINUTES

8.1 (OCM 13/09/2007) - ORDINARY COUNCIL MEETING - 09/08/2007

RECOMMENDATION
That the Minutes of the Ordinary Council Meeting held on 9 August 2007, be adopted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (OCM 13/09/2007) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING HELD ON 14 AUGUST 2007 (5930) (R. AVARD) (ATTACH) Item 13.1.pdf

RECOMMENDATION
That Council receive the Minutes of the Grants and Donations Committee meeting held on 14 August 2007, as attached to the Agenda and the recommendations contained therein be adopted.

COUNCIL DECISION

Background

A meeting of the Grants and Donations Committee was held on 14 August 2007.

Submission

To receive the Minutes of the Grants and Donations Committee and adopt the recommendations of the Committee.

Report

On Council's 2007/08 Budget the sum of $515,000 was identified for distribution as grants and donations to not-for-profit organisations and to individuals. The Grants and Donations Committee at its meeting of 14 August 2007 gave consideration to the level and nature of grants and donations for 2007/08.

A list of the recommended grants and donations made by the Committee is attached to the Agenda along with the Minutes of the Grants and Donations Committee.

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

All grants and donations will be considered in the context of Council Policy SC35 "Grants and Donations - Not-for-Profit Organisations" which establishes that 2% of rateable income will be available for this purpose.

Legal Implications

N/A

Community Consultation

The availability of Community Grants and Donations will be advertised at the appropriate time.

Attachment(s)

1. Minutes of the Grants and Donations Committee Meeting - 14 August 2007.
2. Schedule of Grants and Donations Allocations (Committee) for 2007/08.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.2 (OCM 13/09/2007) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES & POSITION STATEMENTS COMMITTEE MEETING HELD ON 20 AUGUST 2007 (1054) (D. GREEN) (ATTACH) Item 13.2.pdf

RECOMMENDATION

That Council receive the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 20 August 2007, as attached to the Agenda, and the recommendations contained therein be adopted.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 20 August 2007. The Minutes of the meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee Meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by council and if accepted, are endorsed as the decisions of Council. Any elected member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

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

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 20 August 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM 13/09/2007) - COMPULSORY INSTALLATION OF RAINWATER TANKS (93030) (D ARNDT)

RECOMMENDATION
That Council:

(1) awaits the outcomes of the implementation of Stage two of the State Government's Five Star Plus environmental initiatives;

(2) reviews its position in respect to the mandatory requirement for the provision of rainwater tanks should the implementation of Stage two of the State Government's Five Star Plus environmental initiatives not occur within twelve months.

COUNCIL DECISION

Background

The issue of compulsory installation of rainwater tanks was initially raised at Council's meeting in April 2003, which resulted in a report being presented to the Council at its meeting on the 15 February 2005, whereby Council resolved to:

"(1) initiate an amendment to Town Planning Scheme No.3 to make it compulsory for all new single houses and grouped dwellings to install rainwater tanks with a minimum capacity of 5,000 litres, or 2,500 for group dwellings, for secondary use, effective from the date of gazettal of the amendment.

(2) instruct the Director Planning and Development to prepare the scheme amendment for the consideration of Council at the next Council meeting and prepare a draft policy for consideration at the next meeting of the Delegated Authority and Policy and Position Statement Committee.

(3) investigate the potential for a preferential supply arrangement with a local supplier that affords ratepayers the ability to purchase rainwater tanks of either 2,500 or 5,000 litres or more at lower costs than currently exist."

Council subsequently at its Ordinary Meeting on 15 March 2005 resolved as follows:-

"(1) receive the report;

(2) adopt the recommendation to amend Town Planning Scheme No.3, Amendment No.30, with the exception that proposed Clause 5.8.7 be modified to read as follows:

5.8.7 Each new single house shall install a rainwater tank, as a secondary water supply, with a minimum capacity of 4,000 litres and each new grouped dwelling shall install a rainwater tank with a minimum capacity of 2,000 litres.

(3) instruct the Director, Planning and Development to prepare a draft Rainwater Tank Policy for consideration at the next Delegated Authroity, Policies and Position Statements Committee Meeting."

Following the statutory consultation on the amendment Council resolved at its Ordinary meeting on the 10 November 2005:

(1) *not adopt the amendment for final approval;*

(2) advise the Western Australian Planning Commission accordingly;

(3) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;

(4) await the outcomes of the introduction of WA BASIX which includes a more comprehensive approach to water efficiency and energy efficiency technologies for new homes; and

(5) *advise submissioners of Council's decision accordingly.*

At the Council meeting held on August 9, 2007 Mayor Lee provided a notice of motion that Council considers an amendment to its Town Planning Scheme No.3 to ensure that all new properties constructed within the City of Cockburn be fitted with rainwater tanks.

Submission

N/A

Report

The discussion/debate in relation to the previous amendment considered by Council raised a number of issues, which resulted in Council resolving not to grant final approval to the amendment. The main issues were health/environmental, economic, statutory/legal and duplication of State Government initiatives.

Health Issues

The Department of Health has advised that unless treated rainwater is not reliably safe to drink in urban areas where reticulated scheme water is available, rainwater should be used for non-potable water uses such as garden watering, flushing toilets, washing machines and car washing.

The *Plumbing Code of Australia* does not appear to support the connection of rainwater tanks to hot water systems or washing machines.

The maintenance of guttering and rainwater tanks has a significant impact on water quality and the Department of Health recommends ongoing maintenance and disinfection of rainwater tanks. These measures include first flush diverters, screens over inlets, regular cleaning of gutters and mosquito breeding prevention.

There are also ongoing concerns that rainwater from suburbs in the district near industrial areas may not be fit for consumption or for use in other purposes.

As rainwater tanks are usually owned and operated by the householder and the use of roof runoff is not subject to any regulation, it is impossible to control the use of rainwater tanks.

In order to address these environmental issues the preferred solution would be for any rainwater tanks to be used as a *"non-potable"* water supply as opposed to a *"secondary"* water supply. The rainwater tank be then plumbed to the toilets and cold water washing machine outlets, which would eliminate the potential health risk.

Statutory/Legal

Currently under the provision of Council's Town Planning Scheme single residential dwellings and minor grouped dwellings are not required to obtain planning approval and are only required to obtain a building licence.

Section 374(1) of the Local Government (Miscellaneous Provisions) Act 1960 imposes obligations to obtain a building licence before commencing building activity.

Section 374(1b) provides for a local government authority to approve or refuse to approve plans subject to the proposal complying with all local laws and polices (that relate to building matters) and all local laws and schemes in relation to town and regional planning matters.

The State Administrative Tribunal has however generally be of the view that only conditions that relate specifically to the building matter or structural design/conformity of a proposal should be imposed on a building licence. Conditions relating to planning matters being sought and imposed as conditions of a planning approval.

As any mandatory requirement for the provision of a rainwater tank was proposed as part of Council's scheme and the scheme does not give rise to the need to obtain planning approval for an otherwise exempted development. The only avenue open to Council would be to either refuse a building licence for a new dwelling if the plans do not propose a rainwater tank or alternatively impose the requirement to install a tank as a condition of the licence. As previously stated and based on advice from Council's solicitors such a course is likely to be able to be successfully challenged through the appeal process.

Domestic Water Use

The Water Corporation prepared a document titled "Domestic Water Use Study in Perth Western Australia 1998-2001 – released on March 2003". The study provides a good understanding of domestic water use patterns and trends for the Water Corporation to plan for the present and future needs of its domestic and other customers. Some public submissions criticised the City for not referring to this report.

Annual Water Use Table

	In-house	Ex-house	Leaks
Single Residential	42%	56%	2%
Multi-Residential	48%	50%	2%

Component Usage

	Bath & Shower	Washing Machine	Toilet	Tap	Other
Single Residential	33%	27%	21%	16%	3%
Multi-Residential	33%	26%	17%	21%	3%

Overall Component Usage per Single Household

Water Use	Percentage
Watering	54%
Bath & Shower	14%
Washing Machine	11%
Toilet	9%
Tap	7%
Swimming Pool	2%
Leaks	2%
Other	1%
Total	100%

It is interesting to note that sinking a bore would cost less to install than a rainwater tank and connecting to a house. A bore would also save 54% of overall water use to a single household and provide a continuous all year round supply of groundwater. A rainwater tank couldn't provide the same water savings because rainwater supply is limited.

Some Study Outcomes:-

- Water usage peaks over summer;
- Higher income groups use more water than lower income groups;
- Almost all water use outside the house is applied to gardens and lawn watering;
- Auto-reticulation uses more water than no auto-reticulation. 36% increase in use from 1981/82 to 1998/00 of sample households;
- Houses with bores use less scheme water for watering purposes than houses without a bore;
- Shower efficient heads save more water than normal flow heads. 35% increase in use from 1981/82 to 1998/00 of sample households;
- Front loader washing machines save more water than top loader washing machines;
- Dual flush toilets use less water than single flush toilets. 64% increase in use from 1981/82 to 1998/00 of sample households. Total household water use dropped from 32% to 21% in less than 10 years;
- The total average water use for single households increased by 55% from 1981/82 to 1998/00 of sample households due to an increase in occupancy rates;

Economic

The main concern raised in the submissions on the previous amendment was the increased cost it would impose on the construction of new dwellings. Essentially the cost of a rainwater tank varies between $2,750 and $4,250 plus GST to supply and install a tank (including foundations, transport, fitting, and alterations to the gutters and drainpipes) but doesn't include ongoing maintenance, provision of flush diverters, screens over inlets, regular cleaning of gutters and mosquito breeding prevention. These estimates also don't include the cost of internal plumbing connections.

The current rebate is $50 for a tank 600 litres or greater and if the tank is 2000 litres or greater $500 or 50 per cent of the purchase and plumbing in cost (whichever is the lesser amount) if they are plumbed in by a licensed plumber for use in the toilet and/or washing machine.

The State Government's Water Wise Rebate Program has been made to over 197,000 families and is estimated to have saved over 7 million kl annually.

Only 3.8% of rebates over 197,746 waterwise rebates have been paid by the State Government for rainwater tanks.

The optimal size of a rainwater tank should be determined based on the in-house demand, approximate roof catchment area of the building, the space available for the installation of the tank and the costs associated with the installation.

Optimal size of rainwater tank based on roof catchment & use for rainwater

Use of Rainwater	**Roof Catchment Area (m2)**		
Single Residential	**150**	**200**	**250**
Toilet only (112l/day)	2500L	3000L	3500L
Toilet & Washing Machine (cold water inlet only) (251l/day)	3000L	3500L	3500L
Toilet, Washing Machine & Hot Water (361l/day)	3500L	3500L	3500L
Multi Residential			
Toilet only (62l/day)	2500L	3000L	3000L
Toilet & Washing Machine (cold water inlet only) (156l/day)	3000L	3500L	3500L
Toilet, Washing Machine & Hot Water (240l/day)	3000L	3500L	3500L

The potential savings on scheme water consumption due to the installation of rainwater tanks, assuming the installation of the recommended rainwater tank size are as follows:

Potential maximum savings on scheme water consumption from rainwater tanks

Use of Rainwater	**Roof Catchment Area (m2)**		
Single Residential	**150**	**200**	**250**
Toilet only (112l/day)	28kL/yr (66%)	31kL/yr (75%)	33kL/yr (81%)
Toilet & Washing Machine (cold water inlet only) (251l/day)	45kL/yr (49%)	49kL/yr (54%)	51kL/yr (56%^)
Toilet, Washing Machine & Hot Water (361l/day)	56kL/yr (42%)	60kL/yr (46%)	63kL/yr (48%)
Multi Residential			
Toilet only (62l/day)	16kL/yr (81%)	19kL/yr (89%)	20kL/yr (92%)
Toilet & Washing Machine (cold water inlet only) (156l/day)	32kL/yr (60%)	36k/L/yr (65%)	37kL/yr (68%)
Toilet, Washing Machine & Hot Water (240l/day)	40kL/yr (49%)	45kL/yr (54%)	46kL/yr (56%)

The estimated payback period for the installation of a rainwater tank and the associated plumbing would be somewhere in the vicinity of 15 to 40 years, depending upon the size of the tank and the water usage of the household.

State Government Initiatives

In May 2006, the State Government adopted the minimum 5 Star energy efficiency provisions of the Building Code of Australia (BCA) for all new homes. Known as 5 Star, the provisions are designed to encourage better building designs resulting in environmental benefits such as reduced energy consumption and savings in heating and cooling.

The 5 Star provisions effectively replace the previously proposed Building Sustainability Index (BASIX). In May 2007 the State Government announced the introduction of its 5 Star Plus environmental initiative, which builds on the energy efficiencies from 5 Star together with water reduction measures.

5 Star Plus is based around two new Codes: The Energy Use in Houses Code, which confirms the existing 5 Star provisions for house design and construction and adds requirements for energy efficient water heating.; and The Water Use in Houses Code, which aims to reduce the consumption of water in residential homes by requiring water efficient fittings, minimising the wastage of water and facilitating the appropriate use of alternative sources of water such as grey water and rain water.

Specifically the Water Use in Houses Code requires that from September 1, 2007 all new homes must be fitted with 3 or 4 star water efficient fittings and fixtures, and all hot water outlets in new homes be located close to the hot water system or a re-circulating hot water supply to minimize wastage of energy and water.

The second stage of the 5 star plus provisions will require that all new homes be plumbed so that they can be connected to an approved alternative water supply at a later date (the alternative water supply may include water tanks, bore water and/or third pipes), and be plumbed to enable connection to a grey water system (grey water being the water from showers, baths and laundry), and new homes with a high water demand for internal use have an approved alternative water supply for appropriate non-potable use. The 5 Star Plus standards are proposed to be introduced into the BCA from May 1, 2008.

Other Similar Provisions

Since Council's determination in November 2005 there have been a few developments/subdivisions, which are implementing the mandatory provision of rainwater tanks. These primarily are being imposed by the developer as a condition of sale of land within their estate. In the case of the Champion Drive Estate in Armadale this requirement is being trialled by the Armadale Redevelopment Authority (RDA). The RDA is governed by the provisions of the Armadale Redevelopment Act, which requires all developments within the RDA jurisdiction to have completed a sustainability audit. The audit establishes a range of minimum environmental requirements, and in the Champion Drive Estate the minimum standard for water efficiency is the installation of a 2,500 litre rainwater tank plumbed to the toilets and cold water washing machine outlet, and must be in accordance with all health regulations. The RDA is able to achieve this as it is not bound by the provisions of the Planning & Development Act, unlike other local government authorities.

Conclusion

The mandatory provision of rainwater tanks is not supported, at this current moment in time, for the following reasons:

- It pre-empts the introduction by the State Government of Stage 2 of the 5 Star Plus energy & water provisions and would be superseded once these provisions were introduced as part of the BCA.

- It would potentially be difficult to implement under the provisions of the Local Government (Miscellaneous Provisions) act, 1960.

- The proposal is not equitable as the mandatory provision of rainwater tanks would not apply to existing houses.

- Council would have to give serious consideration to providing financial incentives if rainwater tanks are mandated ahead of the State Government's Solar program, which would be at the cost of existing ratepayers who are not part of the provisions.

It is considered however that this position should be reviewed if the State Government does not implement Stage two of the its 5 Star Plus environmental initiatives.

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.*

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.*

Budget/Financial Implications

Nil.

Legal Implications

The legal implications are:

(1) Local Government (Miscellaneous Provisions) Act, 1960;
(2) Planning & Development Act 2005;
(3) Building Codes of Australia.

Given the limited time in which to prepare the report formal recent legal opinion has not been provided, however, Council's solicitors have verbally advised that the only way of imposing the mandatory provision of rainwater tanks would be as a condition of the building licence. They, however, advised that the State Administration Tribunal have consistently upheld appeals in respect of the imposition of planning conditions on building licences.

Community Consultation

In respect to the current proposal under consideration there has not been sufficient time from the date of the intended notice of motion and

the preparation of this report for any significant industry consultation to be undertaken.

The previously proposed scheme amendment was widely advertised and received a significant number of submissions, including detailed submissions from the Housing Industry Association, the Department for Planning and Infrastructure, the Water Corporation, Department of Health, the Urban Development Institute of Australia, Building Companies and Building Industry Groups. All of the submissions received opposed the mandatory imposition of rainwater tanks and copies of the submissions and their respective responses can be found in the Council report of November 2005 on the matter.

Attachment(s)

Nil.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.2 (OCM 13/09/2007) - PHOENIX CENTRAL REVITALISATION PLAN (9687) (E ROBERTS) (ATTACH) Item 14.2.pdf

RECOMMENDATION
That Council proceed with the preparation of the Phoenix Central Revitalisation Plan as outlined in the Agenda report and Attachments.

COUNCIL DECISION

Background

At the Council Meeting on the 9th August 2007, it was proposed that the Council prepare a Phoenix Park Activity Centre Plan (Item 17.3). This item has changed the name to the "Phoenix Central Revitalisation Plan" as this name is considered to be more widely understood by the community. This item outlines the proposed process for the preparation of the plan.

Report

Rationale for the preparation of the Phoenix Central Revitalisation Plan

The Phoenix commercial centre is the City of Cockburn's second largest centre with 28,000 square metres of retail and many other associated commercial uses. Council Administration Buildings are located adjacent to the existing shopping centre and the City is currently investigating how to further develop this approximately six (6) hectare site. The surrounding residential area is also currently receiving infill sewerage and many residents are now looking at the potential of their land being further developed.

Rather than allowing the Phoenix Park area to develop in a piecemeal manner, it is proposed that the City prepares a comprehensive Revitalisation Plan for the Phoenix Park area. From a planning perspective, the Revitalisation Plan is really an Activity Centre Plan (see below). The final report submitted to the Western Australian Planning Commission (WAPC) will therefore be called the: "Phoenix Central Revitalisation Plan: *an activity centre plan for the future*"

The concept of an Activity Centre comes from the Western Australian Planning Commissions new community planning strategy for Perth called "Network City" and the "Liveable Neighbourhoods" operation policy. Network City describes Activity Centres as:

"locations where a range of activities are encouraged. Employment, retail, living, entertainment, higher education, high level or specialised medical services are just a few such activities".

Some of the key recommendations of Network City that are applicable to a future Phoenix Central Revitalisation Plan include:

- Planning for local places to develop identity and pride and to increase social and cultural capital.
- Revitalising existing centres by enhancing their amenity and attractiveness, their economic, social and cultural vitality and their safety and security.
- Encouraging the local mixing of uses, especially residential housing to help reduce the overall need for people to travel between their places of residence, employment and recreation and to overall strengthen the centre as a public transport destination.

"Liveable Neighbourhoods" explains the rational behind having residential in activity centres:

"All mixed use centres should have a reasonable amount of denser housing in it and in close proximity to them. This should provide a

range of housing types, sizes and affordability of choices. Housing in upper storeys of mixed-use buildings is strongly encouraged. This not only provides centrally located housing, but also helps to crease a sense of urban scale and intensity along streets. In addition, residential activity provides improved community safety to the centre. Thus housing within centres will often be important for providing adequate walkable custom for the centres and for supporting public transport services."

Council's land provides a strategic opportunity for the Phoenix Park Centre to evolve to an exciting and vibrant activity centre and should form an integral part of the preparation of the Revitalisation Plan for the whole Phoenix Park area.

Scope of the Phoenix Central Revitalisation Plan

The Phoenix Central Revitalisation Plan will be a planning tool that will enable Council to set out its vision for this area, and the longer-term directions for land use and development. The Plan will establish a basic structure in terms of future population and employment, outline broad strategies for housing, shopping and business activities and proposals for transport, open space and other public uses.

Attachment 1 shows the study area for the project. While the regional and sub-regional context will be considered in the plan, the actual subject area broadly represents an 800 metre walkable catchment from the Phoenix Park commercial precinct and the City's land located to the south.

Strategic Planning Services will manage the preparation of the Plan with the help of consultants such as Urban Designers, a Traffic Engineer and a Place Making or Retail Consultant as well as a technical group from the City of Cockburn.

The project will formally commence in September and aims to be completed by June 2008 with an implementation phase to follow.

The following outlines key outcomes for critical stakeholders (the community, existing business owners, developers, government agencies and the City of Cockburn) and outcomes from the Revitalisation Plan itself.

Desired Outcomes for Critical Stakeholders

- Help the Community to understand how the area is likely to change in the future and provide guidance in terms of zoning changes.
- Help Existing Business Owners to have greater certainty and appreciation regarding the future direction of the centre at large and to see future opportunities for improving their businesses and business surroundings.

- Help Developers to understand the development opportunities that exist and the matters that will be taken into account by the City of Cockburn in assessing development proposals.
- Help Government Agencies in coordinating infrastructure improvements such as the Public Transport Authority and Main Roads.
- Help the City of Cockburn guide the following:
  - land use, zoning, subdivision and development throughout the centre, to be implemented through the statutory planning system, including amendments to Council's Town Planning Scheme;
  - future capital works to meet increased future activity levels within the centre;
  - the provision of community services and facilities;
  - the development of Council land;
  - non-statutory initiatives, arrangements or partnerships to assist in realising potential future opportunities within the centre.

Desired Outcomes resulting from the Revitalisation Plan

Land Use and Rezoning

- Strengthen the retail, business, entertainment, civic, community and employment role of the centre.
- Propose possible retail floor space increases for the centre.
- Integrate the development of a new mixed use precinct of civic, residential, community on Council land with the rest of the centre.
- Provide for a new Senior Citizen Centre as part of the development of Council's land.
- Create a range of new housing opportunities within and around the centre resulting in an increase the number of people living in the centre.

Built Form and Design

- Encourage the development of an attractive and distinctive built environment that supports the range of activities of the centre.
- Create a positive urban image for each part of the centre through the design of buildings and spaces.
- Facilitate and promote innovative new development or improvements with existing landowners that promotes a significantly improved urban environment.
- Establish an appropriate building scale for each part of the centre that maximises use of available land within the centre.
- Promote a range of new housing opportunities that offers a high standard of amenity, close to the activity of the centre.

Access and movement network

- Improve accessibility for all forms of transport within the centre, with pedestrians, cyclists and public transport users as the priority.
- Improve safety including perceptions of safety in public spaces, streets, laneways and pedestrian walk throughs in the centre via the application of "Designing out Crime" principles.
- Advocate for improved public transport service provision, timetable integration and infrastructure upgrades.
- Manage impacts of local and 'through' vehicular traffic on the pedestrian environment in the centre.
- Increase cyclist accessibility to and through the centre.
- Manage traffic in local streets associated with increased activity in the centre.
- Ensure sufficient car parking spaces with a high level of amenity and accessibility while reducing the visual impact of car parking on the centre.
- Make better use of car parking areas while maintaining car parking provision.
- Create, where possible, new pedestrian links to improve accessibility and makes existing pedestrian links safe and attractive.
- Streetscape improvements to Rockingham Road.

Public Open Space

- A plan to improve connectivity with the public open space, create new frontages for development and encourage increased usage of parklands.

It is recommended that Council adopts the above process for the preparation of the Phoenix Central Revitalisation Plan.

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

Employment and Economic Development

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

Transport Optimisation

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*

The Planning Policies which apply to this item are:

SPD2 Community Facilities Infrastructure - 10 Year Forward Plan
SPD4 'Liveable Neighbourhoods'
APD4 Public Open Space
APD12 Aged Persons Accommodation - Development Guidelines
APD21 Pedestrian Access Way Closures
APD33 Town Planning Scheme No. 3 Provisions
APD36 Shopping Centres and Service Stations
APD45 Provision of On-Street Car Parking

Budget/Financial Implications

Preliminary costs of the project are between $60,000 to $80,000 with the majority of this budget being used for consultants. These funds will be drawn from the Strategic Planning Budget and it should be noted that the total cost may exceed the funds available. Should this occur, an additional allocation of funds will be requested at a six month Budget Review.

Legal Implications

Nil

Community Consultation

The program includes extensive community consultation (see Attachment 2)

Attachment(s)

(1) Subject Area
(2) Consultation Process

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.3 (OCM 13/09/2007) - OUTBUILDING (SIDE SETBACK) LOT 162 (NO. 106) BRITTANIA AVENUE, BEELIAR (OWNER/APPLICANT: ROBIN DAWN GRAY) (6003136) (E SMITH) (ATTACH) Item 14.3.pdf

RECOMMENDATION
That Council:

(1) grant its approval to the outbuilding (side setback variation) in accordance with the approved plans 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.

4. No wall, fence or landscaping greater than 0.75 metres in height measured from 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 2.1 metre truncation.

5. All stormwater being contained and disposed of on-site to the satisfaction of the City.

6. 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.

7. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.

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, City's Planning Services should be consulted.

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);

(3) advise the applicant and submissioner of City's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Rural
	TPS3	Rural Living
LAND USE:	Residential	
LOT SIZE:	4047m^2	
USE CLASS:	Single (R-Code) House, 'P' (Permitted)	

The subject land is situated on the north side of Britannia Avenue, between Jervois Road and the Fremantle-Kwinana railway line (to the east). The site currently has a single dwelling under construction. The site is flanked to the east and west by vacant lots; the lot to the west however was granted planning approval for a single residence and outbuilding in March this year. The locality generally, is characterised by a mix of original and more recent dwellings on large 'rural living' lots, interspersed with numerous lots used for:

- both residential and rural living/agricultural purposes; or
- solely intensive agricultural purposes (market gardening, orchards etc).

There are also a number of 'bush' blocks in the area.

Submission

Application has been made to erect an outbuilding setback 1.5m from the western boundary of the lot. The outbuilding is proposed to have dimensions of 16.01m x 9.01m and a wall height of 3.6m and ridge height of 4.96m. The outbuilding will be used to store 3 cars, tools and other general household goods.

Report

In determining applications for development within a Rural Living Zone, Council needs to have regard for the Town Planning Scheme objectives of the zone, and any applicable standards and/or policies. The objective of the Zone is *To provide residential use in a rural environment* (clause 4.2.1). The main standards relate to the siting of development where no building envelope exists. Within a Rural Living Zone, the Scheme states that *no building shall be erected within 10 metres of any boundary of the lot or 20 metres from any road reserve* (clause 5.10.2).

As this site does not contain a building envelope, buildings are required to be setback 10m from the side boundary as per the scheme. In this case, the outbuilding is proposed to be setback 1.5m from the western boundary; hence the application was advertised to the western adjoining neighbour.

As a result, a submission was received objecting to the perceived 'unsightly' appearance of the outbuilding and the potential the outbuilding has to cause noise problems.

Appearance of the Outbuilding

Council's Policy (APD18) dealing with outbuildings refers to a maximum floor area of 200m^2, and maximum wall and ridge heights of 4.0m and 6.0m. The outbuilding proposed is compliant in terms of size. It is also compliant in terms of wall height and ridge height. Furthermore, there is an existing 2.1m high retaining wall along the eastern boundary of the adjoining site and approval for a 1.2m colorbond fence on top of the retaining wall (3.3m height in total). The proposed outbuilding has a wall height of 3.6m and ridge height of 4.9m. Hence only 30cm of the outbuilding wall and the whole of the pitched roof will be visible from the adjoining property. The outbuilding will be finished in an earth tone, which is a neutral colour in keeping with the surrounding locality.

Noise

The proposed outbuilding will be setback the same distance from the front boundary as the swimming pool and triple garage of the adjoining dwelling. The noise that the proposed outbuilding will perceivably

produce is considered to be similar to the noise produced from activities associated with the adjoining swimming pool and garage. The wide sealed driveway and associated landscaping, as well as the retaining wall and fence proposed along the adjoining eastern boundary will attenuate potential noise. Furthermore, condition 6 of the recommended conditional approval deals with, amongst other matters, noise control.

Boundary Setback

It is noted that many properties within the Rural Living Zone have outbuildings erected upon them, in several instances in similar locations to that proposed, i.e encroaching on the 10m boundary setback requirement. The dwelling on the subject site received planning approval in 2006 with a 2.3m setback from the western side boundary. The adjoining property obtained planning approval earlier this year for both a dwelling and outbuilding that encroached on the required 10m boundary setback. The dwelling is setback 2.1m from the western boundary and the outbuilding is approved to be setback 3m from the western boundary. A port cochure setback only 2m was approved on the eastern boundary.

The proposed outbuilding is setback 500mm less than the approved port cochure on the adjoining boundary. However, the portico is proposed to have a ridge height of 8.6m, which is dramatically higher than the proposed outbuilding with a ridge height of 4.96m. Also as the portico is set upon a 2.1m retaining wall, the subject site will be overwhelmed by a structure 10.7m in height. In comparison, as mentioned previously, only 1.66m of the height of the proposed outbuilding will be visible from the adjoining property. It is evident that the varied size of the adjoining portico and proposed outbuilding will have different impacts on respective adjoining properties hence the variation in the acceptable setback required.

Fire Break

Properties in the rural living zone are required to provide a fire break, part of the rationale for the Scheme requiring buildings to be setback 10m from the boundary. Confirmation was provided from the applicant in 2006 as part of his application for a dwelling, that a 4.5m wide firebreak would be kept clear along the western boundary. This was satisfactory to council requirements.

Conclusion

Having regard for the above comments it is recommended that Council approve the Outbuilding. As the application is compliant with Council Policy APD18 (Outbuildings) and will only be partially visible from the adjoining property it is considered to be acceptable. In considering the requirements of orderly and proper planning (Clause 10.2.1), it is

apparent that many buildings within the locality are sited in similar locations to the proposed outbuilding. It is apparent that the large size of the adjoining port cochure (setback 2m from the boundary) and proposed outbuilding (setback 1.5m from the boundary) will have different impacts on respective adjoining properties hence the variation in the acceptable setbacks required. The proposed outbuilding on the eastern boundary will not impede on a fire break and potential noise from the outbuilding is not considered to impact on the preservation of the amenity of the locality (Clause 10.2.1).

Recommendation

That Council conditionally approve the application to erect an outbuilding setback 1.5m from the side boundary on Lot 162 (No.106) Britannia Avenue, Beeliar.

Strategic Plan/Policy Implications

Council Policy – Outbuildings – APD18.

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
Planning and Development Act 2005

Community Consultation

Adjoining owners were consulted regarding the proposal.

Attachment(s)

(1) Location Plan;
(2) Site Plan;
(3) Elevations

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 13 September 2007 Council Meeting.

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

Nil.

14.4 (OCM 13/09/2007) - SINGLE HOUSE CODES APPROVAL (OPEN SPACE & BOUNDARY SETBACK) LOT 500 (NO. 2) YANCHEP LANE, AUBIN GROVE (OWNER/APPLICANT - TERRENCE & DIANNE CAIN) (6004117) (E SMITH) (ATTACH) Item 14.4.pdf

RECOMMENDATION
That Council:

(1) grant its approval to the proposed Single (R-Codes) House (R-Codes Variation – Open Space & Boundary Setback) in accordance with the approved plan subject to the following 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.

4. No wall, fence or landscaping greater than 0.75 metres in height measured from 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 2.1 metre truncation.

5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

6. 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.

7. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

SPECIAL CONDITIONS

8. The surface finish of the boundary wall(s) abutting the adjoining lot(s) is to be either face brick or rendered to match the external walls of the dwelling being constructed unless otherwise agreed with the adjoining property owner(s). In all instances, the work is to be of a high standard.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.

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.

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);

(3) advise the applicant and submissioner of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3	Residential R-20
LAND USE:	Residential	
LOT SIZE:	605m^2	
USE CLASS:	Single (R-Code) House 'P' (Permitted)	

The subject land is situated on the corner of Yanchep Lane and Springbrook Chase. The site is currently vacant, and is flanked to the east by a single dwelling and to the south by a similar vacant lot. The site is opposite a large area of public open space to the north. The location generally is characterised by single residential development and vacant residential lots.

Submission

The applicant proposes a Single (R-Code) House on the subject land. The proposal includes two double garages, each with boundary walls. The two double garages are proposed to store the (4) four cars of the family of four (4). The applicant wishes to garage all four (4) cars so as the cars are not parked on the street verge. He has stated that this will improve the streetscape of the neighbourhood and ensure the vehicles are securely stored.

Report

The subject land is zoned R20 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.

Boundary Setback

The proposal includes two double garages, one fronting Yanchep Lane and the other fronting Springbrook Chase. Each garage is proposed to have a boundary wall abutting the adjoining properties. The R-Codes states that in areas coded R20 boundary walls are permitted up to nine (9) meters in length up to one side boundary only. This application is proposing boundary walls, both less than nine (9) meters in length, up to two boundaries.

The performance criteria of the R-Codes for buildings on boundary are:

- make effective use of space
- enhance privacy; or
- otherwise enhance the amenity of the development; and
- not have any significant adverse effect on the amenity of the adjoining property; and
- ensure that direct sun to major openings to habitable rooms and outdoor living areas is not restricted.

It is considered that this application complies with the performance criteria for the following reasons:

Make effective use of space

The two boundary walls assist the development to make effective use of space. As stated previously, the applicant argued that the open area created if a boundary wall was setback from the boundary would be an area not sufficient in size to utilise as an outdoor area.

Enhance the amenity of the development

As the boundary walls are proposed on separate boundaries and are both sited close to the respective street verges of the lot (see site plan attached) it is considered that no relevant impact is imposed on either neighbour from the proposed two boundary walls. It is apparent both proposed walls are compliant with the R-Codes in terms of height and length. Furthermore, as the subject site is a corner lot and only one boundary wall is proposed for each of the two street frontages, the impact on the streetscape of boundary walls on two side boundaries is minimised.

The applicant stated that one of the reasons for proposing two double garages is to prevent cars from needing to park on the street verge. This will enhance the amenity of the area, particularly as the verges do not provide designated car parking space. The proposal is not considered to be detrimental to the amenity of the locality as per Clause 10.2.1(n) of the Town Planning Scheme, and satisfies this particular performance criterion.

Not have any significant adverse effect on the amenity of the adjoining property; and ensure that direct sun to major openings to habitable rooms and outdoor living areas is not restricted.

The proposal is not compliant with the R-Codes hence it was advertised to the adjoining neighbours for comment. An objection was received from the adjoining neighbour to the south. The objection raised issues regarding the impact the garage parapet wall will have on the adjoining property to the south particularly in regards to sunlight, ventilation, hindrance on the proposed house design and the impact of noise generated in the garage.

It is apparent that this submission objects to the proposal of a boundary wall on the specific boundary rather than objecting to the impact of the two boundary walls, which is the specific R-Code variation that is being addressed. The subject boundary wall complies with height and length requirements of the R-Codes.

The majority of the length of the subject boundary wall is located within the front setback of the adjoining property. Council have not received application for development on the adjoining property so it can be assumed that the dwelling will not be constructed within the front setback area, as this is not compliant with the R-Codes. Therefore the assumption is made that the proposed boundary wall will not impact on direct sun or ventilation to major openings to habitable rooms of the future adjoining dwelling. Also it is evident that outdoor living areas are not normally situated in front of the dwelling, hence it is not likely that the boundary wall will obstruct direct sunlight into any outdoor living areas.

It is not considered that excessive noise will be produced in the garage that will impact adjoining neighbours, particularly as the potential adjoining dwelling is not likely to be located immediately adjacent to the garage.

Open Space

44% of the site is allocated as open space. This varies from the 50% open space requirement prescribed in the R-Codes for R20 lots. The proposed area of open space is considered to comply with the performance criteria addressed in Clause 3.4.1 of the R-Codes.

The performance criteria of the R-Codes for provision of open space are to provide sufficient open space:

- to complement the building;
- to allow attractive streetscapes;
- to suit future needs of residents, having regard to the type and density of the dwelling.

The reduced open space area will not impede on the attractiveness of the streetscape and will not visually detriment the compatibility of the building on the specific site. It is noted that a considerable area of public open space is located directly opposite the subject site. The proposed open space combined with the nearby public open space is considered to suit the needs and future needs of residents of the proposed four (4) bedroom dwelling. This also ensures that the proposal is in keeping with Clause 10.2.1(i) in that the reduced open space of the development is compatible within the locality.

Negotiation was undertaken with the applicant to reduce the number or size of the garages. This would potentially satisfy the R-Codes open space and boundary wall requirements. However the applicant was not willing to amend his development as he argued that the open area created would be an area insufficient in size to be utilised as an outdoor area. He argued that the large area of public open space opposite the site, which is a bush forever site, would compensate his reduced open space area.

Recommendation

It is recommended that Council support the application on the basis that the impact of the two boundary walls on the adjoining neighbours or the streetscape will be minimal. Additionally the proposed reduced open space is not considered to be detrimental to the development, particularly as a large area of public open space is located immediately adjacent to the subject site.

Strategic Plan/Policy Implications

The Planning Policies which apply to this item are:-
APD17 Standard Development Conditions and Footnotes
APD32 Residential Design Codes

Demographic Planning

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

Budget/Financial Implications

Nil.

Legal Implications

Town Planning Scheme No 3
Planning and Development Act 2005

Community Consultation

Two (2) adjoining neighbours were consulted regarding the boundary walls. One (1) submission objecting to the proposal was received.

Attachment(s)

(1) Location Plan
(2) Site Plan
(3) Elevations

Advice to Proponent(s)/Submissioners

The proponent and those who lodged a submission have been advised that this matter is to be considered at the 13 September 2007 Council Meeting.

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

Nil.

14.5 (OCM 13/09/2007) - GARAGE / STUDIO (R-CODE VARIATION) LOT 145 (NO. 14) HARTLEY STREET, COOLBELLUP (OWNER/APPLICANT: JOSEF CZESCHKA) (1104723) (E SMITH) (ATTACH) Item 14.5.pdf

RECOMMENDATION
That Council:

(1) refuse to grant its approval to the proposed workshop / studio for the following reasons:

1. The proposal is contrary to the protection of the residential amenity of the location by virtue of:

   (i) the combination of the boundary setback, height and bulk of the development will result in overshadowing and reduced ventilation flow into the dwelling of the adjoining property.

2. The proposal is contrary to the orderly and proper planning of the locality by virtue of:

   (i) being different to the type of development typically anticipated in residential areas taking into account the need to protect residential amenity;

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal;

(3) advise the applicant and submissioners accordingly in respect of Council's decision; and

(4) is prepared to favourably consider a new application indicating a 1.5m setback and a mix of materials including brick and colorbond.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3	Residential R-20
LAND USE:	Residential	
LOT SIZE:	936m^2	
USE CLASS:	Single (R-Codes) House	

The subject land is situated on the corner of Hartley Street and Hansen Street in Coolbellup and is occupied by a single storey residence. The site is flanked to the east and west by single dwellings. Single dwellings are also present opposite the site. The site has access from both Hartley and Hansen Street.

An existing garage and carport are present on the site, but will be demolished as part of this proposal.

Submission

The Applicant proposes to construct a double storey garage/studio to the north of the existing residence. The proposed addition will be constructed of colorbond steel with dimensions of 10m x 6m, a wall height of 6m and a ridge height of 6.8m. The ground floor of the development will consist of a double garage and workshop. The second floor will be used for an office and storage room. No bathroom is proposed in this development.

The development is proposed to be setback 5m from Hansen Street and 1m from the northern side boundary.

Report

The subject land is zoned Residential R20 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.

In assessing and determining applications for development within residentially zoned areas, one of Council's principal objectives is the protection of the amenity of residents living within. The proposed development is considered contrary to the protection of residential amenity in the subject location. It is not considered to comply with the standards and provisions of the City's Town Planning Scheme No 3, particularly Clause 10.2 that addresses matters to be considered by council, or the performance criteria of the Residential Design Codes.

Residential Design Codes

The Residential Design Codes require walls with no major openings with a length of 10m and height of 6m to be setback from the boundary a minimum of 1.5m. This application is proposing only a 1m setback.

The proposed setback does not comply with the performance criteria for Boundary Setbacks (Element 3) of the Codes, particularly due to a submission received from the northern adjoining property owner objecting to the proposal. The submission raises concerns regarding overshadowing onto the adjoining dwelling preventing natural sunlight from reaching the main bedrooms of the dwelling. Furthermore concerns are raised regarding the impact the proposal will have on ventilation flow into the adjoining dwelling. The performance criteria (section 3.3.1) states buildings need to be setback from boundaries so as to "ensure adequate direct sun and ventilation is available to adjoining properties ". The proposal is contrary to this given the height and bulk of the building in close proximity to the boundary.

The objector also opposed to possible overlooking from the balcony of the garage/studio. However, this is no longer a detrimental issue as the Applicant agreed to screen the end of the balcony to prevent overlooking into the adjoining property.

Town Planning Scheme 3

Effect to adjoining land and amenity

Clause 10.2.1 (o) states that the effect of height, bulk, scale and the appearance of the proposal is to be considered when assessing the effect of the proposal on adjoining land. As mentioned previously, an objection has been received from an adjoining neighbour, which included concerns regarding the detrimental impact the proposal will have on the amenity of the adjoining property, mainly due to the height and bulk of the garage / studio.

Negotiation was undertaken with the applicant regarding the possibility of increasing the setback of the development from the side boundary. However the existing dwelling is sited directly behind the proposal meaning that there is not adequate space to further setback the proposal.

The preservation of amenity of the locality is also a matter to be considered by Council as per Clause 10.2.1(n). The proposed material for the double storey garage / studio will be primarily colorbond steel. This is not a common material for double storey buildings in areas zoned residential. Colorbond steel is common for single storey outbuildings in residential areas. While this proposal is not defined as an outbuilding as the studio provides a habitable room, the materials

being used make the external appearance of the garage / studio similar to that of an outbuilding.

Outbuildings are generally limited to a wall height of 2.4m and ridge height of 4.2m, as per Policy APD18 – Outbuildings. Such restrictions are in place as a means of preserving residential amenity. In this instance the colorbond walls are proposed to be 6m in height while the ridge height proposed is 6.8m. This is not considered to be in keeping with Council policy.

The streetscape elevation and southern elevation of the garage / studio showing the windows and balcony may be perceived to be in keeping with surrounding residential development, however the height, bulk and visual appearance of the northern and western elevations fronting adjoining properties are more typical of outbuildings in rural or industrial areas. This is due to the large expanse of colorbond steel present on both elevations. These elevations are considered detrimental to the residential amenity of the surrounding area, as the colorbond material combined with the height of the garage / studio is not considered to be appropriate for residential development. This is contrary to orderly and proper planning as prescribed in Clause 10.2.1 (b).

Recommendation

It is recommended that Council refuse the application on the basis that the proposal is contrary to the:

- The protection of the amenity of the residential area within which the subject land is located,

Resolving to refuse the application also takes into account the relevant submissions received by Council in respect of the application.

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:-

APD18 Outbuildings
APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
Planning and Development Act 2005

Community Consultation

2 (two) surrounding owners were consulted regarding the proposal. One (1) submission was received objecting to the proposal. The objector owns both an adjoining property and an adjacent property.

Attachment(s)

(1) Locality Plan
(2) Site Plan
(3) Elevations

Advice to Proponent(s)/Submissioners

The proponent and those who lodged a submission have been advised that this matter is to be considered at the 13 September 2007 Council Meeting.

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

Nil.

14.6 (OCM 13/09/2007) - SINGLE HOUSE CODES APPROVAL - 9 TANUNDA ROAD, COOGEE - APPLICANT - NICHOLAS ANDREW LEE & JOANNE MAREE LEE (3309129) (L PALERMO) (ATTACH) Item 14.6.pdf

RECOMMENDATION
That:

(1) Council refuse to grant its approval to the proposed additions to the existing single residence on No 9 Tanunda Road, Coogee for the following reasons:-

1. The proposed development does not comply with the Acceptable Development requirements of the Residential Design Codes (RDC) under the Clause 3.7.1 (A1.1) –

Building Height;

2. The proposed development does not satisfy Performance Criteria of the RDC under the Clause 3.7.1 (P1) – Building Height;

3. The proposed development is inconsistent with the desired height of buildings in the locality and would negatively affect the amenity of the adjoining properties;

4. The proposed reduced front setback is not in accordance with the Acceptable Development Standards of the RDC under the Clause 3.2.1 (A1);

5. The proposed structures within the front setback area do not satisfy the performance Criteria of the Clause 3.2.1 (P1) and it is considered that the proposal would negatively affect the existing streetscape;

6. The front setback of the garage does not comply with the Acceptable Development Standards of the RDC under the Clause 3.2.3;

7. The proposed reduced front setback to the garage together with other proposed structures in the front setback would detract from the existing streetscape;

8. The proposed development does not satisfy the general objectives of the RDC under the Clause 2.1.1 to protect the amenity of adjoining residential properties due to its excessive height and bulk and its negative impact on the existing streetscape and the views available to adjoining properties.

(2) Council issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal; and

(3) the following issues should be rectified and addressed by the applicant if a new amended application is lodged:

1. The proposed staircase within the front setback being deleted or setback behind the 6.0m front setback line.

2. The proposed parallel parking garage being setback 3.0m from the front boundary.

3. The applicant to specifically address overlooking of the major openings and outdoor living areas of the adjoining properties from the proposed development by showing

cones of vision in accordance with the RDC and providing a letter justifying compliance under the relevant criteria.

4. The height of the walls of the proposed residence being a maximum 6.0m measured from the natural ground level (excluding the existing site works).

5. The height to the top of the roof being a maximum of 9.0m (or required height for shorter ridges under the RDC) measured from the natural ground levels (excluding the existing site works).

6. The applicant to provide a streetscape elevation to demonstrate how the proposed new residence fits in within the existing streetscape.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3	Residential R20
LAND USE:	Single House	
LOT SIZE	962m2	
USE CLASS:	P	

The subject property is a large site being 962m2 with relatively narrow frontage (16.1m) as compared to the length of the side boundaries being 57.7m.

The levels of the subject lot fall considerably from South - East to North – West corner of the property, as the property is located on a side of a hill. The site was previously cut and filled as part of the previous development.

Submission

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

- The existing residence comprises a substantial two level structure with a basement cut into the site;

- Where the basement has not been cut in the site has been filled under the footprint of the building;
- The substantial size, condition and useability of the existing residence warrants its general retention and adaptation;
- Partial demolition of the existing structure on the western side is for the purpose of providing vehicular access to the rear and achieving compliant side setbacks;
- While relatively large the building was designed to fit in within the existing streetscape;
- The proposal has been developed to be generally complaint with the acceptable development provisions of the Codes;
- Category C height requirements have been used as a basis for determining appropriate height and developing the design accordingly;

The applicant also provided a detailed consideration regarding side boundary setbacks, structures within the front setback, overshadowing and privacy in the letter submitted with the application.

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 Residential with the density coding of R20 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.

The proposal does not comply with the following Acceptable Development Standards of the Residential Design Codes (RDC):

- Front Setback (Clause 3.2.1, A1);
- Front setback of the garage (Clause 3.2.3, A3.5);
- Sightlines at vehicle access point not sufficient due to high structures on the eastern side of driveway (Clause 3.2.6, A6);
- Side Boundary Setbacks (Clause 3.3.1, A1);
- Privacy Setbacks (Clause 3.8.1, A1).
- Building Height (Clause 3.7.1 A1.1)

The proposal is required to be assessed under the relevant Performance Criteria of the RDC for each of the above non-compliant aspects. The assessment under the each relevant design element of the RDC is provided below.

Building Height

The proposed dwelling does not comply with the Acceptable Development Standards of the Residential Design Codes (Clause 3.7.1 A1.1; Building Heights).

Clause A1.1 requires application of Category B of the Table 3 *unless a Local Planning Policy requires the application of Area A (generally single level development) or Area C (development on three levels) or an alternative standard.*

City of Cockburn does not have a specific Building Heights Policy to allow application of Category C and therefore application of Category B (maximum 9.0m from Natural Ground Level to the top of pitched roof and 6.0m to the top of external wall) is required.

The applicant stated in the submitted with the application that Category C was used when designing the proposed additions.

Performance Criteria specified under the Clause 3.7.1 – Building Height is as follows:

> *"Building Height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:*
>
> - *Adequate direct sun to buildings and appurtenant open spaces;*
> - *Adequate daylight to major openings to habitable rooms; and*
> - *Access to views of significance."*

It is considered that the height of the proposed residence is not consistent with the height of the existing residences in the locality. The proposed residence is a substantial building on four levels, which includes the following:

- Undercroft level – garage and store;
- First floor – 4 bedrooms, Living room, kitchenette, rear balcony and terrace over the garage;
- Second floor – Media room, Living Room, Dining Room, Kitchen and 2 Balconies,
- Third Floor – Master Bedroom with Ensuite and 2 Balconies.

The site has a considerable slope in the North – Westerly direction. The overall wall height of the proposed building ranges from 8.7m to 10.5m measured from natural ground level and the proposed roof ridge height is from 11.2m to 13.0m.

The proposed wall height at its lower level exceeds the requirements under the Acceptable Development Standard of the RDC by 2.7m and the proposed ridge height is overheight by 2.0m - 3.0m.

Council received an objection from the adjoining property owner to the east, in which it was specifically stated that the direct sun to habitable rooms on the western side of No 11 Tanunda Road would be affected due to the height and side setbacks of the proposed building. The objectors from No 11 and No 13 Tanunda Road also stated that the views that they currently enjoy would also be affected by the proposed development.

The adjoining property to the east is a single –storey dwelling, which has a front setback of approximately 8.0m. It is considered that the proposed building on 9 Tanunda Road would have a negative impact on the adjoining property to the east due to its increased wall and roof ridge height coupled with the proposed reduced side boundary and front setbacks.

It is also considered that the ocean views currently available to No 11 and 13 Tanunda Road would be affected.

The applicant refers to the Clause of the RDC and argues that the required wall and roof ridge height measurements should be taken from the existing levels on site, which resulted from the previous development. The site was considerably cut and filled at various points to accommodate construction of the undercroft and make level ground for development of the existing house on top.

The following definition of Natural Ground Level (NGL) is provided in the RDC:

> *"The levels on a site, which precede the proposed development, excluding any site works unless approved by the Council or established as part of subdivision of the land preceding development.*"

The existing cut and fill was not a separate application to Council, it was approved as part of the overall development for construction of a house with an undercroft, which was compliant with the height requirements under the relevant legislation at that time. Now the applicant seeks to gain approval to considerably extend the house upwards retaining a large portion of the undercroft the first level and adding two new levels on top.

It is considered not appropriate in this case to treat the levels on top of the undercroft as natural ground levels for the purpose of measuring building height. The proposed development far exceeds the predominant height of the existing dwellings in the locality so as to conflict with the main objective of the Design Element No 7 of the RDC, which is *to ensure that the height of buildings is consistent with the desired scale in a given locality.*

It is appropriate to treat pre-existing filled/retained levels on site as Natural Ground Level when those levels were established as part of the subdivision or large development (when a number of residences are being developed at the same time). In these cases the levels on the lots within the same locality relate to each other being similar or gradually stepped down or up, which assists in ensuring that the height and type of future development on those sites is consistent.

In the opinion of the author of this report the filled level (being the level of the top of the undercroft) should not be used, in this case, for the purpose of determining compliance with the Building Height requirement of the RDC.

However, if Council is of the opinion that RL10.0m that resulted from previous development of the existing house should be considered as NGL, the following assessment is provided:

NGL used RL 10.0	Required	Provided
Wall Height	10.0 + 6.0m = 16.0m	From 16.17 - 17.97m
Roof Ridge Height	10.0 + 9.0m = 19.0m 3.8m ridge – 19.5m 2.8m ridge – 19.5m 0 ridge –20.5m	 RL 20.6m RL 20.0m RL 21.3m

The proposed Building Height considerably exceeds the requirement under the RDC even if RL 10.0m is used as NGL for the purpose of determining compliance with height requirements of the RDC.

It is considered that the proposed development at No 9 Tanunda Road is not consistent with the desired height of buildings in the locality. This in its turn will negatively affect the amenity of adjoining properties due to the increased bulk and scale of the dwelling on the subject site resulting in the proposed building considerably protruding upwards and forward into the front setback.

Taking into account all of the above it is concluded that the proposal does not satisfy the Performance Criteria under the Clause 3.7.1 P1 – Building Height. It is recommended that the applicant be requested to redesign the proposal to comply with the required heights under the Acceptable Development Standards of the RDC or to achieve a design that is more consistent with the existing scale of buildings in the locality.

Front Setback

The proposed front setback to the garage is 2.75 m and to the staircase - Nil. Acceptable Development Standards under the Clause 3.2.3 of the RDC (A3.5) states that front setback to garages can be 3.0m where vehicles are parked parallel to the street alignment. The proposed garage is designed to provide vehicle-parking parallel to the

street and therefore 3.0m front setback is required under the RDC. The proposed setback of 2.75m is 0.25m short of the requirement.

In addition to the minor non-compliance with the garage front setback requirement the proposal also includes a staircase with a Nil setback to the front boundary. The proposed staircase, which also contains a patio structure above, provides access to the proposed terrace on top of the garage.

RDC contain a provision under the Clause 3.2.2 (A2 i) allowing minor incursions into the front setback area, which states:

> "*A porch, balcony, verandah, chimney or the equivalent may (subject to the Building Code of Australia) project not more than metre into the building setback area) provided that the total of such projections does not exceed 20% of the frontage at any level.*"

The applicant provides an argument that the proposed structures in the front setback would not have any more impact on the streetscape or the adjoining properties than the existing retaining and vegetation.

It should be noted that the existing retaining (refer to site survey) is setback approximately 5.7m from the front boundary. The proposed garage with deck on top is proposed to be setback considerably closer (2.7m) and the proposed staircase and portico having a Nil setback to the front boundary.

The proposed structures at the front, which include a staircase with a patio on top and a large terrace on top of the garage, are not considered to be minor structures and they project considerably more than one metre into the front setback area. It is considered that this aspect of the proposal does not satisfy the Acceptable Development Standard of the Clause 3.2.2 of the RDC quoted above. The Performance criteria under this Clause states:

> *"Minor incursions and projections not to detract from the character of the streetscape."*

It is considered that the proposed structures within the front setback area would not satisfy the above performance criteria and would detract from the existing streetscape, as the majority of residences in the locality have large front setbacks exceeding current requirements ranging from 6.5 – 8.5m with the front setback area being mainly used for landscaping.

The proposed structures in the front setback would also contribute to obstruction of views currently available to properties to the east, as these structures would protrude much further than the current general building line of the existing properties.

It is recommended that the applicant be requested to re-design the proposal to ensure that it is sympathetic to the views currently available to the surrounding residences and the existing streetscape, which is characterised by open, landscaped areas in front of residences with generous front setbacks or it fully complies with the front setback requirements under the Acceptable Development Standards of the RDC.

Privacy Setbacks

The following visual privacy setbacks don't comply with the requirements under the Acceptable Development Standards of the RDC (Clause 3.8.1 (A1)):

Major opening title	Privacy Setback required Clause 3.8.1 (A1) of the RDC	Setback proposed
First Level Front Terrace (east boundary)	7.5m	1.4m
First Level Living Room Balcony (west boundary)	7.5m	4.25m
First Level Bedroom adjacent to Living (west boundary)	4.5m	4.0m
Second Level Dining Room Balcony (west boundary)	7.5m	4.52 – 4.95m
Second Level Living Room (west boundary)	6.0m	4.95m
Third Level Master Bed Balcony front facing (west boundary)	7.5m	4.95m
Third Level Master Bed Balcony rear facing (west boundary)	7.5m	4.95m

The above non-compliant visual privacy setbacks will be assessed under the Performance Criteria of the Clause 3.8.1 (P1), which is as follows:

> *"Avoid direct overlooking between active habitable spaces and outdoor living areas of the development site and the habitable rooms and outdoor living areas within adjoining residential properties taking into account of:*
>
> - *The positioning of windows to habitable rooms on the development site and the adjoining property;*
> - *The provision of effective screening; and*
> - *The lesser need to prevent overlooking of extensive back gardens, front gardens or areas visible from the street."*

Overlooking from the first level front terrace towards the east boundary falls mainly within the area of the front garden, which is visible from the street, therefore it is not considered a sensitive area.

First level Living Room Balcony overlooks the area of the property to the west behind the 6.0m setback line. However because the adjoining property to the west has a larger front setback the area subject of overlooking is not considered to be a sensitive area, as it contains landscaped lawns and front courtyard, which is fenced and landscaped.

Bedroom adjacent to living room on the first floor overlooks the area of the side setback of the adjoining property to the west. The adjoining property to the west is located down the hill at a lower level and the proposed windows on the first level, which normally be screened by the boundary fencing, are in fact located considerably higher than the natural ground levels at property boundary and therefore have a potential to overlook sensitive areas of adjoining property.

The proposed balconies and major openings on the second and third level also have a potential to overlook sensitive areas of the adjoining property to the west, however it is considered that this overlooking is not an issue in this case. Due to considerably higher levels of the subject site the proposed upper level major openings would have an outlook far and beyond towards the attractive distant views rather than into adjoining property. The adjoining property owners didn't have any objections to the proposal.

Sightlines at Vehicle Access Points

Clause 3.2.6 (A6) – Sightlines at Vehicle Access Points and Street Corners requires that *walls and fences be truncated or reduced to no higher than 0.75m within 1.5m of where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.*

The proposed development does not comply with the above requirement as the proposed structures within the front setback (staircase, garage with terrace on top) are considerably higher than 0.75m. However the applicant's argument that the wide verge area located between the property boundary and the pedestrian footpath would be more than sufficient to ensure adequate sightlines at vehicle access points.

This aspect of the proposal is considered to satisfy the performance criterion for this Design Element.

Recommendation

It is recommended that the proposal be refused by Council for the reasons discussed above. It is also recommended that the applicant be advised to address/rectify the identified issues if a new application is submitted for Council's consideration.

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:-

APD32 Residential Design Codes
APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

In the event of an application for review of Council's decision to the State administrative Tribunal a cost may have to be borne by Council.

Legal Implications

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

Community Consultation

The proposal was advertised to the affected surrounding property owners in accordance with the requirements under the Clause 9.4 of the TPS 3. There were 7 submissions received during the advertising period, 6 of them were objections. The summary of the points raised in the objections are provided below:

- The proposed development would set an undesirable precedent in the Coogee area;
- The proposed dwelling has a negative impact on the area due to the excessive height not in accordance with the Residential Design Code requirements for two-storey dwellings;
- Overshadowing of the outdoor living areas and habitable room windows of adjoining properties due to reduced side boundary setbacks and excessive height of the building;
- There will be loss of views due to the proposed height of the dwelling;
- The proposed reduced front setback would have a negative impact on the existing streetscape and safety of pedestrians.

The applicant forwarded a copy of the plans at a later date after the advertising period signed by some of the surrounding property owners in the locality expressing support to the proposal, one of the persons previously objected.

Attachment(s)

(1) Location Plan
(2) Floor plans and elevations provided by the applicant
(3) Applicant's justification (4 letters)
(4) Copies of submissions
(5) Copy of the plan signed by the surrounding owners

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 September 2007 Council Meeting.

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

Nil.

14.7 (OCM 13/09/2007) - PROPOSED TOWN PLANNING SCHEME AMENDMENT NO 62 - AMEND BOUNDARY OF DEVELOPMENT AREA 19 MURIEL COURT AND ADD PROVISIONS WITHIN SCHEDULE 11 DA 19 RELATING TO NORTH LAKE ROAD VEHICLE ACCESS POLICY PLAN (9666; 93062) (M CARBONE) (ATTACH) Item 14.7.pdf

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. 62

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

1. Amending the Scheme Map by extending Development Area 19 (Muriel Court) to include the Mixed Business zone fronting North Lake Road/Tea Tree Close between

Semple and Kentucky Courts.

2. Amending Schedule 11 Development Area 19 to include provisions relating to the North Lake Road Vehicle Access Policy Plan and amend point 2 to include Mixed Business development, as follows:

Amend existing point 2.

2. ."and mixed business development where appropriate".

Add new points 4 – 7.

4 Landowners within DA 19 who front North Lake Road/Tea Tree Close between Semple and Kentucky Courts shall comply with the access requirements set out in the North Lake Road Vehicle Access Policy Plan adopted by Council and the Western Australian Planning Commission.

5 The North Lake Road Vehicle Access Policy Plan sets out criteria relating to:

- Control over the location, design and number of crossovers.
- A requirement, as a condition of development approval or subdivision, for easements in gross in the form of a public access easement on land titles.
- Ensuring that, on land adjacent to North Lake Road, all traffic enters and leaves in a forward direction and is suitable for heavy rigid vehicles.

6. Notwithstanding 5 above, Council may make satisfactory arrangements for temporary access to North Lake Road where designated crossover and linking right-of-carriageways have not been created.

7. Where temporary access to North Lake Road is agreed to the terms and conditions of such access are to be set out in a legal agreement prepared at the landowners cost.

(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;

(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; and

(7) endorse the North Lake Road Vehicle Access Policy Plan for the purpose of public advertising.

COUNCIL DECISION

Background

ZONING:	MRS	Urban Deferred
	TPS	Development (Development Area No.19), Mixed Business
LAND USE:	Various	

The City is in the process of preparing a district structure plan for the land within Development Area 19 (DA 19). The Mixed Business zone adjacent North Lake Road is not included within DA 19 however this

land should be included to enable structure planning to incorporate the Mixed Business zone.

The City has prepared, with the assistance of Bruce Aulabaugh (ERM Traffic/Transport Sub-Consultant) a North Lake Road Vehicle Access Policy Plan for the Mixed Business area along North Lake Road. The draft plan was originally presented to landowners in 2005 to gain initial feedback. The plan attracted criticism from some landowners on the grounds that the proposed rear service road was onerous and premature as the structure planning for DA19 was not complete.

The Draft Structure Plan for DA 19 is expected to be completed later this year. In the mean time it is necessary to prepare a plan which deals with coordinating vehicle access arrangements along North Lake Road as the City is continually receiving development applications for the Mixed Business zone.

Submission

Not applicable

Report

Amendment No.62 to Town Planning Scheme No.3 proposes to extend DA 19 to include the Mixed Business zone fronting North Lake Road, between Semple and Kentucky Courts. The amendment will also add provisions into Schedule 11 (DA 19 – Muriel Court) which formalises vehicle access arrangements for North Lake Road. These provisions are similar to those within DA 20 – Solomon Road relating to the North Lake Road extension east of the Kwinana Freeway.

Extension of Development Area 19

The purpose of the Development Zone is to provide for future residential or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme. Development Area 19 occupies the land bounded by North Lake Road, Kentucky, Semple and Verna Courts and the Kwinana Freeway. However the Mixed Business zone fronting North Lake Road is excluded from DA 19. To provide for greater co-ordination between the two areas and improve linkages to North Lake Road it is important to include the Mixed Business zone into DA 19 to enable a structure plan to be prepared over the entire area. This will also allow the North Lake Road Vehicle Access Policy Plan to be incorporated into the Scheme under DA19.

The existing provisions relating to DA19 require the following:

1. *Structure Plan adopted to guide subdivision, land use and development.*

2. *To provide for residential development.*
3. *Land Uses classified on the structure plan apply in accordance with Clause 6.2.6.3.*

Extending the boundary of DA19 to include the Mixed Business zone will require point 2 to be amended to read "*To provide for residential development and mixed business development where appropriate*".

Including the Mixed Business zone into DA 19 will not alter the requirement to provide public open space if residential development is proposed within the Mixed Business Zone.

Both DA 19 and the Mixed Business area are zoned Urban Deferred under the Metropolitan Region Scheme. Including the Mixed Business zone into DA19 will assist in lifting the urban deferred zoning over the Mixed Business zone.

North Lake Road Vehicle Access Policy Plan

The section of North Lake Road, between Semple and Kentucky Courts, currently carries approximately 11,000 vehicles per day (vpd) and this is expected to increase to approximately 33,000 vpd by 2031 (Uloth and Associates 2006). Allowing all commercial properties to have individual crossovers to such a busy road will create an unsafe environment. Measures should be undertaken to minimise the conflict between through and local traffic along this busy regional road.

To improve traffic safety, the Vehicle Access Plan proposes to reduce and rationalise crossovers to strategic locations which coincide with planned median openings to the future North Lake Road duplication. The crossover locations allow for good sight lines and provide space for deceleration lanes. A right-of-carriageway system is also proposed linking properties to these strategic access points and secondary streets. The proposed Vehicle Access Plan is contained within Agenda attachment 3.

The proposed Vehicle Access Plan is similar to the access plan adopted under DA 20 (Solomon Road) regarding the future extension of North Lake Road east of the Kwinana Freeway. Other Councils have adopted similar vehicle access plans such as the City of Canning along Albany Highway. These plans are necessary to ensure efficient, safe and effective traffic moments where commercial uses abut regional roads.

An original version of the Vehicle Access Plan was presented to landowners in 2005 to gain initial feedback (refer Agenda attachment 4). This plan showed optional rear and north-south service vehicle roads. The main concerns that were raised from landowners related to

these service vehicle roads as they were seen to be onerous and premature as the structure plan for DA19 was not complete.

Following a review of the initial proposal with Bruce Aulabaugh and the City's Engineering Department, the proposed Vehicle Access Plan has deleted the two optional roads. The proposed Vehicle Access Plan only deals with securing the right-of-carriageway system and reducing and rationalising crossover access. The Vehicle Access Plan should be implemented as soon as possible to co-ordinate access arrangements along North Lake Road as the City is continually receiving development applications within the Mixed Business zone.

The Vehicle Access Plan proposes a 6m wide right-of-carriageway along the North Lake Road frontage which is setback 8.5m to allow for landscaping and 1 row of car parking (refer attachment 5 – plan showing the access easement corridor and typical car parking configuration). As illustrated in attachment 5, the right-of-carriageway is not considered onerous as it will be provided over the access aisle of the front car parking area. It should be noted that right-of-carriageways have already been required on recent development proposals and the Access Plan has been designed to link with other existing car park access aisles.

The right-of-carriageway will be secured as easements in gross in favour of the City which enables public access. The precise location of the right-of-carriageway or crossover delineated on the Access Plan may be varied subject to the agreement of the City, providing the purpose and intent of the access plan is maintained.

Crossovers are strategically located to coincide with planned median openings and allow for the sharing of crossovers between properties. Where a right-of-carriageway link is not available through adjacent properties to a dedicated road, consideration may be given for retention of a temporary crossover to North Lake Road until such time as alternative access is available via the right-of-carriageway system. The rationalisation of crossovers will not only improve traffic flow and safety, but also increase the amount of land available for parking and landscaping.

To allow the North Lake Road Vehicle Access Policy Plan to be implemented, it is necessary to amend Schedule 11 Development Area 19 as follows:

1. Landowners within DA 19 who front North Lake Road/Tea Tree Close between Semple and Kentucky Courts shall comply with the access requirements set out in the North Lake Road Vehicle Access Policy Plan adopted by Council and the Western Australian Planning Commission.

2. The North Lake Road Vehicle Access Policy Plan sets out criteria relating to:

   - Control over the location, design and number of crossovers.

   - A requirement, as a condition of development approval or subdivision, for easements in gross in the form of a public access easement on land titles.

   - Ensuring that, on land adjacent to North Lake Road, all traffic enters and leaves in a forward direction and is suitable for heavy rigid vehicles.

3. Notwithstanding 5 above, Council may make satisfactory arrangements for temporary access to North Lake Road where designated crossover and linking right-of-carriageways have not been created.

4. Where temporary access to North Lake Road is agreed to the terms and conditions of such access are to be set out in a legal agreement prepared at the landowners cost.

Conclusion

Extending the DA 19 boundary to include the Mixed Business zone will enable a structure plan to be prepared over the area, hence providing greater co-ordination to planning within DA 19. This extension will also provide a suitable mechanism for Council to incorporate the Vehicle Access Plan into the Scheme by utilising Schedule 11 DA19. The Vehicle Access Plan should be implemented as soon as possible as the City is continually receiving development application within the Mixed Business zone. The proposed plan will not affect structure planning for DA 19 as it only deals with crossover locations and right-of-carriageways along the North Lake Road frontage.

In addition to the proposed Scheme Amendment, it is also recommended that Council endorses the attached Vehicle Access Plan for the purpose of public consultation.

Strategic Plan/Policy Implications

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

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.*

Transport Optimisation

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*

The Council Policies which apply to this item are:-

APD33 TOWN PLANNING SCHEME NO.3 PROVISIONS

Budget/Financial Implications

Costs associated with preparing the documents in-house are already catered for in the budget.

Legal Implications

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

Community Consultation

The proposed Scheme Amendment will be advertised for a period of 42 days to relevant government agencies, affected landowners and surrounding community upon initiation of the amendment.

The North Lake Road Vehicle Access Policy Plan will be advertised for a period of 42 days.

Attachment(s)

(1) Existing zoning map
(2) Proposed zoning map
(3) Proposed North Lake Road Vehicle Access Policy Plan
(4) Previous Draft North Lake Road Vehicle Access Policy Plan
(5) Plan showing Access Easement Corridor

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.8 (OCM 13/09/2007) - PROPOSED TOWN PLANNING SCHEME AMENDMENT NO 56 - RECODING FROM RESIDENTIAL R20 TO R25 - LOT 1650 ARCHIDAMUS ROAD, COOLBELLUP - OWNER: DEPT OF HOUSING AND WORKS AND TIMOTHY ROADS (93056) (M CARBONE) (ATTACH) Item 14.8.pdf

RECOMMENDATION
That Council:

(1) adopt the amendment 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 proponent and submissioners of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS:	Residential R20
LAND USE:	Grouped Dwellings	
LOT SIZE:	3075m^2	

Council at its meeting held on the 12th April 2007 resolved to initiate Amendment 56 to Town Planning Scheme No.3 for the purpose of advertising.

The amendment was to rezone Lot 1650 Archidamus Road from Residential R20 to Residential R25. Council also required the adoption of a Detailed Area Plan (DAP) for Lot 1650 prior to Council finally approving Amendment No 56. The DAP was recently approved under delegated authority and a copy of the DAP is located within the Agenda attachments.

Submission

The amendment was initiated following a request from the owners to rezone Lot 1650 Archidamus Road from Residential R20 to Residential R25.

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.

The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days. Four submissions were received during the advertising period, two supporting the proposed amendment, one supporting it subject to conditions and one raising questions to the amendment.

The subject site is considerably larger than most lots within the locality and has three street frontages. The proposal will allow the existing dwellings to be retained and allow the large areas of under-utilised land to be developed and put to optimum use. The proposed dwellings will provide the opportunity to present well to the street, improving the streetscape and provide greater surveillance of the street. A Detailed Area Plan (DAP) was recently approved on the site to ensure that future development presents well to the street

The site is close to schools, a university, parks, shopping facilities, employment opportunities and public transport routes (such as along North Lake Road and Waverley Road). It is appropriate to promote greater residential densities in such circumstances.

Council supported a similar Scheme amendment within Coolbellup that increased the density coding of existing apartment complexes on three separate sites. This amendment allowed existing buildings to be retained whilst permitting under-utilised land to be rationalised and redeveloped. Scheme amendment No. 14 was approved in August 2004.

Conclusion

It is recommended that Amendment No.56 be adopted by the Council and forwarded to the WA Planning Commission for final approval.

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.*

Lifestyle and Aspiration Achievement

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

Budget/Financial Implications

N/A

Legal Implications

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

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 56 concluded on 30 July 2007. At the close of the advertising period 4 submissions were received.

Attachment(s)

(1) Location plan
(2) Schedule of Submissions.
(3) Approved Detailed Area Plan.

Advice to Proponent(s)/Submissioners

The applicant and those who lodged a submission on the proposal have been advised that this matter is to be considered at the September 2007 Council meeting..

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

Nil.

14.9 (OCM 13/09/2007) - FINAL ADOPTION OF SCHEME AMENDMENT NO.52 - DELETION OF ADDITIONAL USE NO.18 - LOCKUP STORAGE - LOT 5 LYON ROAD, AUBIN GROVE - OWNER: CARMEL PTY LTD (93052) (M CARBONE) (ATTACH) Item 14.9.pdf

RECOMMENDATION
That Council:

(1) adopt the amendment 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 proponent of the Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Development with Additional Use No 18 (allowing lockup storage) Development Area 11 Development Contribution Area 7
LAND USE:	Rural Residential	
LOT SIZE:	4.3706ha	

Council at its meeting held on the 12th April 2007 resolved to initiate Amendment 52 to Town Planning Scheme No.3 for the purpose of advertising. The amendment was to amend Schedule 2 to delete Additional Use No.18 which permitted the development of lockup storage on a portion of Lot 5 Lyon Road.

Submission

The amendment was initiated following a request from the owner to modify the structure plan and delete the proposed lockup storage development on Lot 5 Lyon Road.

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

No submissions were received during the advertising of the proposed scheme amendment.

The approved structure plan designates the subject land for residential purposes. Surrounding properties have also been designated for residential purposes under approved structure plans.

The proposed amendment is consistent with the approved structure plan for the site and will ensure that no future residential lots are used for lockup storage.

Conclusion

It is recommended that Amendment No.52 be adopted by the Council and forwarded to the WA Planning Commission for final approval.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

N/A

Legal Implications

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

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 52 concluded on 30 July 2007. At the close of the advertising period no submissions were received.

Attachment(s)

(1) Site Plan
(2) Proposed Scheme Amendment Map

Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter will be considered at the September Council meeting.

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

Nil.

14.10 (OCM 13/09/2007) - GROUPED (R-CODE) DWELLING - 37B BEACH ROAD, COOGEE - APPLICANT: RICHARD SALVATORE SCIANO (3318319) (L PALERMO) (ATTACH) Item 14.10.pdf

RECOMMENDATION
That Council:

(1) refuse to grant its approval for the proposed development on 37B Beach Road, Coogee for the following reasons:

1. The wall height of the proposed dwelling considerably exceeds the Acceptable Development Standards of the RDC.

2. It is considered that the proposal does not satisfy the Performance Criteria under the Clause 3.7.1 P1 – Building Height of the RDC, as the proposed building height and scale is not consistent with the desired height of buildings in the locality and the amenity of the adjoining properties would be affected.

3. The applicant did not provide any justification for the proposed height variations;

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3	Residential R20
LAND USE:	Proposed Grouped (R-Code) Dwelling	
LOT SIZE:		
USE CLASS:	P	

Submission

The applicant did not provide any justification under the performance criteria of the R-Codes for the proposed variations associated with the proposal.

Report

The subject land is zoned Residential 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.

The proposal is for a new two storey grouped dwelling with an undercroft at the rear of No 37 Beach Road. The proposed residence would have access to Beach Rd via a battleaxe access leg.

The following aspects of the proposal don't comply with the Acceptable Development Standards of the R-Codes (Residential Design Codes):

- Wall height;
- Privacy Setback Variations.

The above issues will be used as heads of consideration in the report.

Building Height

The proposed residence has a flat/parapet roof design. Under the Clause 3.7.1 A1.1 of the RDC the required wall height for a concealed roof design is 7.0m to the top of the parapet wall measured from Natural Ground Level (NGL).

The proposed building height (top of the parapet height) is ranging between 8.0m and 9.0m due to the existing levels on the subject site and is as follows:

8.0m – East boundary;
8.7m – West Boundary;
8.9m – North Boundary (front)
9.0m - West Boundary (rear).

Clause 3.7.1 P1 of the RDC contains the following Performance Criteria:

Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *Adequate direct sun to buildings and appurtenant open spaces;*
- *Adequate daylight to major openings to habitable rooms; and*
- *Access to views of significance.*

It is considered that the wall height of the proposed two-storey with undercroft residence is not consistent with the desired height of buildings in the locality. It is also considered that the amenity of the adjoining properties would be affected due to the increased wall height, bulk and scale of the proposed house. The adjoining property owners raised such issues as overshadowing, loss of views, loss of sunlight available to major openings, overlooking and precedent in the area as main points in their objections. (Please refer to Public Consultation section of the report).

Overshadowing of the property to the south does not exceed 25% (Clause 3.9.1 A1 of the RDC), however if the height of the building were in compliance with the height requirements the overshadowing would be reduced further. Lowering the height of the building would also reduce its bulk.

The applicant provided amended plans showing fixed louvred screening on all the balconies up to a level of 1.65m, which is sufficient to eliminate overlooking from the proposed balconies in accordance with the requirements of the RDC.

The levels on the site vary from RL 10.8m in the Northwestern corner to around RL 11.7m along the Eastern Side boundary.

The levels shown on the site survey plan provided with the application show spot heights between RL 11.38 and 11.48m along the eastern edge of the proposed house. The site survey also shows a contour of RL 11.52m running close to the centre of the rear lot. An average of four corners of the rear site results in a level of RL 11.6m, which can be used as an indication of the average level of the property.

The levels on the eastern side boundary are slightly lower ranging between RL11.5m and RL10.9m and on the western side are from RL 11.6m and RL 12.7m.

As the majority of the site is has an approximate level of around RL 11.6m and In order to provide a clear direction for the applicant it is considered reasonable in this case to use a level of RL 11.6m as NGL for the purpose of measuring Building Height.

If an average level of RL 11.6m is used for Building Height calculation, the level of the top of the parapet would be required to be RL 18.6m, or if a pitched roof design was used RL17.6m for wall height and RL20.6m roof ridge height.

The proposed dwelling has a wall height (top of the parapet) of RL20.27m.

It is recommended that the applicant be requested to submit a redesigned proposal with the height being in compliance with the RDC

requirements for category B buildings, as measured from the average level of the site RL 11.6m.

Privacy Setbacks and Setbacks to Boundaries

The original application contained large balconies on the Middle and Upper level wrapping around the building on the northern, western and southern sides of the proposed house. The proposed balconies posed an overlooking concern to the adjoining residences.

The applicant submitted amended plans showing all of the proposed balconies on the Middle and Upper Level being provided with louvred screening up to 1.65m, which would satisfy the requirements of the RDC under the Clause 3.8.1 A1 (ii).

The proposed louvres would be required to be fixed to ensure that privacy of the adjoining properties is protected.

The proposed side/rear boundary setbacks comply with the acceptable development standards of the RDC.

Overshadowing

Overshadowing was raised as an issue in the objections received during the advertising period. Under the Acceptable Development Standards of the Design Element 9 – Design for Climate (Clause 3.9.1 A1 of the RDC) it is stated that in the areas coded R25 and lower (subject site coded R20) overshadowing of the adjoining sites at midday on 21 June should be not more than 25% of the site area.

The subject site is North –South orientated, therefore overshadowing at winter solstice would fall onto the rear garden of the property at the rear. The amount of overshadowing associated with the proposed residence does not exceed 25% (proposed overshadowing is 11.8%), which is in accordance with the acceptable development requirements of the RDC. It is noted that the owner of the property subject to overshadowing stated in the objection that the increased height contributes to the overshadowing amount, however as the percentage of shadow cast on the adjoining property is less than 25% it is deemed to satisfy Performance Criteria of the RDC for this Design Element.

Recommendation

It is recommended that the application be refused for the reasons outlined in the report. It is also recommended that Council advise the applicant in case if a new application is submitted for the subject site to address the height issues associated with the proposal and that Council would agree to use an average level of RL 11.6m (which represents an average level on the subject site) for the purpose of measuring building height compliance under the RDC.

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
APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

There may be a cost to be born by Council in case if an application for review of Council's decision lodged with the State Administrative Tribunal.

Legal Implications

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

Community Consultation

The proposal was advertised to the affected surrounding property owners in accordance with the requirements under the Clause 9.4 of the TPS 3. There were 16 submissions received during the advertising period, which were objections. The summary of the points raised in the objections are provided below:

- The proposed house exceeds height requirements under the R-Codes;
- If the proposal were approved by Council it would create a precedent for similar applications seeking height variations in the area;
- The proposal would have a detrimental impact on the privacy of adjoining properties;
- Council should not approve large rear lot proposals, as those would have negative impact on the existing surrounding properties;
- Council should require strict adherence to the requirements of the R-Codes especially in relation to height, setbacks and privacy;
- The proposed development is considerably overheight and is out of balance with the existing houses in the locality;
- The proposed large balconies around the house would destroy neighbour's privacy;

- The proposed increased height of the house would result in increased overshadowing of the property to the south;
- Adjoining property owners were not consulted by the Planning Department.

In regards to the last dot point above, the author of the report would like to advise Council that all of the affected property owners were consulted in accordance with the requirements under the Town Planning Scheme No 3. Not all of the adjoining property owners received the original advertising letter from the Planning Department due to a technical error, however the letter was re-sent with the correct addresses at a later date and the owners were given additional time to provide their responses to Council.

Attachment(s)

(1) Location Plan – Marked where Submissions of Objection and Support have been received.
(2) Site Plan and Elevations, floor plans
(3) Copies of objections

Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at 13 September 2007 Council Meeting.

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

Nil.

14.11 (OCM 13/09/2007) - PROPOSED WATTLEUP LOCAL STRUCTURE PLAN - LOTS 121, 122 AND 801 WATTLEUP ROAD, WATTLEUP - OWNER: WATTLEUP LAND DEVELOPMENT COMPANY PTY LTD (9645K) (R DONG) (ATTACH) Item 14.11.pdf

RECOMMENDATION
That Council:

(1) adopt the Wattleup Local Structure Plan for Lots 121, 122 & 801 Wattleup Road, Wattleup subject to following modifications:

1. Subdivisional road reserves being changed to 15 metres with texts “15m” marked within the roads on the structure plan; road reserves abutting POS being changed to 13.5 metres with texts “13.5m” marked within the roads on the structure plan.

2. On-Street car parking bays being provided for the laneway

lots at a ratio of 1 for every 2 lots. These bays shall be located on the POS sides.

3. A roundabout being provided for the 4-way intersection near Lot 801.

(2) adopt the Schedule of Submissions contained in the Agenda attachment;

(3) upon receiving the modified structure plan, 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; and

(4) advise the applicant and those persons who made a submission of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban Deferred
	TPS:	Development
LAND USE:	Lot 121 – Vacant; Lots 122 & 801 – Rural General	
LOT SIZE:	Lot 121- 4.0949ha; Lot 122- 4.1025ha; Lot 801- 3.4636ha	

The proposed Wattleup Local Structure Plan site comprises three lots with a total combined area of approximately 11.66 hectares and is located near the southwestern corner of Wattleup Road and Frankland Avenue (see Location Plan, Attachment 1).

The subject lots fall within the area of the Southern Suburbs District Structure Plan (SSDSP) Stage 3 which was adopted by the Council on 11 August 2005, only for "the purpose of an advisory document, to guide and coordinate the preparation of Local Structure Plans…" (Council Minute No 2924 refers). It was not formally adopted by Council under clause 6.2 of Town Planning Scheme No 3, and therefore has not been referred to the Western Australian Planning Commission (WAPC) for endorsement. One of the main reasons for

this was that the proposed structure plan area was still zoned Urban Deferred under the Metropolitan Region Scheme (MRS) due to the issue of a dust buffer relating to the nearby Alcoa Residue Drying Area.

Submission

Cardno BSD (applicant) at request of the landowner (Wattleup Land Development Company Pty Ltd) has submitted a local structure plan (LSP) for the subject land.

Report

Urban Deferment

SSDSP Stage 3 comprises two portions:

1. Hammond Park portion, on the eastern side of Hammond Road; and

2. Wattleup portion, on the western side of Hammond Road.

While the Hammond Park portion has had the Urban Deferment lifted, the lifting of the Urban Deferment for the Wattleup portion is currently pending resolution of the dust buffer issue, whereby the Town of Kwinana claims that Alcoa modelled dust contour encroaches over part of the subject LSP area (Attachment 4 refers). As a result, the subject LSP area is still zoned "Urban Deferred" under the MRS, with a current proposal before the WAPC to lift the deferment status.

Alcoa made a submission to the WAPC "Review of Kwinana air-quality buffer" in 2002 requesting that the air quality buffer extended from Anketell Road in the south to Rowley Road in the north and east to the Kwinana Freeway. This request was based on dust monitoring results and complaint levels from nearby neighbours. The WAPC replied "… that further detailed investigations are undertaken to better define the extent of impacts from the operation of the facility."

Accordingly, in 2004 Alcoa responded by engaging Sinclair Knight Mertz (SKM) to conduct further studies and modelling to better characterise the impact from the residue disposal facility. The result of these studies and modelling formed the basis of the Long Term Residue Management Strategy Kwinana 2005 prepared by SKM. Ironically, the modelling shows that the Wattleup portion of SSDSP Stage 3 is outside of the 90ug/m^3 contour (Attachment 5 refers), which contradicts to the Town of Kwinana's claim.

The issue of the dust contour remained unsolved until the South West District Planning Committee meeting being held on 26 July 2007. The City's delegates provided background to the Item "Lifting of Urban Deferment", noting that the subject area had not been included in the

previous resolution given concerns regarding dust from the ALCOA residue drying area. The Committee were requested to reconsider the resolution with rationale including the points below:

- The land is not located within the Kwinana air quality buffer specified in the Kwinana Environmental Protection Policy (EPP).

- In the EPP the area referred to as Area C. Schedule 2 of the EPP provides that the ambient air quality standards for this area is less than 90ug/m^3 Total suspended Particulates (TSP). Modelling undertaken by Alcoa contained in the Long Term Strategy Kwinana 2005 prepared by Sinclair Knight Mertz for Alcoa shows that the subject land is outside the 90ug/m^3 contour.

- The limit of 90ug/m^3 TSP (including background dust) has also been adopted as the applicable standard by the Town of Kwinana at its meeting held on March 2005.

- Alcoa has not provided details of any dust complaints.

- Planning of the area is well advanced and development can occur in the short term.

The meeting resolved:

That the South West District Planning Committee supports the proposal for lifting of urban deferment on subject Wattleup area conditional upon an undertaking that at the subdivision stage prospective landowners be made aware of the likelihood that the land will be subject to dust from Alcoa residue drying area on lots 115, 117, 120, 801 and 805.

The above recommendation will be referred to the WAPC for consideration.

Proposed Wattleup Local Structure Plan

The final version of the Wattleup LSP was prepared by Cardno BSD on behalf of the landowner in October 2006 (Attachment 2 refers). The purpose of the LSP is to provide a framework for the future development of the land in the LSP area and establish a context for its eventual subdivision.

The LSP document comprehensively addresses all the issues relating to a local structure plan (Attachment 2 refers).

Basically, the LSP stipulates three R Codings: R20, R25 and R30 with a total 158 lots being proposed for the subject three parent lots (Lots 121, 122 and 801). R20 and R25 represent low densities residential

whereas R30 represents medium density residential. These densities are appropriate for this locality and provide a suitable mixture for housing choices.

The R30 lots generally front Public Open Space (POS), which is consistent with the *Liveable Neighbourhoods* principles. The R30 lots have a narrower frontage and as such, laneways have been proposed for these lots for locating garages at rear of these lots in order to avoid garages being the dominant element for future front facades. Detailed Area Plans will be required for these R30 lots at subdivision stage as a part the City's normal planning practice.

Other design rationales including POS schedule are articulated in the LSP document (Attachment 2 refers).

Consultation and Formal Advertising

The proposed LSP has been referred to the City's internal technical departments for comment. No fundamental issues have been raised from the technical departments except for some minor changes required from the Engineering department. These changes are relating to road design and on-street car parking and are included in the Recommendation section of this report.

The City commenced the formal structure plan advertising process soon after receiving the final version LSP document from 2 December 2006 to 29 December 2006, including advertisements in Cockburn Gazette for public comments, letters to adjacent landowners for comment, and letters to the government agencies for comment.

At the close of the advertising, 10 submissions were received including three objections and seven no objections. All the submission comments and officer's recommendations are included in the Schedule of Submission (Attachment 3 refers).

Scheme Amendment No. 28

The purpose of the proposed Scheme Amendment No. 28 is to:

1. Introduce two new Development Contribution Areas the SSDSP Stage 3 area (DCA9 for the Hammond Park portion and DCA10 for the Wattleup portion) to establish a statutory planning mechanism for cost sharing between landowners on infrastructure such as road and regional drainage.

2. Introduce two new Development Areas to the SSDSP Stage 3 area (DA26 for the Hammond Park portion and DA27 for the Wattleup portion) to include statutory planning provisions for local structure plans to be adopted to guide subdivision, land use, as well as development control.

Proposed Scheme Amendment No. 28 is yet to be finalised.

Future Rowley Road

Future Rowley Road is likely to be classified as Primary Regional Road (Red Road) – a major freight road linking the Kwinana Freeway and the proposed Outer Harbour Port in Henderson. This has been confirmed in the submission prepared by the Fremantle Ports (Attachment 3 refers). However, final approval for Rowley Road to be Primary Regional Road has not been granted yet by the State Government.

The status of future Rowley Road was considered as Other Regional Road (Blue Road) at the time of preparing the SSDSP Stage 3, and as such, the cost construction of a Blue Road was included in the development contribution plan. The classification of future Rowley Road as a Red Road will affect the for the SSDSP Stage 3 area in two aspects:

Firstly, the development contribution for the SSDSP Stage 3 area will be reduced as Main Roads will construct Rowley Road, it being a Red Road. This means that proposed Scheme Amendment No. 28 will need to be modified to adjust the development contribution requirements. Secondly, the status of future Rowley road as a freight road will mean that land adjacent to Rowley Road will be more likely affected by traffic noise. This may require some potential changes to the SSDSP Stage 3 to address the increased noise level. Notwithstanding the above, conditions such as noise walls, quiet house design and notifications on titles will be imposed at subdivision and development approval stages.

Conclusion

The proposed Wattleup LSP generally reflects the local community interests given that the submissions received from the surrounding landowners are supportive to the LSP. The design of the LSP is generally in line with the *Liveable Neighbourhoods* principles. Furthermore, It is now right timing for the WAPC to consider the LSP in the area given that the Alcoa dust buffer issue and hence the lifting of Urban Deferment is likely to be resolved in the near future as recommended by the South West District Planning Committee. It is therefore recommended that the Council adopt the Wattleup Local Structure Plan subject to modifications as recommended.

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 ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.*

Transport Optimisation

- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*

SPD4	Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD16A	Standard Subdivision Conditions and Reasons for Refusal
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans
APD33	Town Planning Scheme No. 3 Provisions
APD34	Uniform Fencing Subdivision and Development

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The City commenced the formal structure plan advertising process soon after receiving the final version LSP document from 2 December 2006 to 29 December 2006, including advertisements in Cockburn Gazette for public comments, letters to adjacent landowners for comment, and letters to the government agencies for comment. 10 submissions were received during the advertising period as mentioned previously.

Attachment(s)

(1) Location Plan
(2) Structure Plan Document
(3) Schedule of Submissions
(4) Town of Kwinana Dust Contour Map
(5) SKM Dust Contour Map

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 13 September 2007 Council Meeting.

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

Nil.

14.12 (OCM 13/09/2007) - PROPOSED LOCAL STRUCTURE PLAN - LOTS 117 & 805 WATTLEUP ROAD - OWNER: PRIMEWEST MANAGEMENT (9645J) (R DONG) (ATTACH) Item 14.12.pdf

RECOMMENDATION
That Council:

(1) adopt the Local Structure Plan for Lot 117 & 805 Wattleup Road, Wattleup subject to following modifications:

1. Subdivisional road reserves being changed to 15 metres with texts “15m” marked within the roads on the structure plan; road reserves abutting POS being changed to 13.5 metres with texts “13.5m” marked within the roads on the structure plan.

2. On-Street car parking bays being provided for the laneway lots at a ratio of 1 for every 2 lots. These bays shall be located on the POS sides.

3. A roundabout being provided for the 4-way intersection within Lot 117.

(2) adopt the Schedule of Submissions contained in the Agenda attachment;

(3) upon receiving the modified structure plan, 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; and

(4) advise the applicant and those persons who made a submission of Council’s decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban Deferred
	TPS:	Development
LAND USE:	Lot 117 – Market Garden; Lot 805 – Orchard	
LOT SIZE:	Lot 117- 4.0494ha; Lot 805- 3.248ha	

The proposed Local Structure Plan site comprises two lots with a total combined area of approximately 7.2974 hectares and is located near the southwestern corner of Wattleup Road and Frankland Avenue (see Location Plan, Attachment 1).

The subject lots fall within the area of the Southern Suburbs District Structure Plan (SSDSP) Stage 3 which was adopted by the Council on 11 August 2005, only for "the purpose of an advisory document, to guide and coordinate the preparation of Local Structure Plans…" (Council Minute No 2924 refers). It was not formally adopted by Council under clause 6.2 of Town Planning Scheme No 3, and therefore has not been referred to the Western Australian Planning Commission (WAPC) for endorsement. One of the main reasons for this was that the proposed structure plan area was still zoned Urban Deferred under the Metropolitan Region Scheme (MRS) due to the issue of a dust buffer relating to the nearby Alcoa Residue Drying Area.

Submission

Burgess Design Group (applicant) at request of the landowner (Primewest Management) has submitted a local structure plan (LSP) for the subject land.

Report

Urban Deferment

SSDSP Stage 3 comprises two portions:

1. Hammond Park portion, on the eastern side of Hammond Road; and

2. Wattleup portion, on the western side of Hammond Road.

While the Hammond Park portion has had the Urban Deferment lifted, the lifting of the Urban Deferment for the Wattleup portion is currently pending resolution of the dust buffer issue, whereby the Town of Kwinana claims that Alcoa modelled dust contour encroaches over part of the subject LSP area (Attachment 4 refers). As a result, the subject LSP area is still zoned "Urban Deferred" under the MRS, with a current proposal before the WAPC to lift the deferment status.

Alcoa made a submission to the WAPC "*Review of Kwinana air-quality buffer*" in 2002 requesting that the air quality buffer extended from Anketell Road in the south to Rowley Road in the north and east to the Kwinana Freeway. This request was based on dust monitoring results and complaint levels from nearby neighbours. The WAPC replied "*… that further detailed investigations are undertaken to better define the extent of impacts from the operation of the facility*."

Accordingly, in 2004 Alcoa responded by engaging Sinclair Knight Mertz (SKM) to conduct further studies and modelling to better characterise the impact from the residue disposal facility. The result of these studies and modelling formed the basis of the Long Term Residue Management Strategy Kwinana 2005 prepared by SKM. Ironically, the modelling shows that the Wattleup portion of SSDSP Stage 3 is outside of the 90ug/m^3 contour (Attachment 5 refers), which contradicts to the Town of Kwinana's claim.

The issue of the dust contour remained unsolved until the South West District Planning Committee meeting being held on 26 July 2007. The City's delegates provided background to the Item "Lifting of Urban Deferment", noting that the subject area had not been included in the previous resolution given concerns regarding dust from the ALCOA residue drying area. The Committee were requested to reconsider the resolution with rationale including the points below:

- The land is not located within the Kwinana air quality buffer specified in the Kwinana Environmental Protection Policy (EPP).

- In the EPP the area referred to as Area C. Schedule 2 of the EPP provides that the ambient air quality standards for this area is less than 90ug/m^3 Total suspended Particulates (TSP). Modelling undertaken by Alcoa contained in the Long Term Strategy Kwinana 2005 prepared by Sinclair Knight Mertz for Alcoa shows that the subject land is outside the 90ug/m^3 contour.

- The limit of 90ug/m^3 TSP (including background dust) has also been adopted as the applicable standard by the Town of Kwinana at its meeting held on March 2005.

- Alcoa has not provided details of any dust complaints.

- Planning of the area is well advanced and development can occur in the short term.

The meeting resolved:

That the South West District Planning Committee supports the proposal for lifting of urban deferment on subject Wattleup area conditional upon an undertaking that at the subdivision stage prospective landowners be made aware of the likelihood that the land will be subject to dust from Alcoa residue drying area on lots 115, 117, 120, 801 and 805.

The above recommendation will be referred to the WAPC for consideration.

Proposed Local Structure Plan (LSP)

The final version of the proposed LSP was prepared by Burgess Design Group on behalf of the landowner in October 2006 (Attachment 2 refers). The purpose of the LSP is to provide a framework for the future development of the land in the LSP area and establish a context for its eventual subdivision.

The LSP document comprehensively addresses all the issues relating to a local structure plan (Attachment 2 refers).

Basically, the LSP stipulates two R Codings: R20 and R25 with a total 94 lots being proposed for the subject two parent lots (Lots 117 & 805). R20 and R25 represent low density residential, which is appropriate for this locality and provides a suitable land supply for this area.

The laneway lots have a narrower frontage and as such, laneways have been proposed for these lots for locating garages at rear of these lots in order to avoid garages being the dominant element for future front facades. Detailed Area Plans will be required for these laneway lots at subdivision stage in accordance with the City's Town Planning Scheme provisions.

Other design rationales including POS schedule are articulated in the LSP document (Attachment 2 refers).

Consultation and formal Advertising

The proposed LSP has been referred to the City's internal technical departments for comment. No fundamental issues have been raised from the technical departments except for some minor changes required from the Engineering department. These changes are relating to road design and on-street car parking and are included in the Recommendation section of this report.

The City commenced the formal structure plan advertising process soon after receiving the final version LSP document from 4 November 2006 to 1 December 2006, including advertisements in Cockburn Gazette for public comments, letters to adjacent landowners for comment, and letters to the government agencies for comment.

At the close of the advertising, 10 submissions were received including three objections and seven no objections. All the submission comments and officer's recommendations are included in the Schedule of Submission (Attachment 3 refers).

Scheme Amendment No. 28

The purpose of the proposed Scheme Amendment No. 28 is to:

(1) Introduce two new Development Contribution Areas the SSDSP Stage 3 area (DCA9 for the Hammond Park portion and DCA10 for the Wattleup portion) to establish a statutory planning mechanism for cost sharing between landowners on infrastructure such as road and regional drainage.

(2) Introduce two new Development Areas to the SSDSP Stage 3 area (DA26 for the Hammond Park portion and DA27 for the Wattleup portion) to include statutory planning provisions for local structure plans to be adopted to guide subdivision, land use, as well as development control.

Proposed Scheme Amendment No. 28 is yet to be finalised.

Future Rowley Road

Future Rowley Road is likely to be classified as Primary Regional Road (Red Road) – a major freight road linking the Kwinana Freeway and the proposed Outer Harbour Port in Henderson. This has been confirmed in the submission prepared by the Fremantle Ports (Attachment 3 refers). However, final approval for Rowley Road to be Primary Regional Road has not been granted yet by the State Government.

The status of future Rowley Road was considered as Other Regional Road (Blue Road) at the time of preparing the SSDSP Stage 3, and as such, the cost construction of a Blue Road was included in the development contribution plan. The classification of future Rowley Road as a Red Road will affect the for the SSDSP Stage 3 area in two aspects:

Firstly, the development contribution for the SSDSP Stage 3 area will be reduced as Main Roads will construct Rowley Road, it being a Red Road. This means that proposed Scheme Amendment No. 28 will need to be modified to adjust the development contribution requirements. Secondly, the status of future Rowley Road as a freight road will mean

that land adjacent to Rowley Road will be more likely affected by traffic noise. This may require some potential changes to the SSDSP Stage 3 to address the increased noise level. Notwithstanding the above, conditions such as noise walls, quiet house design and notifications on titles will be imposed at subdivision and development approval stages.

Conclusion

The proposed LSP is generally in accordance with the SSDSP Stage 3. The design of the LSP is generally in line with the *Liveable Neighbourhoods* principles. Furthermore, It is now right timing for the WAPC to consider the LSP in the area given that the Alcoa dust buffer issue and hence the lifting of Urban Deferment is likely to be resolved in the near future as recommended by the South West District Planning Committee. It is therefore recommended that the Council adopt the Local Structure Plan for Lots 117 & 805 Wattleup Road, Wattle up subject to modifications as recommended.

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 ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.*

Transport Optimisation

- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*

The Planning Policies which apply to this item are:

SPD4	Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD16A	Standard Subdivision Conditions and Reasons for Refusal
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans
APD33	Town Planning Scheme No. 3 Provisions
APD34	Uniform Fencing Subdivision and Development

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The City commenced the formal structure plan advertising process soon after receiving the final version LSP document from 4 November 2006 to 1 December 2006, including advertisements in Cockburn Gazette for public comments, letters to adjacent landowners for comment, and letters to the government agencies for comment. 10 submissions were received during the advertising period as mentioned previously.

Attachment(s)

(1) Location Plan
(2) Structure Plan Document
(3) Schedule of Submissions
(4) Town of Kwinana Dust Contour Map
(5) SKM Dust Contour Map

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 13 September 2007 Council Meeting.

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

Nil.

14.13 (OCM 13/09/2007) - PROPOSED AMENDMENT NO. 51 TO TOWN PLANNING SCHEME NO. 3 - LOT 5 BARTRAM ROAD (CNR TAPPER ROAD), ATWELL - OWNER: CITY OF COCKBURN (93051) (R DONG) (ATTACH) Item 14.13.pdf

RECOMMENDATION
That Council:

(1) adopt the Schedule of Submissions;

(2) adopt the amendment for final approval without modification:

(3) 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

(4) advise persons lodging submissions of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20 and R5
LAND USE:	Vacant	
LOT SIZE:	2.73 ha	

Council at its meeting held on 12 July 2007 resolved to adopt Scheme Amendment No. 51 for final approval without modification. However, the amendment had been advertised for 28 days instead of 42 days required (by the Town Planning Regulations) due to an administrative error. Subsequently, after seeking advice from the Western Australian Planning Commission (WAPC), an additional 14 days advertising was carried out by the City and concluded on 20 August 2007. The additional advertising resulted in one additional submission of no objection from Western Power.

Submission

N/A

Report

All the issues have been addressed in the last Council agenda (OCM 12/07/2007).

The additional submission received from Western Power raises no objection to the proposed amendment. The comments made by Western Power are addressed in the Schedule of Submissions (Attachment 3 refers).

It is recommended that Council adopt Amendment No. 51 for final approval as resolved at its meeting held on 12 July 2007.

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

Budget/Financial Implications

Funds for the development of Stage one Lot 5 Tapper Road, will come from the Land Development Reserve fund.

Net proceeds from the sale of the lots will be transferred to the Land Development Reserve Funds.

Legal Implications

Town Planning Scheme No. 3
Metropolitan Region Scheme
Planning and Development Act 2005
Town Planning Regulations 1967 (as amended)

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 28 day period. The 28 day public consultation period for Scheme Amendment No. 51 concluded on 26 March 2007. At the close of advertising, 2 submissions were received. Further, an additional 14 day public consultation was carried out to make up the 42 day public consultation require under Town Planning Regulations 1967. The 14 day consultation concluded on 20 August 2007 with one submission received.

Attachment(s)

(1) Locality Map
(2) Scheme Amendment Document
(3) Schedule of Submissions

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 13/09/2007) - LIST OF CREDITORS PAID - JULY 2007 (5605) (K. LAPHAM) (ATTACH) Item 15.1.pdf

RECOMMENDATION
That Council receive the List of Creditors Paid for July 2007, as attached to the Agenda.

COUNCIL DECISION

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

The list of Accounts for July 2007 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to good and services received by the City.

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

Local Government (Financial Management) Regulations 1996, Section 13.

Community Consultation

N/A

Attachment(s)

List of Creditors Paid - July 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 13/09/2007) - STATEMENT OF FINANCIAL ACTIVITY - JULY 2007 (5505) (N. MAURICIO) (ATTACH) Item 15.2.pdf

RECOMMENDATION
That Council receive the Statement of Financial Activity and associated reports for the period ended 31 July 2007, as attached to the Agenda.

COUNCIL DECISION

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 July 2007.

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, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality. This standard defines materiality in financial reporting and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material.

The materiality threshold set by Council for the 2007/08 financial year $50,000 or 10% (whichever is the greater). This was increased from $10,000 from previous years to better focus reporting and management's attention to variances considered more material in view of Council's budget size.

Quarterly Performance Review of Investments

As required under Council Policy SFCS1, the City reports on a quarterly basis the performance of its monetary investments against a benchmark agreed by Council. The table below highlights the performance for the 2006/07 financial year as well as the performance for the last quarter.

Portfolio Performance Period	Benchmark	Portfolio	Variance
Last Month (June 2007)	0.005%	0.001%	-0.004%
Last three months	1.61%	1.80%	0.190%
Last six months	3.21%	3.66%	0.450%
Last twelve months	6.42%	7.53%	1.110%
Weighted Average Funds	$54,150,000		
Additional Annual Income	$601,065		

The performance for the financial year ending 30 June 2007 was 7.53% against the benchmark 90 day BBSW published by UBS of 6.42%. This additional 1.11% for the twelve months allowed the City to earn approximately $601,000 in interest which is equivalent to a 2.25% rate increase the City did not have to impose on ratepayers.

The higher result has been achieved using an independent financial adviser, Oakvale Capital Ltd, who assesses all investment products offered to the City and does not promote products prepared by itself. Oakvale does not take fees or trailing commissions from financial promoters/banks. Oakvale also advise the City of Perth, City of Gosnells, Town of Cambridge amongst others.

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 reported are of a permanent nature, they will impact upon Council's end of year surplus/deficit position.

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 – July 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 13/09/2007) - BEELIAR PRIMARY SCHOOL CAR PARKS (4413906) (S LEE) (ATTACH) Item 16.1.pdf

RECOMMENDATION
That Council:

(1) subject to agreement by the Department of Education and Training to item (3) below, provide funding assistance on a dollar-to-dollar basis with the Department of Education and Training, to construct 6 parking bays for set-down and pickup of students, on the street verge of Kowara Dale;

(2) install parking restriction signs on street verges along The Grange, between Possum Glade and Birkett Avenue. The inscription on the signs shall be "*No Parking on Road and Verge, Monday to Friday*"; and

(3) advise the Department of Education and Training that funding assistance cannot be considered for the additional parking facilities on the school ground of Beeliar Primary School; however, Council is prepared to construct the facilities at cost for the Department.

COUNCIL DECISION

Background

The Department of Education and Training requested possible funding assistance from Council to help rectify some parking problems at Beeliar Primary School.

Submission

(1) Provide funding assistance to construct 6 parking bays on Kowara Dale, on the north side of the School;

(2) Impose parking restriction zones on The Grange, between Possum Glade and Birkett Avenue, to stop vehicles parking on road and on verges; and

(3) Decline funding assistance but offer an at cost construction service to the Education Department to:

- convert an existing garden bed on school ground into 6 additional car parking bays; and
- widen the existing roundabout on school ground to provide for safe bus parking for pickup and set-down of students.

Report

The Principal of the Beeliar Primary School invited Council's Design Manager and the Senior Project Officer of the Education Department to view and to discuss the parking issues the School has, possible solutions and funding prospects. A meeting was held on Tuesday 12th June 2007 at the School.

The Education Department wrote to Council on 26th July and 15th August respectively and requested possible funding assistance form Council either in the 2007/08 or 2008/09 financial year for the following;

- Provision of parking embayments along Kowara Dale;
- Conversion of an existing on-site garden bed into 8 additional car parking bays; and
- Widening of the existing on-site roundabout to provide for safe bus parking for pick-up and set-down of students.

In addition, the Education Department requested Council to provide "No Stopping" signage on street verges to prevent unauthorised parking.

Proposed Car Parks

Preliminary design reveals that it is possible to:

(1) Provide 6 parking embayments along Kowara Dale as a Kiss and Drop zone for the School;

(2) To convert the garden bed on school ground to 6 addition parking bays; and

(3) To modify the aforementioned roundabout to provide for safe bus parking for pick-up and set-down of students.

The concept plans were emailed to the School Principal and the Senior Project Officer of the Education Department on 10th August, 2007. Both of them are happy with the concept plans. The School Principal, however, asked if more parking embayments can be provided along Kowara Dale, while acknowledging that it will require the relocation of existing drainage pit. As this is additional to what was agreed on during the on-site meeting on 12/6/2007, further discussions on this suggestion will be made with the Principal and the Education Department to ascertain if additional parking bays are warranted and if the Education Department is willing to put in the additional contribution towards the capital work.

The estimated costs for the above works as shown on the attached concept plans are as follows:

- $18,500 for item (1);
- $10,000 for item (2); and
- $3,000 for item (3).

- Total cost to the City of Cockburn - $ 9,250
- Total cost to the Dept of Education and Training $22,250

As the proposed parking bays on Kowara Dale will become an asset of the City, it is recommended that Council provides funding assistance on a-dollar-to-dollar basis with the Education Department for the construction of this facility.

As the additional parking facilities on School ground will be the assets of the Education Department; it is therefore not recommended to spend ratepayers' funds to improve or create State Government's asset. It is however recommended Council offers the Education Department an at cost service opportunity for constructing the facilities.

Proposed Parking Restriction

The School Principal expressed concerns that illegal verge parking that regularly occurs causes safety issues for children.

Site observations confirm that verge parking along The Grange occurs regularly during school finishing time; and there are parking restriction signs on Possum Glade but not on The Grange. For safety of school children, the Education Department's request is supported.

Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain community facilities that meet community needs.*

Lifestyle and Aspiration Achievement

- *To deliver our services and to manage resources in a way that is cost effective without compromising quality.*

Transport Optimisation

- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*

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

Budget/Financial Implications

Funds are available in account CW2215 ($90,753) Traffic Safety Management – Traffic Calming and Minor Works. It is suggested that up-to a maximum of $12,000 of these funds can be used for the construction of 6 parking bays in Kowara Dale without affecting other priorities for traffic calming and minor works.

Should additional costs be required, it is suggested that the proposed capital works be submitted to Council for consideration for inclusion in the financial year of 2008/09

Legal Implications

N/A

Community Consultation

Council's Design Manager met with Cliff Carr, Senior Project Officer, Capital Programs Branch, the Department of Education and Ms Kristy Mularczyk, Principal of Beeliar Primary School at Beeliar Primary

School on Tuesday, 12th June 2007 to discuss the parking issues; and provided concept plans on Friday 10th August 2007 for information and comment.

The Roadwise Committee of the Beeliar Primary School identified at its meeting held on 19th June 2007 that the provision of Kiss and Drop zone on Kowara Dale is the best option.

Attachment(s)

(1) Letter from the Department of Education, dated 15th August 2007, CTR07/22312.
(2) Concept Plan 1 – Street Parking, Kowara Dale.
(3) Concept Plan 2 – School Site Additional Parking.
(4) Concept Plan 3 – Parking Restriction Plan.

Advice to Proponent(s)/Submissioners

The Proponents and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 September 2007 Council Meeting.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 13/09/2007) - MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON 16 AUGUST 2007 (1550) (R. AVARD) (ATTACH) Item 17.1.pdf

RECOMMENDATION
That Council:

(1) receive the Minutes of the Bush Fire Advisory Committee Meeting held on 16 August 2007 and the recommendations contained therein be adopted; and

(2) approve the location of the Department of Conservation's (DEC) fire truck in the Jandakot Volunteer Bush Fire Brigade's shed on the understanding that the vehicle be shared and all insurance aspects are met by the Department of Conservation and the City's Volunteer Insurance Policy.

COUNCIL DECISION

Background

The Bush Fire Advisory Committee conducted a meeting on 16 August 2007. The Minutes of the Meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Bush Fire Advisory Committee Meeting is attached to the Agenda. Items dealt with at the Committee Meeting form the Minutes of that meeting.

Report

Minutes of the Meeting of the Bush Fire Advisory Committee held on 16 August 2007 are attached for consideration by Council.

A request has been made by the Department of Conservation (DEC) to locate a fire truck in the Jandakot Volunteer Bush Fire Brigade shed. This proposal has been supported by the Jandakot Volunteer Bush Fire Brigade as it provides an additional resource that can be shared between the Jandakot Brigade and DEC. As this matter was not included in the Agenda of the Bush Fire Advisory Committee Meeting due to it not being received in time for inclusion Council agreement to the proposal is sought. All insurance aspects for the use of the vehicle are covered by the City's Volunteer Insurance Policy and by DEC as a State Government Authority.

An Elected Member may withdraw any item from the Committee Meeting for discussion and propose an alternative recommendation for Council's consideration.

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

Should the lease arrangements proceed all fees and charges will be met by FESA.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Minutes of the Bush Fire Advisory Committee Meeting - 16 August 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.2 (OCM 13/09/2007) - CIVIC CENTRE INTERIM USAGE (8188) (D. GREEN)

RECOMMENDATION
That Council not return the Civic Centre Main Hall to its original condition to allow for it to be available for hire, pending a Council decision on the future use of the Hall, as part of the preparation of the Phoenix Central Revitalisation Plan.

COUNCIL DECISION

Background

Since late 2005 the Civic Centre Hall has been utilised by the City of Cockburn primarily as office space, during the period of refurbishing the Administration Building. With the impending relocation of the

majority of administrative functions back to the main Council offices due by the end of September 2007, the issue of the short term use of the Hall needs to be resolved.

As a result, an item was presented to the August 2007, Council meeting, seeking approval to revert the Main Hall as a community facility for public hire.

This recommendation was premised on the basis that Council had provided funds in its 2007/08 Budget of $200,000 for design and documentation for the Civic Centre Redevelopment, including the future Seniors Centre, which was anticipated to take at least 2 years to undertake.

Subsequently, at its Ordinary meeting held on 9 August 2007, Council resolved:

to defer consideration of interim usage of the Cockburn Civic Centre until the September 2007 Ordinary Council Meeting to allow the Regional Seniors Group to be consulted by Council prior to the September meeting regarding the proposed changes of plan for temporary usage and the future development of the Civic Centre Precinct.

The deferral was because of an expectation by the Regional Seniors Group that the Civic Centre was to be refurbished as a Seniors Centre, upon it being vacated by the City's Administration.

Submission

N/A

Report

In accordance with the Council decision of 9 August 2007 a consultative meeting was held with the Regional Seniors Group on 22 August 2007. The general view of the Regional Seniors Group was the strong desire for a Seniors Centre to be constructed on the Civic Centre Precinct site as a priority.

With this in mind, Council may wish to reassess any proposal to revert the Civic Centre for public hire purposes, given that funding required to restore the Hall to a condition suitable for public hire, will not be recouped, if Council wishes to expedite the conversion of some, or all, of the Civic Centre for the purposes of a Seniors Centre.

Such a decision could be made as early as May 2008, should Council adopt a recommendation to prepare a Revitalisation Plan for the Phoenix Park Precinct, which includes the land upon which the Civic Centre Hall is located. One of the facilities recommended for inclusion

in the Plan is a Seniors Centre, which could potentially be included in a staged development programme to commence as early as late 2008. Should Council resolve to proceed that way, it could be reasonably expected that the Civic Centre Hall will be vacant for a period of 12-18 months minimum.

Some of the space which will be made available as a result of the relocation of Staff to the main Administration Building will be required for Council's ongoing use for a short term.

This includes an area which was originally used as a store room for the Main Hall area and which has been converted as a space to house some of Council's Official Records. This space is 41 sq.m. and will be required for its present purpose while the documents contained there are assessed for currency and either scanned in digital form or archived and stored off site.

In addition, there is currently an array of Council furniture and equipment stored off site in sea containers, which are recommended for relocation to a more suitable area. Much of this is furniture associated with Council arranged functions (chairs, trestles, staging, etc.), as well as valuable historical artefacts such as Honour Boards, which would more suitably be located in a more protected environment. It is envisaged that approximately 100 sq.m. will be required for all these items combined. Also, much of the office furniture and equipment currently in use by Staff in the Civic Centre will become surplus to requirements following the relocation of those Staff back to the main Administration Building by the end of September. It is likely that some time will be required to assess what furniture is able to be used by other Staff, external Council services or community organisations, prior to disposing of any left over surplus.

Another area within the current Hall which receives extensive use as a Staff resource is the Staff Training Room, which currently takes up around 35 sq.m. and is equipped with a number of computers. This area has been used extensively for Staff training purposes and, although it is proposed that portable laptop computers will fulfil this need in future, such an area will provide an invaluable ongoing resource in the short term while the alternative arrangements are made.

Finally, there are the two transportable buildings immediately adjacent to the Civic Hall which currently house the Human Resources (HR) Unit of Council and the Volunteer Resource Centre (VRC).

Accommodation is available within the new building for the HR Staff, however, no allowance has been made for the two VRC Staff in the long term. On the basis that the transportable units would be an unsightly feature within the Civic grounds, arrangements have been

made to have both these buildings taken off site following the Staff relocation process.

As it is preferable for the VRC to be located in a high traffic area, it is proposed that a place for the service be provided within the same area for the time being. An area within the Civic Centre Hall utilising current staff space located close to an external door on the eastern side, could be comfortably accommodated and would considerably improve the working conditions endured by staff in their current, or similar location.

In summary, it is proposed that Council not resolve at this time to return the Hall for public hire purposes, given that a decision to do so would require significant expenditure which would not be recouped in the short term, if a decision is made to convert the premises to a Seniors Centre and because of the requirement and capacity for the facility to be utilised for Council related services and purposes in the interim.

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.*

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.*

Budget/Financial Implications

Council has carried forward $82, 656 towards the cost of redesigning the Civic Centre to convert to a Seniors Centre. There is a further $200,000 for design and documentation for the Civic Centre Redevelopment, inclusive of design for a future Seniors Centre.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Regional Seniors Group has been advised that this matter is to be considered at the 13 September 2007 Council Meeting.

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

Nil.

17.3 (OCM 13/09/2007) - OLD SCOUT HALL - FREDERICK ROAD, HAMILTON HILL (2201149) (R. AVARD) (ATTACH) Item_17_3.pdf

RECOMMENDATION
That Council:

(1) advise the Cockburn Sub-Branch of the RSL that it is prepared to terminate the current lease the Branch has over the Old Scout Hall in Frederick Road, Hamilton Hill and that it intends to demolish the building; and

(2) reallocate the $21,000 set aside in account CW 4264 - Re-roofing Scout Hall, Frederick Road for the demolition of the building, together with an additional sum of $9,000 to undertake the required works, with funds being transferred from the Major Building Refurbishment Reserve Fund.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council at its meeting of 21 August 2004 resolved as follows:

(1) enter into a lease agreement with the City of Cockburn RSL for the use of lot 14 Frederick Road Hamilton Hill for a

period of 5 years with an option for a further 5 years, with the following terms and conditions:-

1. for peppercorn rental:-

(a) Lessee is responsible for all upgrading, maintenance and outgoings associated with the property;

(b) All other terms and conditions agreed to the satisfaction of the Chief Executive Officer;

(2) grant approval for the construction of a fence on the rear boundary of the property.

The hall located on the reserve a portion of which is used a for drainage.

Submission

The Cockburn RSL has written to the City seeking to withdraw from the lease arrangement for the use of the old Scout Hall in Frederick Road in Hamilton Hill and proposing that the building be demolished.

Report

The old Scout hall located near the corner of Frederick Road and Forrest Road in Hamilton Hill is in very poor condition and substantially clad with asbestos sheeting. The kitchen and toilet facilities are similarly in poor condition and not compliant with current Health Department requirements. The Scout Hall has little use, which is anticipated to remain the case due to the poor condition of the building.

Furthermore the external appearance of the building is poor and distracts from the general appearance of the area. The removal of the old Scout Hall will provide the opportunity to create a pleasant grassed area between the RSL building and the newly fenced drainage basin.

The Cockburn RSL has made substantial improvements to its adjoining premises that now meet the requirements of the Club and is available for hire by other groups. The soon to be completed Memorial Hall will provide a quality venue for hire to local community members.

It is proposed that Council demolish the old Frederick Road Scout Hall and offer the area to the Cockburn RSL at a peppercorn rental. Should the RSL not take up the offer the City will retain the land as undeveloped.

Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain community facilities that meet community needs.*

Budget/Financial Implications

Council has placed $21,000 (CW-4264) on its Municipal Budget to replace the asbestos roof on the building. There is no allocation made to upgrade other facilities in the building such as the toilets and kitchen.

Quotations to demolish the building are in the vicinity of $30,000. Should Council resolve to demolish the building there will be an additional $9,000 required for the work to proceed, with funds being transferred from the Major Building Refurbishment Reserve Fund.

Legal Implications

N/A

Community Consultation

The Cockburn RSL is the immediate neighbour to the facility and have had a long term interest in the building. The RSL is supportive of its demolition.

Attachment(s)

Site Plan.

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 13 September 2007 Council Meeting.

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

Nil.

17.4 (OCM 13/09/2007) - MEMORIAL HALL COMMUNITY CULTURAL AND ARTS FACILITIES FUNDING (4623) (C COOPER)

RECOMMENDATION
That Council approve an application for funding from the Department of Culture and the Arts Community Cultural Facilities Fund for retractable seating, fixed gallery hanging system and fixed sound system for the refurbished Memorial Hall.

COUNCIL DECISION

Background

Council at its meeting of 22 December 2006 resolved accept a tender for the refurbishment and additions to the Memorial Hall and landscaping of the building in accordance with the plans and specifications for the project.

Submission

An application for a grant from the Department of Culture and the Arts requires a resolution of Council in support of an application from The Community Cultural and Arts Facilities Fund.

Report

The opportunity has arisen through the Department of Culture and the Arts to seek a grant for the provision of specific items for the Memorial Hall redevelopment.

The Memorial Hall is due to be re-opened in early 2008 and as part of the internal fit-out it is desirous to have some fixed retractable seating mixed with loose seating options for the main hall, a fixed hanging system in the smaller drum hall area and a quality sound system fitted to compliment the lighting and theatre aspects of the refurbishment. These items were all identified in the original quantative survey reports as provisional items and a cost estimate supplied.

Retractable seating	(fixed)	$55 000
Sound System		$30 000
Fixed Hanging System		$12 000

It is proposed that Council seek funds to source additional assistance to purchase these items.

1. Gallery Hanging System – as used at Salamanca Gallery in Hobart. Based on standard ceiling fixing systems, the white panels are hollow core doors in suspended metal frames, economic, flexible and effective.

2. Retractable Seating Option – would sit under the stage control mezzanine at South West end of hall. Range of finishes and styles. A combination of retractable seating with loose seating would

provide flexibility for different arrangements of seating in the hall and for different events.

3. Sound System – to incorporate a sound system that will allow for the production of quality events and productions and be able to be used for many different applications. This system would be a permanent fixture to the centre.

Strategic Plan/Policy Implications

Infrastructure Development

- *To construct and maintain community facilities that meet community needs.*

Lifestyle and Aspiration Achievement

- *To foster a sense of community spirit within the district generally and neighbourhoods in particular.*

Budget/Financial Implications

The City has allocated $2.56 million dollars to the upgrade and refurbishment of Memorial Hall in its 2006/07 and 2007/08 budgets.

Legal Implications

N/A

Community Consultation

The City and Palassis Architects held two community meetings on 25 August 2004 and 23 February 2005 to discuss the proposal with community members, user groups, theatre groups, artists, art/theatre industry representatives to gather information required to develop the initial plans more fully to make it a workable space and to assist with the costing of the project.

A meeting with representatives from the Phoenix Theatre Group to discuss the requirements for making the main hall a functional theatre space was also held and these considerations have been implemented into the current plans.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

18.1 (OCM 13/09/2007) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE - 20 AUGUST 2007 (1192) (S CAIN) (ATTACH)

RECOMMENDATION
That Council receive the Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 20 August 2007, as attached to the Agenda, and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee met on 20 August 2007. The Minutes of that meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any Elected Member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Governance Excellence

- *To maintain a professional, well-trained and healthy workforce that is responsive to the community's needs.*

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

N/A

Attachment(s)

Minutes of the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee dated 20 August 2007 are provided to the Elected Members as a confidential attachment.

Advice to Proponent(s)/Submissioners

The CEO and Senior Staff have been advised that this item will be considered at the September 2007 Ordinary Council Meeting.

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

Committee Minutes refer.

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. (OCM 13/09/2007) - 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

25. CLOSURE OF MEETING

Nil