

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 AUGUST 2014 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 AUGUST 2014 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mrs C Reeve-Fowkes	-	Deputy Mayor
Mr K Allen	-	Councillor
Ms L Wetton	-	Councillor
Mr Y Mubarakai	-	Councillor
Mr S Portelli	-	Councillor
Ms L Smith	-	Councillor
Mr S Pratt	-	Councillor
Mr B Houwen	-	Councillor
Mr P Eva	-	Councillor

#### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr R. Avar	-	A/ Director, Governance & Community Services
Ms L. Boyanich	-	Media Liaison Officer
Ms M. Waerea	-	Executive Assistant

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.01 pm and then made the following announcements:

Good Evening Ladies and Gentlemen.

I formally declare the August 2014 ordinary meeting of Council open and in so doing welcome you all here tonight.

'I acknowledge the Noongar people who are the Traditional Custodians of the Land on which we are meeting tonight.'



'I pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Indigenous Australians who may be present'.

Before moving to the Agenda proper I take this opportunity to make the following statements:

I welcome Mr Rob Avard, A/Director Governance & Community Services to the meeting.

The following information provides a brief insight into the amazing partnerships across our City that consistently deliver outstanding outcomes for our community.

### **Cockburn Junior Football Club 60<sup>th</sup> Anniversary Year**

My wife Pat and I attended a celebration event for the Cockburn Junior Football Club at Davilak Reserve on Saturday 26 July 2014.

Many past players were present to join with the Club Officials, Families, Supporters and the young playing group of the day. A memorable occasion was enjoyed by all in attendance.

### **South Coogee Primary School – Official Opening of Inspiration Grove**

My wife Pat & I attended the official opening of the South Coogee Primary School 'Inspiration Grove' on Monday 25 July. Western Power had donated several surplus power poles to the school and Ms Bux, the Art Teacher had engaged the students in hand painting the power poles with a range of decorative designs. The 'Inspiration Grove' stands proudly in the front garden area of the school.

This was a partnership with the school, Western Power, Bunnings and the City. Another outstanding example of community engagement.

### **Beeliar Primary School – Official Opening of Early Childhood Sensory Bike Path**

I attended the Beeliar Primary School on Wednesday 13 August to participate in the official opening of the School's latest funding partnership with the Department of Transport and the City – a part of our TravelSmart program.

Children from the kindergarten & pre-primary years enjoyed the opening of their new sensory bike path and thanked the City for its funding assistance.



## **Underground Power Projects – Coolbellup East and Hamilton Hill East**

I am pleased to advise that the Coolbellup East and Hamilton Hill East underground power projects are essentially complete with the removal of the last wooden power pole being completed on Tuesday 12 August 2014.

The City has received very positive feedback on the improved aesthetics of the streetscapes from residents.

## **Hiroshima Day Commemorative Service**

On Wednesday 6 August the City of Cockburn the City held a tree planting ceremony at Tapper Reserve, Atwell. In attendance were Mr Toshio Ida, Consul and Deputy of Mission, representing the Japanese Consul General Perth, School Principals, teachers and students and members of the community.

Following the event a morning tea was provided for the guests. Combined with speeches and a presentation on how to grow and maintain bonsai plants.

## **Disability Services Commission**

On Friday 1 August the Disability Services Commission Board held one of their 'external' rounds of meetings at the City of Cockburn. The City presented to the Board in terms of its activities with particular reference to access and inclusion programs operated by the City. Ms Gail Bowman, Manager Human Services gave a comprehensive presentation on the subject adding information about future program delivery by the City.

The Board were impressed with the City's initiatives and contribution to the community in terms of access & inclusion and involvement with policy development and implementation for people with a disability.

## **Deployment to in the Kimberley**

A team of our volunteer bushfire brigade team members from the Jandakot and South Coogee Brigades have been deployed to Broome and Kununurra to assist in fighting a number of fires across the Kimberley.

Mr Terry Wegwermer, Community Emergency Services Manager – Cockburn and Chief Bush Fire Control Officer, Metropolitan South Coastal Department of Fire and Emergency Services was also deployed.

We wish our volunteers safe travel knowing that they possess the necessary knowledge, skills, teamwork and mateship to make a meaningful contribution to those far north communities.



## Local Government Reform

Submissions on the Interim Recommendation of the Local Government Advisory Board (LGAB) closed at 4.00pm today.

The Interim Recommendation of the Local Government Advisory Board (LGAB) proposes that the suburbs of North Coogee (north of McTaggart Cove) and Hamilton Hill be included in the Boundary of the City of Fremantle and the suburbs of Coolbellup, North Lake, Bibra Lake (including the Bibra Lake industrial area) and Leeming (part) be included in the boundary of the City of Melville.

At a special Council meeting held on 4 August 2014 the Council voted to submit a new proposal to the LGAB that moved the proposed boundary of the new Cockburn/Kwinana entity to the Roe Highway Reserve in order to minimise the loss of approximately 25% of its population to Fremantle and Melville, to keep the Bibra Lake industrial area within our new boundary and ceding the one third of the Cockburn Coast to Fremantle and the Jandakot City (including the airport) to Melville.

If this proposal is accepted by the LGAB then the population loss will be minimised, impacts on our staff will be minimised and the sustainability of the new Cockburn/Kwinana going forward will be enhanced. The current LGAB option would leave a future Cockburn/Kwinana medium to long term sustainability in question.

That aside, I take this opportunity to thank Mr Stephen Cain, Chief Executive Officer and his executive team, together with their managers and staff for the outstanding commitment to produce reports, statistics, review information, prepare for presentations to the LGAB and the like in an ever changing landscape – this contribution remains largely unseen by our community, it is a contribution that seeks to provide the best outcome possible for our community under trying and exhausting conditions – it also seeks to protect our valued community infrastructure, our staff who work day in and day out to deliver world class services and to continue to recognise our outstanding volunteer base.

The Cockburn Community proposal was further elaborated on by our community representatives at a meeting with the LGAB on Tuesday of this week.

I take the opportunity to thank those community leaders who have engaged in the process of actively supporting the community they live in through their regular meeting program and for their presentation to the LGAB.

In terms of our small to medium enterprises and Industry sector we continue to seek to ensure that their investment decisions, the jobs that they generate and





the value they add to the local, regional and State economy are protected and enhanced as we move forward.

To our Elected Members this is the biggest challenge that local government has faced in over 100 years.

It will be our commitment to the challenges ahead, our engagement with our staff, our volunteers and our community that will lead us to a sustainable Cockburn/Kwinana partnership that provides a seamless transition to a new local government entity and all the opportunities that will bring to our respective communities.

I look forward to the dialogue with the City of Kwinana over coming months – there is much work to be done.

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

N/A

**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 (OCM 14/8/2014) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received advice from Cllr S Pratt that he had a Proximity Interest in relation to Item 14.3, which will be read at the appropriate time.

He had also received advice from Cllr S Portelli that he had a Financial Interest in relation to Item 14.3, which would also be read at the appropriate time.

**5 (OCM 14/8/2014) - APOLOGIES AND LEAVE OF ABSENCE**

Mr D. Green - Director, Governance & Community Services



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

Nil

**7. PUBLIC QUESTION TIME**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 5341) (OCM 14/8/2014) - ORDINARY COUNCIL MEETING - 10 JULY 2014**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 10 July 2014, as a true and accurate record.

**COUNCIL DECISION**

MOVED Cllr Y Mubarakai SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**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 (OCM 14/8/2014) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**



13.1	14.1	14.6	15.1	
	14.2	14.8		
	14.4	14.9		

**NOTE:** AT THIS POINT IN THE MEETING,

THE TIME BEING 7:43PM, THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

### 13. COUNCIL MATTERS

#### 13.1 **(MINUTE NO 5342)** (OCM 14/8/2014) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING - 15/7/2014 (162/003) (R AVARD) (ATTACH)

##### **RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee Meeting held on Tuesday, 15 July 2014 and adopt the recommendations contained therein.

##### **COUNCIL DECISION**

MOVED Cllr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

### **Background**

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and nature of grants and donations provided to external organisations and individuals. The Committee is also empowered to recommend to Council on donations and sponsorships to specific groups and individuals.



### Submission

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

### Report

Council approved a budget for Grants and Donations for 2014/15 of \$1,049,591 to be distributed as grants, donations and sponsorship. The Grants and Donations Committee is empowered to recommend to Council how these funds should be distributed.

### Strategic Plan/Policy Implications

#### Community & Lifestyle

- Community environments that are socially cohesive and embrace diversity.
- Communities that take pride and aspire to a greater sense of community.
- Promotion of active and healthy communities.

#### Leading & Listening

- A responsive, accountable and sustainable organisation.

### Budget/Financial Implications

Council approved a budget for grants and donations for 2014/15 of \$1,049,591 to be distributed as grants, donations and sponsorship.

Following is a summary of the grants, donations and sponsorship allocations proposed by the Committee.

Committed/Contractual Donations	\$459,591
Specific Grant Programs	\$350,000
Donations	\$160,000
Sponsorship	\$80,000
<b>Total</b>	<b>\$1,049,591</b>
Total Funds Available	\$1,049,591
Less Total of Proposed Allocations	\$1,049,591
<b>Balance</b>	<b>\$0</b>

These allocated funds are available to be drawn upon in response to grants, donations and sponsorship applications from organisations and individuals.



The next round of grants, donations and sponsorship funding will open in mid-August and close on 30 September 2014.

**Legal Implications**

Nil

**Community Consultation**

The position of Council is for the availability of grants and donations to be advertised through the City's website, local media, Cockburn Soundings, Council networks and related means.

It is recommended that advertising commence immediately following the Council decision to ensure a wider representation of applications.

**Attachment(s)**

1. Minutes of the Grants and Donations Committee Meeting on 15 July 2014.
2. Grants, Donations and Sponsorship Committee Recommended Allocations Budget 2014/15.

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil

**13.2 (MINUTE NO 5343) (OCM 14/8/2014) - MINUTES OF THE AUDIT AND STRATEGIC FINANCE COMMITTEE MEETING - 17/7/2014 (026/007) (S DOWNING) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit and Strategic Finance Committee Meeting held on Thursday, 17 July 2014, and adopt the recommendations contained therein.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**



**COUNCIL DECISION**

MOVED Cllr P Eva SECONDED Cllr K Allen that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**

**Background**

A meeting of the Audit and Strategic Finance Committee was conducted on 17 July 2014.

**Submission**

N/A

**Report**

The Audit and Strategic Finance Committee received and considered the following items:

1. Fraud Risk Review
2. Internal Audit Report – Employee Time-keeping
3. Various Debts – Write Off
4. Internal Audit Report – Revenue
5. Interim External Audit Report

**Strategic Plan/Policy Implications**

**Leading & Listening**

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

**Budget/Financial Implications**

As contained in the Minutes.

**Legal Implications**

As contained in the Minutes.



**Community Consultation**

N/A

**Attachment(s)**

Minutes of the Audit & Strategic Finance Committee Meeting – 17 July 2014.

**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 **(MINUTE NO 5344) (OCM 14/8/2014) - PHOENIX DESIGN GUIDELINES LOCATION: CITY OF COCKBURN OWNER: N/A (110/033) (R PLEASANT) (ATTACH)**

**RECOMMENDATION**

That Council adopts the Phoenix Design Guidelines and approach as described in the project plan.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

The purpose of this report is to adopt the Phoenix Design Guidelines and identified approach as described in the project plan.

**Phoenix Revitalisation Strategy**

The Phoenix Revitalisation Strategy was adopted by Council in May 2009. An important issue that the adopted Strategy set out to address



into the future was the level of community dissatisfaction expressed with the general appearance, pedestrian amenity and traffic flows in and around the Phoenix Town Centre site. The Strategy identified several actions to address this aspect of the Strategy as follows:

- Promote and facilitate quality built form outcomes relating to mixed use development.
- Improve connectivity for various transport modes including pedestrians and cyclists.
- Enhance bus stop facilities.
- Improve the amenity of the public realm, particularly along Rockingham Road.
- Promote mixed use development along the western side of Rockingham Road.
- Overall streetscape enhancement.
- Reduce the negative impact of excessive signage along Rockingham Road.
- Reduce the negative impact of excessive car parking and crossovers along Rockingham Road.

The City is also currently embarking on its Economic Development Strategy, identifying an important focus on centres like Phoenix which have an important role as destinations of activity, employment, civic amenities and the like.

Consistent with the adopted Phoenix Strategy, this report seeks to begin the process of preparing the Phoenix Town Centre Design Guidelines, to function as a Local Planning Policy to inform the future development of the private and public realm throughout the town centre. It is recommended that Council support the process to begin preparing this Design Guidelines, as per the project plan attached to this report.

### **Submission**

N/A

### **Report**

The community has consistently expressed a desire to see the Phoenix Centre and surrounds revitalised, in particular, Rockingham Road. It is recognised the shopping centre site and Rockingham road is highly constrained with issues extending to topography, land ownership and available funding. However, notwithstanding this, the Phoenix Revitalisation Strategy did set parameters and actions by which coordinated improvements throughout the private and public realms could seek to improve the town centre environment. These parameters focus on built form quality; pedestrian and cycling connectivity; quality





of the streetscape; bus facilities; rationalisation of signage; beautification of Rockingham Road and the gateway entrance from the north to the town centre and greater City of Cockburn.

The important emphasis in addressing these actions is to ensure they are done in a coordinated manner – ensuring that improvements that will take place in the private realm are coordinated with how improvements to the public realm will take place. This is the purpose of the town centre design guidelines.

The associated project plan seeks to document how the design guidelines will come together. In respect of the private realm, the design guidelines will be used to inform how application for planning approval is assessed. Seeking to focus on the critical issues identified as part of the original Revitalisation Strategy, so that when private development is proposed, it affects a desired set of changes in respect of the private realm of the development.

In respect of the public realm, while public works undertaken by the City aren't subject to planning approvals, it is critical that the coordination of the private and public realms take place so as to be able to ultimately knit together a cohesive town centre environment. Accordingly, the design guidelines will likely see the identification of a desired concept and guiding principles for smaller works, in addition to an action plan of priorities including quick wins. It is recognised the project will not be immediate due to a number of constraints, including land parcels under multiple land ownership. As a result it will be important to communicate with all stakeholders throughout the process.

The attachment identifies the project scope and presents the project plan of which is based around the following:

- The creation of a multi-disciplinary workgroup represented by Strategic Planning, Parks and engineering.
- The involvement of an elected member to help steer the project;
- Preparation of design guidelines for the mixed use zones.
- Preparation of design guidelines for Rockingham Road and Lancaster Street public realm.
- Design guidelines to inform a preferred future development scenario for the Phoenix Shopping Centre site.
- Reporting back to Council including an engagement process with the community.

It is recommended Council support the commencement of the workgroup following the project plan identified within the attachment.



## **Strategic Plan/Policy Implications**

### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

### **Infrastructure**

- Facilities that promote the identity of Cockburn and its communities.

### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

In addition to alignment with the City's Strategic Community Plan, the design guidelines are important component of the City's Economic Development Strategy and Local Commercial and Activity Centres Strategy. Specifically, these recognise that the Phoenix town centre has an important role to play in Cockburn and there is a clear need to identify strategies to improve its current performance and presentation. This is of particular relevance when recognising the need for attractive urban environments to attract high quality knowledge workers and to attract shoppers.

## **Budget/Financial Implications**

There are no specific costs beyond staff costs associated with preparing the design guidelines.

## **Legal Implications**

N/A

## **Community Consultation**

Community consultation will be undertaken on the draft Design Guidelines.

## **Attachment(s)**

Project plan.

## **Advice to Proponent(s)/Submissioners**

N/A



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

Nil.

**14.2 (MINUTE NO 5345) (OCM 14/8/2014) - PROPOSED BARFIELD ROAD LOCAL STRUCTURE PLAN LOCATION: LOT 31 BARFIELD ROAD HAMMOND PARK - OWNER: JADE FALLS PTY LTD - APPLICANT: HARLEY DYKSTRA (110/104) (R PLEASANT) (ATTACH)****RECOMMENDATION**

That Council:

- (1) pursuant to Clause 6.2.9.1 (a) of The City of Cockburn Town Planning Scheme No. 3 ("the Scheme") adopt the proposed Local Structure Plan for Lot 31 Barfield Road, Hammond Park subject to the following modifications:
1. Local Structure Plan Map being updated to incorporate 10m of road reserve onto Lot 31 (Northern boundary running perpendicular to Barfield Road) and a 4m verge shown indicatively on Lot 32.
  2. Local Water Management Strategy being revised to include 1 in 20 year Annual Recurrence Interval (ARI) event calculations on residential lots.
  3. Part One of the Local Structure Plan updated to provide consistency with the standard pro forma.
  4. Amend the Local Structure Plan map to identify the high school site as 'public purpose' and amending the R30 residential code to R35. Also ensuring the legend is consistent with the plan.
  5. Part Two Explanatory section to:
    - Make reference to the spatial design rationale for the Local Structure Plan and being consistency with the Southern Suburbs Stage 3 District Structure Plan spatial plan.
    - Provide relevant density calculations.
    - Confirm the approval of the Local Water Management Strategy by the Department of Water.
    - Explain the main principles of the fire management regime for the structure plan area.



- (2) endorse the Schedule of Submissions prepared in respect of the proposed Local Structure Plan Lot 31 Barfield Road, Hammond Park;
- (3) in pursuance of Clause 6.2.10.1 of the Scheme forward the proposed structure plan to the Commission for its endorsement; and
- (4) advise the proponent and those persons who made a submission of Council's decision.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

The subject land comprises one lot with an area of 4.0469 ha. The eastern boundary has a frontage to Barfield Road, a constructed and gazetted road, and is located within the suburb of Hammond Park (as shown in attachment 1).

The subject area is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and 'Development' under the Scheme. The subject land is also located within Development Area 9 (DA9) and is subject to both the proposed Development Contribution Areas No. 9 (DCA9) and No. 13 (DCA13).

Pursuant to Clause 6.2.4 and Schedule 11 of the Scheme, a Structure Plan is required to be prepared and adopted prior to any subdivision and development of land within a Development Area.

In accordance with the above, a proposed Structure Plan has been submitted to the City by Harley Dykstra of behalf of the landowners (Jade Falls PTY LTD), to guide the future subdivision of the subject land.

The purpose of this report is to consider the proposed Structure Plan for adoption including the submissions made during the advertising period.



## Submission

N/A

## Report

### Southern Suburbs District Structure Plan (SSDSP)

The subject land is located within the Southern Suburbs District Structure Plan - Stage 3 ("SSDSP3") as shown in Attachment 2. The Plan identifies the western three quarters of Lot 31 as being dedicated for public purposes to enable a high school. A caveat has been lodged over a 2.96 ha portion of Lot 31 to secure the use of this part of the site for the school. The Local Structure Plan (LSP) has been prepared in consultation with the Department of Education and reflects the proposed use of a portion of Lot 31 for this purpose.

The Eastern portion of the subject lot is proposed for residential purposes. The proposed residential area is 7746m<sup>2</sup> and anticipates a yield of 20 lots. The residential site density is equivalent to 25.8 dwellings per hectare.

The SSDSP3 identifies that the subject area generally will be required to demonstrate the achievement of a minimum 15 dwellings per gross urban zoned hectare of land. This is in accordance with the WAPC's 'Directions 2031 and Beyond' Strategic Plan ("Directions 2031"). In addition to the minimum 15 dwellings per gross urban zoned hectare of land, 25 dwellings per hectare is required in areas near centres and areas of amenity (also consistent with Directions 2031) and relates to the subject land. Accordingly, the density codes proposed are considered to be consistent with the density targets proposed by the SSDSP3.

### Access and traffic

Given the relatively small area of land proposed for residential development, the proponent has not submitted a Transport Assessment. Rather, it is seen as appropriate that a Transport Assessment be provided by the Department of Education as part of the High School development of which accounts for a significant proportion of land within the locality and is likely to have the most significant impact. This position is supported by Main Roads.

Furthermore the Transport Impact Assessment prepared in support of the LSP over Lots 13, 14, 18 and 48 to 51 Rowley Road Hammond Park identifies that:

- Barfield Road remains a 20m wide access street;



- The access road reserve and pavement width extending between the proposed lots and the high school to the west follows that prescribed for the connection from the south, being a 16m wide road reserve with a 6.0m pavement (Access Street D).
- The road to the west extending through Lot 31 between the existing primary school and proposed high school is prescribed as a 19.4m wide road reserve with a 7.2m wide pavement. It was recommended in the Traffic Report that this road and Barfield Road should have dedicated cycling facilities.

It is however noted, supporting a submission from Lot 32, that it is inappropriate that the owners of Lot 32, located adjacent to the north, to be responsible for the costs of the 15m wide road shown indicatively on the LSP running from west to east connecting Barfield Road and the proposed road running north-south between the proposed residential lots and the high school. This small road is required to ensure the future subdivision of residential land on both Lots 31 and 32 can access Barfield Road and ensure good permeability. It is therefore appropriate that both lots contribute towards the costs associated with this road.

As a result, and given Lot 31 has commenced their plans first, it is recommended Lot 31 accommodate 10m of this road (pavement plus 1 verge) and the remaining 4m (other verge) be located on Lot 32 as and when the owners proceed with a LSP for the land. This will enable the road to be constructed with one verge and function on Lot 31 alongside the proposed residential lots. The remaining 4m on Lot 32 is proposed for the remaining verge and can be included within a future LSP for Lot 32.

Incorporating the 10m road reserve, Lot 31 will not be able to obtain the desired 20 Lots due to insufficient area to meet the minimum lot size for R30 development required by the R-Codes. As a result it is recommended an R35 code be provided on these lots to achieve the desired yield. This approach is further supported by the subject land being located within the 400m walkable catchment of the Local Centre located towards the South.

#### Local Water Management Strategy

In accordance with the requirements of the Department of Water ("DoW") and WAPC, a Local Water Management Strategy ("LWMS") has been prepared by Emerge associates, on behalf of the landowner. The LWMS has been assessed by both the DoW and the City, highlighting the following comment -



*Section 6.1.1 of the LWMS states that all residential lots are to retain 100 year ARI event on-site. Current City standard requires residential lots to retain only 1 in 20 year, 5 minutes duration rain event on-site in line with the BCA guidelines. Therefore the drainage calculations with regard to subsurface storage for road reserve areas should (in addition to road runoff calculations) consider runoff from residential lots in excess of 1 in 20 year ARI event. Therefore the drainage calculations require review to incorporate the run off from residential lots, and as a result will require modification to the final recommendations of the LWMS.*

### Conclusion

The proposed Structure Plan is consistent with the City's SSDSP3 and surrounding residential development. The design of the Proposed Structure Plan conforms to Liveable Neighbourhoods principles and integrates with the adjacent road network in a logical manner. It is therefore recommended that Council adopt the proposed Structure Plan subject to the proposed modifications as outlined in this report.

### **Strategic Plan/Policy Implications**

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.

#### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

#### **Moving Around**

- Infrastructure that supports the uptake of public transport and pedestrian movement.

### **Budget/Financial Implications**

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent. There are no other direct financial implications associated with the Proposed Structure Plan.

### **Legal Implications**

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period. The advertising period formally concluded on 22 Jul 2014.



## **Community Consultation**

In accordance with Clause 6.2.8 of the City's Scheme, public consultation was undertaken for a minimum period of 21 days. The advertising period commenced on the 1 July 2014 and concluded on the 22 July 2014.

Advertising included a notice in the Cockburn Gazette, letters to landowners within and surrounding the Structure Plan area and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions which provides detailed comments on the issues (Attachment 4).

In total Council received a total of five (5) submissions of which one (1) was from a local resident and the remaining four (4) were provided by government agencies. In total two (2) of the submissions were in support of the proposal, one (1) supported with modifications and one (1) objected to the proposal. The issue of objection has been overcome by the recommended modifications.

### **Attachment(s)**

- 1 Location Plan
- 2 District Structure Plan Map – Stage 3
- 3 Proposed Lot 31 Barfield Road LSP Map
- 4 Schedule of submissions

### **Advice to Proponent(s)/Submissioners**

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 August 2014 Council Meeting.

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

Nil.

AT THIS POINT, CLR S PRATT AND CLR S PORTELLI LEFT THE MEETING, THE TIME BEING 7.43 PM.





**DECLARATION OF INTEREST – CLR S PRATT**

The Presiding Member read a declaration of Proximity Interest in Item 14.3 “Coolbellup Revitalisation Strategy” pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995.

The nature of his interest is that he is a landowner within a Structure Plan Area specified in the Strategy.

**DECLARATION OF INTEREST – CLR S PORTELLI**

The Presiding Member read a declaration of Financial Interest in Item 14.3 “Coolbellup Revitalisation Strategy” pursuant to Section 5.60B(1)(c) of the Local Government Act, 1995.

The nature of his interest is that he is representing a property owner in the affected area. This may be seen to affect his impartiality.

**14.3 (MINUTE NO 5346) (OCM 14/8/2014) - COOLBELLUP REVITALISATION STRATEGY. LOCATION: CITY OF COCKBURN. (110/019) (R PLEASANT) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) endorse the schedule of submissions; and
- (2) adopt the Coolbellup Revitalisation Strategy, subject to the below modifications:
  1. Replace the R30 code with an R40 code for the following properties:
    - 4, 6, 8, 10, 12 and 14 Emelia Street;
    - 3a Juliet Street
    - 1 Montague Way
  2. Amend the Street Tree Masterplan to replace Jacaranda’s with *Melaleuca Leucadendra*.
  3. Proceed to implement the Coolbellup Revitalisation Strategy in accordance with the actions and timeframes provided in Table 2 of the Strategy.
  4. Advise in writing all residents of Coolbellup of the outcome of this decision.



**COUNCIL DECISION**

MOVED Clr B Houwen SECONDED Clr L Wetton that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The purpose of this report is to:

1. Present the submissions received during the advertising of the draft Coolbellup Revitalisation Strategy;
2. Recommend a response to the issues raised, and;
3. Inclusive of the proposed modifications resulting from the feedback, seek Council's support to adopt the Coolbellup Revitalisation Strategy.

The Coolbellup Revitalisation Strategy aims to guide the delivery of future residential development within the suburb and identify improvements and infrastructure required to support this growth. The Strategy is largely directed towards identifying appropriate increased residential densities and strategies to encourage diversity of housing options.

Council endorsed the draft Strategy for advertising at its 10 April 2014 meeting and as a result, the 60 day public advertising period extended from 12 May to 11 July 2014. All landowners and residents were notified of the advertising via letters. During the advertising period the City ran an information session at Len Packham Hall on 13 June 2014.

It is recommended, in light of the submissions received and associated analysis, that Council endorse the Strategy subject to the recommended modifications.

**Submission**

N/A

**Report**

Key Strategy Stages

- Stage 1 – Preparation and research: Complete
- Stage 2 – Community visioning: Complete
- Stage 3 – Draft strategy preparation: Complete



Stage 4 – Advertising period: Complete

Stage 5 – Final preparation and adoption of strategy: Current stage

Stage 6 – Implementation including scheme amendment for rezoning

The Strategy was formulated through processes of community engagement beginning from the very foundation of the process. A key aspect of this was the initial community visioning stages and resident survey. These resulted in the following key themes:

**Support for urban infill.** Residents generally supported further housing in Coolbellup. Strong support was provided for more medium density housing types and good support for more medium to high density housing types.

**Streetscapes and Parks.** Residents wanted to see Coolbellup streets continue to be upgraded to improve their presentation and function. More street trees were wanted and the second phase of undergrounding power lines was strongly supported.

**Coolbellup shopping centre.** There was a very strong feeling amongst the Coolbellup community that improvement to the shopping centre (relating to appearance, functionality, the breadth of uses available, vibrancy) was required.

**Transport and accessibility.** The community wanted to see more bike lanes, cycle paths and bus services outside business hours connecting to areas such as Fremantle and Cockburn Central.

With these initial key themes information the Draft Strategy document, it was advertised for a period of 60 days. The following section analyses the key aspects of the consultation process.

#### Public Consultation

A total of 134 submissions were received, 5 of these from government agencies and 2 from utility providers. The submissions are set out and addressed in detail within the Schedule of Submissions (Attachment 4). The following presents a discussion and response of the key issues.

Of the 134 responses submitted to the City during the community advertising period, 84% of responses supported the Strategy. Of this 84% support, 35% also suggested various modifications. 11% of submissions opposed the Strategy and 6% did not state a position.

Of the support with modification submissions, the majority of modifications related to requests namely:



1. Increasing the proposed zoning (29)

The City received 29 submissions by landowners to increase the proposed zoning on individual lots. 14 of these related to an increase from the proposed R30 to an R40 coding, and 4 related to an increase from R40 to R60. The justification for the requests generally related to:

- Proximity to Perth;
- Immediate proximity to higher coded lots, and;
- Proximity to services including POS, public transport and the shopping centre.

A further 11 submissions were received by landowners located on Malvolio Road seeking an increase from R30 to R60. The Malvolio Road residents sought an increase due to the potential impact on the amenity of houses resulting from the proposed Roe Highway. Given Malvolio Road is the road closest to the highway reservation there was concern over increased noise levels and vibration should this proposal go ahead.

2. Transport related suggestions/concerns, of which 1 related to comments received from Main Roads (4)
3. Seeking to replace proposed Jacaranda's within the draft Street Tree Masterplan with an indigenous species (3)

The 15 objections related to:

1. The impact of increased traffic;
2. An increase in noise;
3. Concern over poor built form outcomes relating to: Loss of privacy, aesthetics, local character, private open space;
4. That density is too high specific to R60 coded lands;
5. Loss of trees and native vegetation;
6. The selection of Jacaranda's proposed within the Street Tree Masterplan;
7. The potential for increased densities to attract undesirable behaviour.

Response to submissions

While Attachment 4 provides individual detailed responses, the following summarises the City's approach and responses to the abovementioned submissions:

Increasing the proposed zoning (29)

In addition to the 11 submissions received from residents on Malvolio Road seeking an increase from R30 to R60, several submissions



requested an increase from R30 to R40. In response the City details the reasoning behind the draft Strategy's proposed densities.

R30 base code - An R30 code is proposed so as to meet the two core aims of the Strategy – protect the existing character of Coolbellup and provide opportunities for increased housing. A base code of R30 is considered an appropriate base coding for the majority of the suburb in order to retain the character of the area, while providing for infill development potential for most lots. The R30 will allow most people to at least subdivide their properties.

R40 code - Land adjacent to POS, in proximity to Counsel Road and Waverley Road and transition areas between high and low density zones is proposed to be rezoned to a density of R40. This is as a result of recognising it appropriate that R40 codes (and upwards) be located fronting a good provision of services such as POS, public transport and in close proximity to the Coolbellup Town Centre.

R60 code - Land fronting and in proximity to Coolbellup Avenue is proposed to be rezoned to a density of R60. The intent of this zone is to create a stronger, more enclosed streetscape along Coolbellup Avenue and to act as a transition between the proposed R80 zone surrounding parts of the Coolbellup town centre and the lower scale R30 and R40 zones.

It is also considered the walkable catchment of the Coolbellup shops is appropriate for the provision of increased densities given proximity to services. Further, the main street and town centre core provides direct access to high frequency buses.

R80 code - Certain lots fronting the Coolbellup town centre and Len Packham Reserve are proposed to be rezoned to a density of R80. The R80 zone proposed over these lots is informed by the following considerations:

- Immediate proximity to the Coolbellup town centre;
- An R80 coding is consistent with densities proposed on the town centre and tavern site;
- Several of these lots are larger than the average residential lot and have the ability to deliver good design outcomes.

Overarching the approaches discussed above, a key outcome is to consider the streetscape and therefore a guiding principle is to ensure consistency and the amenity of streets. As a result decisions that relate to the stopping and commencing of a new zone/density are commonly made when:

- A street terminates;
- A change in direction of a road/street alignment.



As a result careful decisions have been made regarding where a change in coding should take place, and these decisions were made regarding the abovementioned principles.

In respect of the request for Malvolio Road, it is not supported as the City has taken into account the issues associated with the Roe Highway reservation and remains opposed to this piece of infrastructure, seeing it as unnecessary and likely to result in a vast range of negative impacts on the Cockburn community (which includes the natural environment). Specific to the issues stated about future impacts if the highway was delivered, it is noted that the State Government will be required to comply with its own State Planning Policy 5.4 (Road and Rail Transport Noise and Freight Considerations in Land Use Planning). In short, this could not permit the State Government to deliver a significant piece of new road infrastructure without ensuring the policy provisions (in terms of limiting noise impacts on residents) set through SPP5.4 are met. This would likely trigger significant noise attenuation measures, like what is seen with noise walls and buffers along the Kwinana freeway which was recently widened between Row Highway and Leach Highway.

The Strategy provides a clear approach as to where R60 is appropriate:

- In transition areas between R80 and R40;
- Within a 400m catchment of the town centre.

Neither of these criteria are met for Malvolio Road. Furthermore community engagement results identified strong support for higher densities in targeted areas such as around the shopping centre, community hub and parks. A base code of R60 is therefore not supported as this would be seen as an overdevelopment of the suburb and is not in line with wider community views.

The remaining requests for increased densities are not supported based on the fact they do not meet the abovementioned design principles. The exception is the following:

1. A recommended increase for the northern side of Emelia Street from R30 to R60. This is a result of an R60 coding proposed on the southern side of Emelia Street. As a result the change to R40 will provide consistency of built form outcomes within the street and provide a transition between the R60 and R30 zones;
2. An increase from R30 to R40 for 1 and 3 Juliet Road. In this instance the lots front multiple dwellings on the western side of Juliet Street and are positioned next to an R50 zone adjacent to the South.



The proposed final residential density plan is shown in attachment 3, the existing residential density plan is shown in attachment 1 and the draft residential densities plan is shown in attachment 2.

#### The impact of increased traffic

The traffic counts and predictions conducted as part of the background analysis found there is capacity within the current road network to accommodate future growth to 2031 in addition to the densities proposed as part of the Strategy. Analysis also recognises the good level of public transport options in addition to the suburb's close proximity to services. Furthermore, as has occurred in the Phoenix Central Revitalisation Strategy area, development within Coolbellup will occur gradually. Therefore the incremental nature of the increase in dwelling numbers and associated increase in traffic will allow the City to plan appropriately for the road upgrades required to accommodate this change. This will include the already identified recommendations listed within the Strategy of which resulted from the Transport and accessibility analysis provided within the Background Report (see page 57). These relate to:

- The upgrade of cycle ways;
- Strategies to accommodate an increase of car parking;
- The beautification of streets, and;
- Monitoring public transport provision.

#### Street tree selection and loss of trees and native vegetation

The City has responded with the request to not include Jacaranda's within the Street Tree Masterplan and has replaced the tree species with *Melaleuca Leucadendra* of which has been selected as a result of:

- It is found within the northern parts of WA and tolerates dry conditions;
- It grows to an average size of 10m;
- It has thick and spongy bark and bright green semi weeping foliage that will contrast well against the Angophora's dark foliage, and;
- Its growing habitats are conducive to streets.

With regard to loss of vegetation, the City has no intention on removing any 'Australian native' style trees and seeks to provide a balance between the need to provide trees that are attractive to wildlife, such as the Carnaby Cockatoo, and the need to provide street trees that provide a strong aesthetic in the street and have the potential to be a strong healthy tree requiring minimal maintenance and resources to maintain.

With regard to reduced private open space, the City is proposing amendments to Local Planning Policy APD58 to ensure a good provision of private open space includes deep soil planting



opportunities and green areas. It is recognised the R-Codes currently does not promote this need as well as is required in areas like Coolbellup. Furthermore the suburb is provided with an excellent level and quality of POS.

An increase in noise

There will more activity occurring within the area as a result of construction associated with increased densities however it is unlikely this will result in an unacceptable level for a residential area, particularly beyond the short term.

Concern over poor built form outcomes relating to: Loss of privacy, aesthetics, local character, private open space and car parking and density being too high

Several recommendations within the Coolbellup Strategy focus on protecting and enhancing the character of Coolbellup. These include:

- The revitalisation of streets, promotion of tree retention and an increase in the number of street trees;
- The preparation of a medium density good design guide;
- Amendments to local planning Policy APD58 requiring development to submit a design quality statement.

The City believes local character and amenity can be protected through these initiatives while also accommodating increased densities.

Visual privacy, solar access, sight lines, and building heights are design elements addressed by the Residential Design Codes of WA at the development assessment stage. Further provision is made within the City's LPP APD58 of which now proposes the submission of a design quality statement with DA's for multiple dwellings. Privacy, amenity and consideration of adjoining uses will be a key consideration for any design quality statement.

In regard to resident and visitor parking, the Residential Design Codes of WA require the provision of adequate resident and visitor parking on site for all residential development regardless of the density of the development. Furthermore, the Strategy includes concept plans for car parking to be included within the deep verges in Coolbellup and for the upgrading of streetscapes to try and promote additional quality design outcomes.

A submission was received suggesting historical information and images of the traditional Homeswest cottages in Coolbellup be incorporated into and inform the medium density good design guidelines. The City's approach to being cognisant of the character of





Coolbellup and ensuring good design helps to address this point particularly.

#### The potential for increased densities to attract undesirable behaviour

It is not supported that medium density development will reduce the quality of the housing in Coolbellup. There are many examples of high quality medium and high density housing throughout Cockburn and wider Perth.

Furthermore, the concentration of low socio economic households in Coolbellup is changing towards a more diverse range of households and therefore the issues experienced in the past through the concentration of Homeswest developments are unlikely to occur again. The resident population and the housing market in Coolbellup are now very different.

#### Conclusion

It is recommended that Council endorse the draft Coolbellup Revitalisation Strategy for final approval. The Strategy presents the latest urban renewal project within the City of Cockburn of which has evolved out of a balanced process of community engagement, local contextual research and the need to plan for the Coolbellup community future needs. The Strategy is well aligned with both community views and desires for the future, in addition to metropolitan level aspirations for the future of Perth.

### **Strategic Plan/Policy Implications**

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Diversity of housing to respond to changing needs and expectations.

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.

#### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.

#### **Moving Around**

- Infrastructure that supports the uptake of public transport and pedestrian movement.



### **Budget/Financial Implications**

Upon implementation of the Strategy several actions will be implemented as part of the City's normal processes using existing resources and allocations. However the cost of implementing the works identified within the Works Plan and an estimate of Costs, mostly relating to streetscape and public space upgrades, will need to be funded and planned for within the City's budgeting framework.

### **Legal Implications**

N/A

### **Community Consultation**

Consultation with the Coolbellup community has been an important aspect to the draft Strategy. This has seen a detailed community visioning process undertaken, which was further expanded through an initial visioning survey being sent to all landowners. The outcomes of this visioning revealed a great deal of important information which resulted in construction of the first version of the draft Strategy.

Upon Council adopting the draft Strategy for advertising, a further phase of community engagement took place including a direct letter to all landowners within the project area, as well as an information evening to enable individual landowners to talk with staff on specific questions they had. All feedback from residents has informed the recommendations and discussions contained within this report.

### **Attachment(s)**

- 1 Existing residential density plan
- 2 Draft Residential densities plan
- 3 Proposed final residential density plan
4. Schedule of submissions

### **Advice to Proponent(s)/Submissioners**

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 August 2014 Council Meeting.

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

Nil.

AT THIS POINT, CLR S PRATT AND CLR S PORTELLI RETURNED TO THE MEETING, THE TIME BEING 7.46 PM.



THE PRESIDING MEMBER ADVISED THEM OF THE DECISION OF COUNCIL THAT WAS MADE IN THEIR ABSENCE.

**14.4 (MINUTE NO 5347) (OCM 14/8/2014) - OUTBUILDINGS PROPOSED ON VACANT RURAL, RURAL LIVING & RESOURCE ZONED LAND (052/011) (A LEFORT)**

**RECOMMENDATION**

That Council

- (1) receive the report regarding the issues associated with the construction of sheds in Rural, Rural Living and Resource zoned areas in the absence of an existing dwelling or dwelling under construction; and
- (2) resolve not to pursue any modifications to the existing planning framework to allow the construction of sheds in Rural, Rural Living and Resource zoned areas in the absence of an existing dwelling or dwelling under construction.

**COUNCIL DECISION**

MOVED C/r S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

At Council's Ordinary Meeting held on 13 March 2014, Cr Mubarakai requested that a report be prepared regarding the issues associated with the construction of sheds on vacant resource zoned properties and whether any opportunities exist to modify the existing planning framework to facilitate such development.

According to Cr Mubarakai a number of residents in the community (specifically the Banjup area) seek to construct sheds on their resource zoned properties prior to construction or in the absence of a dwelling site. This will enable those residents to store their domestic goods on the site prior to and during construction of a dwelling.

The City of Cockburn's planning framework regarding this issue includes the City's Town Planning Scheme No.3 (TPS 3) provisions, Local Planning Policy 'Outbuildings' (APD 18) and State Planning



Policy 2.3 (Jandakot Groundwater Protection Policy). Application of this framework results in the City generally not supporting such proposals. This report seeks to examine the current framework and discusses the various planning implications should the framework change.

## Report

### Statutory Planning Framework

#### *Town Planning Scheme No.3 (TPS 3)*

TPS 3 does not include a specific land use for 'Outbuilding' as it is deemed to fall into the single house category if used for domestic purposes. The definitions of a 'single house' and 'outbuilding' would defer to the Residential Design Codes which state:

Single House – *'A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property'*.

Outbuilding – *'An enclosed non-habitable structure that is detached from any dwelling, but not a garage'*.

Based on the definition of Outbuilding, a shed without an associated dwelling cannot reasonably be defined as an outbuilding and simply becomes a building used for storage which the City's TPS 3 defines as either:

Storage - *'means premises used for the storage of goods, equipment, plant or materials'; or*

Warehouse - *'means premises used to display goods and may include sale by wholesale'*.

TPS 3 lists 'warehouse' under the storage heading in its Land Use Table (Table 1) which is an 'X' use and therefore not permitted. It would be open to Council to consider that a domestic storage shed as an unlisted use in accordance with clause 4.4.2 of TPS 3 and therefore could be advertised in accordance with clause 9.4 and determined. To do this, due regard would have to be given to LPP APD 18 (discussed below). Alternatively it would be open to Council to pursue an amendment to TPS 3 to introduce a specific provision to allow for the practice. Obviously there are time and resource implications to this course of action (particularly in the lead up to Local Government reform) and the potential requirement for a new Town Planning Scheme.



*Local Planning Policy APD18 – Outbuildings*

Policy APD 18 includes a number of provisions relating to the development of outbuildings in Rural, Rural Living and Resource zoned lots. Clause 8 of the policy specifically restricts support for the development of outbuildings in the absence of an existing dwelling or dwelling under construction:

*‘Planning applications for Outbuildings will not be supported in the absence of a dwelling on site. Applications may be supported where a dwelling is constructed to at least plate height level.’*

This provision was incorporated into the policy in 2012 to formalise the City’s position on the matter. Should Council wish to change the planning framework, then this provision would need to be substituted with a new provision specifying that outbuilding could be supported in the absence of a dwelling.

*State Planning Policy 2.3 – Jandakot Groundwater Protection*

SPP 2.3 guides land use planning and development in the City’s Resource zone which covers the area zoned ‘Rural – Water Protection’ under the Metropolitan Scheme (MRS) which is much of Jandakot and Banjup. The area is typically developed with rural-residential style housing. SPP 2.3 provides a land use table, similar to TPS 3 which lists the suitability of each land use in the zone. The policy states that uses not listed in the Table are considered to be not permitted. Neither warehouse nor storage uses are listed in the table so it is clear that the intention of the SPP is not to support this type of development. The State Government are in the process of reviewing this policy so any move to allow such storage in the resource zone would ideally be captured in this policy review. It would then be the decision of the State Government as to whether they wish to include a provision in this policy to allow for sheds constructed in the absence of a dwelling in this zone.

Issues

This section of the report shall examine the issues arising from the existing planning framework and those which are likely to arise from a change to the framework in relation to Outbuildings.

*Convenience*

The main reason for landowners wishing to construct a shed on their property prior to a dwelling being constructed is to store their own possessions. It may be more affordable to construct a shed which will then be used as an outbuilding than to pay for storage whilst renting a



dwelling during construction. The current framework which doesn't support this can obviously cause some level of inconvenience to landowners wishing to do this. Should Council wish to modify the framework to allow for this, then legal agreements could be relied upon which would impose a timeframe and other obligations which the landowner would have to commit to. It should be noted however that following up on legal agreements and/or prosecution against non-compliance with legal agreements is undesirable as it would be costly and resource intensive.

#### *Use of Shed for Non-domestic/Commercial Purposes*

The development of rural sheds for genuine rural purposes causes no issue and can be approved under TPS 3. However in many instances, where a rural shed is no longer required for its intended rural purposes, landowners have allowed the sheds to be used for warehousing/storage purposes which are not permitted by TPS 3 and can cause negative impacts on the amenity of neighbours and the area. These types of former rural sheds can be sought out by warehouse operators looking for large storage capacity which is far cheaper than land in serviced industrial or commercial areas intended for genuine warehousing and storage.

For example the use of a shed/warehouse involving truck movements for deliveries can cause unwanted traffic and noise to an otherwise peaceful area. This would then become a compliance matter which takes valuable time and resourcing to resolve. There is a major concern that approving new sheds on land not being used for rural purposes and where there is no dwelling will unnecessarily perpetuate this situation causing planning compliance issues and legal costs which would not normally arise if construction of the shed did not occur in the first instance.

#### *Use of Sheds for Habitable Purposes*

The City has encountered many instances of people residing in sheds which is illegal. A common scenario that may occur is that landowners would seek approval for a shed with the intention of constructing a dwelling on site at a later date. The City would then find that the shed has been illegally retrofitted for human habitation to provide a convenient and affordable housing option. These retrofits would rarely meet the requirements of the Building Code of Australia for construction of a dwelling, particularly with regard to energy efficiency, effluent disposal and so forth. This situation, similar to that mentioned above merely results in planning, building and health compliance resourcing which would generally not have been necessary if the shed was not constructed. Instances where sheds have been illegally



retrofitted into dwellings have increased as housing affordability decreases.

#### *Other Local Government Authorities*

The City has undertaken research amongst several other Local Government Authorities (LGAs) in the Metropolitan area to ascertain whether they can consider approving a shed for domestic purposes in the absence of a dwelling. The findings are:

- The City of Swan can permit a 'temporary building' for no longer than 6 months if it is necessary for the construction of a current approved development on the same site as the temporary building. This does not allow storage of domestic possessions;
- The City of Armadale's scheme listed storage as a discretionary use which could be considered however the City is currently progressing a scheme amendment to change storage to an 'X' use in rural zones;
- The City of Kwinana has suggested that they do not support the construction of a shed without a dwelling on site or under construction.
- The City of Gosnells Local Planning Policy related to outbuildings indicates that outbuildings are to be associated with the residential use of the land which suggests that a dwelling must be present.

It is clear from the sample of LGAs above that the practice of approving sheds in rural zones in the absence of a dwelling is uncommon and most LGAs have a planning framework to underpin this.

#### **Conclusion**

It is understood that landowners not being able to construct a shed on their Rural, Rural living or Resource zoned properties prior to construction of a dwelling may cause some inconvenience and may have a cost implication for storage of personal possessions in an approved storage facility. It is possible for Council to modify its planning framework accordingly to provide for this practice.

However, modifying the planning framework with the objective of allowing this practice is problematic. The outcome is likely to result in:

- Negative impacts on the amenity of Rural, Rural Living and Resource zoned areas if sheds are used inappropriately for commercial purposes.
- People living illegally in sheds as an affordable housing option which is undesirable from an Environmental Health perspective.
- An increased requirement for Planning, Building and Environmental Health compliance resourcing.



- An increased cost to the City in legal costs required to prosecute the illegal use of sheds in the subject areas.

Based on the above reasons, it is recommended that Council resolve not to pursue modifications to the planning framework to allow sheds to be constructed in Rural, Rural Living and Resource zones in the absence of an existing dwelling or one that is under construction.

### **Strategic Plan/Policy Implications**

#### **Growing City**

- Development that is soundly balanced between new and existing areas.

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- Effective advocacy that builds and manages relationships with all stakeholders.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

N/A

### **Advice to Proponent(s)/Submitters**

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 August 2014 Council Meeting.

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

Nil.





**14.5 (MINUTE NO 5348) (OCM 14/8/2014) - ADDITIONAL OUTBUILDING, ANCILLARY DWELLING AND TWO (2) WATER TANKS - LOCATION: NO. 79 (LOT 113) PEARSE ROAD, WATTLEUP - OWNER: DA & ML ELLEMENT - APPLICANT: SCRIBE DESIGN GROUP (4412112) (T CAPPELLUCCI) (ATTACH)**

**RECOMMENDATION**

That Council refuse to grant planning approval for an outbuilding, ancillary dwelling and two (2) water tanks at No. 79 (Lot 113) Pearse Road, Wattleup, subject to the following reasons:

1. The proposed ancillary dwelling is considered to be a separate dwelling that does not provide an ancillary purpose to the existing dwelling on site and is therefore considered to constitute a grouped dwelling which is a use that is not permitted in the rural zone under Town Planning Scheme No. 3.
2. The internal floor area of the proposed dwelling is inconsistent with Clause 10.2.1 (f) in that the maximum floor area provisions contained in Council's Local Planning Policy APD18 'Outbuildings' are exceeded.
3. Approval of the proposed ancillary dwelling does not contribute towards the requirements of orderly and proper planning.

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Deputy Mayor C Reeve-Fowkes that Council grant Planning Approval for an additional outbuilding, ancillary accommodation and two (2) water tanks at No.79 (Lot 113) Pearse Road, Wattleup, in accordance with the attached plans and subject to the following conditions and advice notes:

Conditions

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. No activities causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays during construction.
3. The proposed crossover must be located and constructed in accordance with the City's requirements.



4. The ancillary dwelling must provide a separate on-site effluent disposal system.
5. The outbuilding (Shed) shall be used for domestic purposes only, ancillary to the residential use of the property, and not for the purposes of human habitation.

Advice Notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. In regard to Condition 1, the City requires the on-site storage capacity be designed to contain a 1 in 20 year storm of a 5 minute duration. This is based on the requirements to contain surface water by Building Codes of Australia.
3. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
4. As per the City's Local Planning Policy APD7 'Rural Subdivision', the subject site is currently zoned Rural, and the approval of this ancillary dwelling should not be construed as support for the further subdivision of the subject property.
5. No existing vegetation on the lot shall be cleared except for the purposes of complying with the subject development proposed as part of this development.

**CARRIED 9/1**

**Reason for Decision**

This Alternative Recommendation provides an avenue to address the family health needs identified by the proponent in their Planning Application. The proposed Planning Approval, subject to the Conditions and Advice Notes outlined in this Alternative



Recommendation, will ensure that the proponent knows precisely what has been approved and importantly their obligations in respect to the now, tomorrow and the future.

The applicants have requested Council's consideration of the special circumstances that relate to their family (ill health of their son and daughter) in requesting a variation to the maximum internal floor area of the proposed dwelling.

### **Background**

The subject site contains an existing single house (363m<sup>2</sup>) and associated outbuilding. The proposal does not comply with the City's Local Planning Policy APD11 'Ancillary Dwellings on Rural Living, Rural and Resource Zoned Lots' with regard to the maximum internal floor area of the ancillary dwelling. It is for this reason that the proposal is presented to Council for determination.

### **Submission**

The applicant seeks approval to construct an ancillary dwelling and an additional outbuilding (containing a shed and workshop) and two (2) water tanks on the existing site.

#### *Outbuilding*

The proposed outbuilding is 140m<sup>2</sup> in area and has a maximum wall height of 3.6m and a maximum ridge height of 5m. The proposed outbuilding, in conjunction with the existing shed on site of 150m<sup>2</sup> results in a total maximum outbuilding area of 290m<sup>2</sup> which complies with maximum floor space and wall height requirements of Council Policy APD18 'Outbuildings'. The proposed outbuilding is in close proximity to the ancillary dwelling in the north-west corner of the site.

#### *Ancillary Dwelling*

The proposed ancillary dwelling is to be located in the north-west corner of the site and has an internal floor area of 160.86m<sup>2</sup> consisting of two double bedrooms, walk-in-robe, study room, one bathroom, two toilets, open plan kitchen/living/dining, separate scullery and laundry. In addition to the internal floor area is a double garage, alfresco area (with an outdoor kitchen) and verandah under the main roof of the dwelling and a swimming pool. The ancillary dwelling is proposed to be served by a separate drive way off Pearse Road along the northern boundary of the lot and is some 90m from the existing dwelling. The area between the existing dwelling and shed and the proposed ancillary dwelling is heavily vegetated.



The applicant has provided justification for a variation to the maximum internal floor area contained in APD11 (see attachments). In the submission, the applicants state that the additional internal floor area is necessary for them, as parents, to live on the same property as their son and his family, in order to assist in caring for their son who suffers from ill health. The applicants also have a daughter, also suffering from ill health and who requires care and will reside from the ancillary dwelling from time to time when required and it is her needs that require the larger dwelling size. It should be noted that the subject site is not suitable for subdivision as per Council's Local Planning Policy APD7 'Rural Subdivision'.

The applicants are therefore requesting that Council consider their special circumstances outlined in order to support a variation to the maximum internal floor area of the proposed ancillary dwelling.

Council is also made aware that the applicant has been involved in pre-lodgement discussions with the City at which time they were advised that any submission for such a variation may be considered by Council but would have to be accompanied by sound justification. The applicants have advised previously that they are not prepared at this time to consider a reduction of the internal floor area proposed.

## **Report**

### Statutory Planning Framework

#### *Town Planning Scheme No. 3 (TPS 3)*

The site is zoned 'Rural' under TPS 3. A single house (and the associated outbuilding) is 'P' uses which means they are permitted. Ancillary Accommodation (as referred to in the scheme) is a 'D' discretionary use which means that Council may exercise its discretion and issue planning approval.

In addition to the above, TPS 3 clause 5.10.2 (d) for rural uses identifies that *'where no building envelope is shown on a lot, no building shall be erected within 10 metres of any boundary of the lot or 20 metres from any road reserve'*. The proposed additional outbuilding and ancillary dwelling are setback 11 metres and 10 metres respectively from the northern boundary, and 10 metres from the western boundary, therefore complying with the setback requirements of TPS 3.



### *Government Sewerage Policy*

The State Governments Sewerage Policy requires that large lots must be a minimum R5 zoning, i.e. 2000m<sup>2</sup>, before any density development with on-site effluent disposal is allowed. The subject lot size of 20,000m<sup>2</sup> complies with the policy and if approved, the applicant will be required to provide a separate on-site effluent disposal system for the proposed ancillary accommodation at the rear of the property. As such, should Council consider approval of the proposal, a condition should be imposed regarding the need for the ancillary dwelling to provide an on-site effluent disposal system.

### *Local Planning Policy APD11 'Ancillary Dwellings on Rural, Rural Living and Resource Zoned Lots'*

The internal floor area of the proposed ancillary dwelling of 160m<sup>2</sup> is significantly more than the maximum internal floor area allowed under APD11 which is 100m<sup>2</sup>. An ancillary dwelling is defined in APD11 as being:

*'self-contained dwelling on the same lot as a single house which may be attached to, or integrated with or detached from the single house.'*

APD11 states that ancillary dwellings within rural areas, such as the subject site, are required to meet the following requirements:

- *'Not more than one (1) ancillary dwelling shall be approved on the lot;*
- *The proposed ancillary dwelling must comply with the definitions outlined in Section (1) of the APD 11 policy;*
- *The maximum internal floor area of the ancillary dwelling shall not generally exceed 100m<sup>2</sup>. The 100m<sup>2</sup> is the total living area only and does not include verandahs, patios, pergolas, alfresco areas or carports/garages;*
- *The ancillary dwelling should be located behind the main dwelling line unless otherwise approved by the City; and*
- *The design, materials and colours of the ancillary dwelling shall match or complement those of the existing single house. Non-reflective materials shall be used and the use of second hand materials is not permitted.'*

In regards to the above requirements, the proposed ancillary dwelling complies with all requirements with the exception of the maximum internal floor area. Should Council consider approval of the proposal, it would constitute a significant variation to this policy.



### *Land Use*

The proposed variation to the maximum floor area provided for in Policy APD11 is significant. It is very difficult to consider that the dwelling is in fact 'ancillary' to the main dwelling and not simply a separate stand-alone dwelling. To provide context, the Residential Design Codes of Western Australia (R-Codes) (which do not apply to this area) restrict the size of an ancillary dwelling to 70m<sup>2</sup> in order for the dwelling to remain ancillary and not simply a separate dwelling. The City considers 100m<sup>2</sup> as provided for in APD 11 to be suitable in rural areas given the size of the lots in comparison to those in residential areas.

However, the proposed 160m<sup>2</sup> floor area is considered large enough to operate completely independently to the main dwelling on the site with little or no relationship to it. In addition, the two dwellings are proposed to be approximately 90m apart separated by vegetation and accessed from a separate driveway. The proposed dwelling is not considered to meet the intent of the provision of an ancillary dwelling and could not be reasonably distinguished from a separate dwelling except that it is on the same lot as the main dwelling. If the proposal is not considered to be an ancillary dwelling, then it would constitute a 'grouped dwelling,' which is an 'X' use (not permitted) in the rural zone. The definition of 'grouped dwelling' is not contained in TPS 3 but defers to the R-Codes which is:

*'A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.'*

### *Amenity*

It is acknowledged that the 60% variation to the proposed dwelling size in APD 11 may not unduly impact adjoining neighbours due to the residential nature of the dwelling and compliant setbacks. However, the reason that the ancillary dwelling floor area restriction is in place is to ensure that only one dwelling is constructed on each lot in Rural zoned areas and why grouped dwellings are prohibited by TPS 3 in this zone. Approval of two dwellings on each lot if approved across the zone would effectively double the density of such an area which would be undesirable and would not accord with the objectives of the zone. There would also be other amenity impacts including increased traffic, noise, more clearing etc. which may detract from the rural amenity of the area.



*Valid Planning Justification*

It is undisputed that the owner's preference for a larger dwelling due to the care requirements of their children is legitimate. However, there appears to be no valid planning reason for Council to support the variation to the dwelling size as proposed. If Council resolves to approve this proposal based on the submission, it would be on compassionate grounds only which cannot be supported by or justified through the statutory planning framework. Council should then be prepared to consider other similar proposals which also seek planning approval on compassionate grounds which may be difficult to differentiate if there is no sound planning base for such a decision.

*Bushfire Management*

Should Council consider approval of the proposal, bushfire protection would need to be considered in relation to the new dwelling given the amount of existing vegetation on the site and its proximity to the new dwelling. A condition could be imposed requiring the applicant to undertake a Bushfire Management Plan which could have implications.

**Conclusion**

The City is very sympathetic to the applicant's situation and their desire to construct a dwelling that will enable on-site care for their son and daughter who both suffer from ill health. However, there are no valid planning reasons to support a variation to Council's Local Planning Policy APD 11 'Ancillary Dwellings in Rural, Rural Living and Resource zoned areas' in relation to the 60% increase in internal floor area provided for in the policy which raises concern that the proposal actually constitutes a 'grouped dwelling'. Approval of this proposal is likely to lead to an undesirable precedent resulting in the construction of a separate dwelling on the site (rather than ancillary accommodation) for compassionate reasons rather than sound planning justification. It is therefore recommended that Council refuse the application as contained in the recommendation.

**Strategic Plan/Policy Implications****Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.



### **Leading & Listening**

- A culture of risk management and compliance with relevant legislation, policy and guidelines.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

No community consultation took place to adjoining properties as the setbacks proposed for the additional outbuilding and ancillary dwelling on-site comply with requirements and the proposed development is not deemed to compromise the amenity of surrounding properties even though the internal floor area for the ancillary dwelling exceeds the maximum area allowed of 100m<sup>2</sup>, proposed 160m<sup>2</sup>.

### **Attachment(s)**

1. Proposed Location Plan
2. Part Site Plans
3. Floor plan for Ancillary Dwelling
4. Elevations for Ancillary Dwelling
5. Floor and elevation plan for Outbuilding (Shed)
6. Justification submission from applicant

### **Advice to Proponent(s)/Submissioners**

The Proponent(s) have been advised that this matter is to be considered at the 14 August 2014 Council Meeting.

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

Nil.





**14.6 (MINUTE NO 5349) (OCM 14/8/2014) - HIGH IMPACT TELECOMMUNICATIONS TOWER (TELOMAST AND ANTENNA) - LOCATION: 234 (LOT 197) BERRIGAN DRIVE, JANDAKOT - OWNER: SPORTLINE HOLDINGS PTY LTD - APPLICANT: D GROOM (5518291) (T CAPPELLUCCI) (ATTACH)**

**RECOMMENDATION**

That Council :

1. refuse to grant approval to commence development for a high impact telecommunications facility (Telomast and Antenna) at 234 (Lot 197) Berrigan Drive Jandakot for the following reasons:
  1. The proposal is inconsistent with Clause 10.2.1 (i) of the City of Cockburn Town Planning Scheme No.3 in that it is incompatible within its setting.
  2. The proposal is inconsistent with clause 10.2.1 (n) of the City of Cockburn Town Planning Scheme No. 3 in that it is likely to have a negative impact on the amenity of the locality.
  3. The proposal is contrary to Western Australian Planning Commission Statement of Planning Policy 5.2 'Telecommunications Infrastructure' as the facilities are not designed to meet the needs of the community nor designed to minimise adverse impacts on the amenity of residential areas.
  4. The proposal is inconsistent with City's Local Planning Policy APD13 'Telecommunications – High Impact Facilities' Clause (2) 4 in that the mast does not minimise visual impact on the locality.
2. notify the applicant and those who made a submission of Council's decision.

**COUNCIL DECISION**

MOVED C/r S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**



## **Background**

The subject site is occupied by commercial tenancies and is zoned RU6 (Local Centre), which restricts the permissible uses in this zoning to Office, Restaurant and Fast Food Outlet, Veterinary Consulting Rooms, Reception Centre, Health Studio, Medical Centre, Shop and Showroom. The tenancy to which this proposal relates within the building is currently used as an Office.

This proposal has been referred to Council for determination as the proposal is inconsistent with the City of Cockburn's Local Planning Policy APD 13 'Telecommunications Policy – High Impact Facilities'.

## **Submission**

The applicant seeks approval to install a 12m high mast on the roof of the existing two storey commercial building to provide a wireless internet network service to Unit 1 at the subject site. The proposal includes a dish antenna (RD-5G-30) at the top of the mast which has a diameter of 0.648m. The facility will provide backup wireless internet to Unit 1 only.

The maximum height above the natural ground level will be 18m as the proposal to be installed on the roof of the existing 6m high commercial building. The mast will have support cables attached to the mast at a height of 3m, 6m, 9m and 12m respectively. These cables will attach to wired turnbuckles 3m away from the base of the mast (running from 3m and 6m high) and 6m away from the base of the mast (running from 9m and 12m high). The mast and antenna are coloured white.

## **Consultation**

As per the City of Cockburn's Local Planning Policy APD 13 'Telecommunications Policy – High Impact Facilities', notice of the proposed development was sent to landowners within a 200 metre radius of the proposed location. Twelve (12) submissions were received with two (2) supporting the application and ten (10) objections received (Attachment 5). The majority of the objections cited visual impact as the main cause for concern.

## **Report**

The following section provides a discussion of the various issues affecting the proposal.



Jandakot Airport

The subject site is located in the Jandakot Airport 'Airport Control Area' and the 06L/24R Aircraft Circuit Area. Due to this, comment was sought from Jandakot Airport in regards to this proposal. Jandakot Airport confirmed that a maximum height of 48m Australian Height Datum (AHD) is allowed, therefore, the proposed height of the mast (18m) will not affect flight operations from Jandakot Airport and therefore there was no objection to the proposal.

Local Planning Policy APD 13 Telecommunications Policy – High Impact Facilities

APD 13 was prepared to deal with non-low impact (high impact) facilities that obtain planning approval. The following policy measures apply to this proposal:-

1. The location and appearance of facilities should be chosen to minimise the visual impact on the locality. In particular, the amenity of residential inhabitants should not be affected.
2. The preferred location for telecommunication infrastructure is in Local Centres, Industrial zones, Commercial Zones and Local/Regional Reserves away from sensitive uses.

In relation to point 1, the location of the mast will have an impact upon the locality due to the height and scale of the proposal. This is evident in the photomontage (attachment 3) supplied by the applicant showing its perspective from Berrigan Drive (opposite side of the road of the of the subject lot) which demonstrates the scale of the proposal where it is double the height of the existing building.

In relation to point 2, there are existing residential properties 80m to the north west of the lot along Par Court and Dean Road as well as there being three (3) residential lots located 190m to the south of the proposal along Prinsep Road and another residence 125m to the east on Jandakot Road. This is therefore not consistent with the provisions of this policy and ultimately not consistent with the objective of preserving the amenity of residents.

Based on the points above, should Council approve the proposal, it could create an undesirable precedent if replicated on other nearby properties when there are other alternatives for high speed internet available which do not cause an undue amenity impact on adjoining properties.



Statement of Planning Policy 5.2 – Telecommunications Infrastructure

Statement of Planning Policy 5.2– Telecommunications Infrastructure (SPP5.2) is a state wide planning policy which aims to facilitate the provision and development of effective state-wide telecommunications in a consistent manner which is considerate of the economic, environmental and social objectives of planning in Western Australia.

SPP 5.2 is supported by the *Guiding Principles for the Location, Siting and Design of Telecommunications Infrastructure*. Of key concern to this application are the following guidelines regarding the location and siting of Telecommunications infrastructure:

- Telecommunications facilities should be located and designed to meet the communication needs of the community;
- Telecommunications facilities should be designed and sited to minimise and potential adverse visual impact on the character and amenity of the local environment, in particular, impacts on prominent landscape features, general views in the locality and individual significant views;
- Telecommunication facilities should be designed and sited to minimise adverse impacts on areas of natural conservation value and places of heritage significance or where declared rare flora are located; and
- Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas.

The guidelines go on to state that when determining an application for telecommunications infrastructure the local government shall consider and have regard to the following;

- Extent to which the proposal contributes to the social and economic benefits of affordable and convenient access to modern telecommunications services for people and businesses throughout the state;
- Need to continuity of supply of telecommunications services to people and businesses in the local area or region;
- Effect of the proposal on the environment and natural landscape and the extent to which the proposal affords protection of these elements;



- Effect of the proposal on any place of cultural heritage significance on or near the land;
- Extent to which the proposal enhances or maintains visual amenity including streetscape and minimises adverse visual impacts; and
- Degree to which the proposal is co-ordinated with other services.

In summary, given the proposed 12m high wireless mast, attached to the roof above the subject tenancy is for the sole use of that unit only to provide wireless network connectivity as a backup to their existing cable data network, it is not considered to be of benefit to any other business or person in the surrounding community and that there are concerns regarding the impact of the structure on the visual amenity of nearby residents, the proposal is clearly inconsistent with SPP 5.2.



## **Conclusion**

The siting of the proposed telecommunications facility does not meet the requirements of APD 13 or SPP 5.2 and is inconsistent with provisions of the TPS 3 with regards to compatibility and amenity. The proposal is to facilitate wireless network connectivity solely for the use of the subject tenancy providing no community benefit. It is clearly different to other high impact facilities such as mobile phone towers which do provide some community benefit. The proposal if approved will detract unnecessarily from the visual amenity of nearby residents and the streetscape surrounding the site. The application is therefore not supported and is recommended for refusal.

## **Strategic Plan/Policy Implications**

### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.
- Development that is soundly balanced between new and existing areas.
- Reduction in energy dependency and greenhouse gas emissions within our City.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A culture of risk management and compliance with relevant legislation, policy and guidelines.

## **Budget/Financial Implications**

N/A

## **Legal Implications**

Town Planning Scheme No 3  
Planning and Development Act 2005  
State Administrative Tribunal Regulations  
Telecommunications Act 1997



## Community Consultation

See Consultation section of the report above. A copy of the schedule of submissions is detailed in Attachment 5.

### Attachment(s)

- (1) Location Plan & Site Plan
- (2) Elevation
- (3) Photomontages
- (4) EME Report
- (5) Schedule of Submissions

### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 August 2014 Council Meeting.

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

Nil.

- 14.7 **(MINUTE NO 5350) (OCM 14/8/2014) - DEMOLITION OF HERITAGE DWELLING AND CONSTRUCTION OF 19 MULTIPLE DWELLINGS - REQUEST FROM THE STATE ADMINISTRATIVE TRIBUNAL (SAT) TO RECONSIDER DECISION - REVIEW MATTER NOS. DR 417 OF 2013 - LOCATION: 10 (LOT 4) EDELINE STREET, SPEARWOOD - OWNER: RED BEETLE INVESTMENTS PTY LTD - APPLICANT: PROPERTY WIZARDS (2201373) (T CAPPELLUCCI) (ATTACH)**

#### RECOMMENDATION

That Council

- (1) reconsider the application and approve the proposal for the partial demolition of a heritage dwelling and construction of nineteen (19) multiple dwellings, at No. 10 (Lot 4) Edeline Street, Spearwood, in accordance with the plans stamp-dated 23 June 2014, subject to the following conditions and footnotes:

#### Conditions

1. An archival record shall be submitted to and approved by the City for the place in accordance with the Heritage Council of Western Australia's 'Archival Recording of Heritage Places: Standard Brief and Standard Form (non-registered places)', prior to the lodgement of a Demolition Permit.



2. Prior to the lodgement of a Building Permit application for the development, the submission of a detailed material, colour and finish schedule for the development, to be provided to the City's satisfaction. The details as agreed by the City are to be implemented in the development.
3. Prior to the lodgement of a Building Permit application for the development, a revised landscaping plan and lighting details shall be submitted to the City's satisfaction. The plan agreed to by the City shall be implemented in the development.
4. Landscaping shall be established and reticulated in accordance with an approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas shall be maintained thereafter in good order to the satisfaction of the City.
5. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development.
6. Prior to the issue of a Building Permit, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata development contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Community Infrastructure (DCA 13).
7. Provisions identified in the Waste Management Plan approved by the City, dated received 26 June 2014, which include recycling measures and management of commercial and residential waste, shall be implemented and maintained thereafter to the satisfaction of the City.
8. Bicycle parking bays shall be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 9 bicycle bays (7 for residents and 2 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval prior to lodgement of a Building Permit.
9. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of





ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City.

10. The approved residential visitor car parking bays shall be clearly delineated (marked/signed), available for use free of cost to the bona fide visitors of the occupants of the dwellings the subject of this approval, in perpetuity and reflected as such on the strata plan for the development. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor car parking bays to any strata lot. Parking within such bays may be time restricted.
11. Walls, fences and landscape shall be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
12. All stormwater being contained and disposed of on-site to the satisfaction of the City.
13. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
14. The approved development must clearly display the street number/s.
15. Car parking and access driveways shall be designed and constructed to comply AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
16. A Construction Management Plan is to be submitted to and approved by the City prior to the lodgement of a building permit and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
17. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
18. The four (4) vehicle parking spaces identified within the Edeline Street verge area shall be sealed, kerbed, drained and line marked in accordance with the approved plans



and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.

19. The surface finish of the boundary walls abutting adjoining lots is to be either face brick or rendered the same colour as the external appearance of the respective dwellings unless otherwise agreed with the adjoining property owner/s. In all instances, the standard of work is to be of a high standard.
20. The existing tower associated with the heritage dwelling shall be maintained as per the plans submitted. Prior to the lodgement of the Building Permit, plans shall be submitted to and approved by the City showing details of the existing tower including the existing windows and red brick feature of the current tower being maintained along with the tower being roofed and used as part of the development.

Advice notes

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a building permit is required.
2. In relation to Condition 2, the schedule of materials, finishes and colours must be directly related to the information and details shown in the approved elevations. Consideration shall be given to the material, finishes and colours of the street elevation of the dwellings and front fence to relate to the tower element of the heritage dwelling being retained.
3. In regards to Condition 3, please liaise with the City's Parks Services regarding any queries you may have with developing the landscaped area of the verge as per the approved plans endorsed as part of this application.
4. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, condition 6 will be deemed to have been complied with.



5. With regard to Condition 9, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
  6. With regards to condition 12, all stormwater drainage shall be designed in accordance with Australian Standard AS3500. In addition, it may be necessary for temporary drainage solutions to be provided in the interim until drainage areas are provided in public open space areas. It may be necessary for suitable arrangements to be provided which allow for the temporary solutions to be decommissioned in the future and connected to the ultimate drainage design.
  7. In regards to Condition No. 19, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the City.
  8. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
  9. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.
  10. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.
- (2) notify the applicant, the State Administrative Tribunal and those who made submissions on the proposal of the Council's decision.



**COUNCIL DECISION**

MOVED Clr L Wetton SECONDED Deputy Mayor C Reeve-Fowkes that Council:

- (1) reconsider the application and refuse the proposal for the partial demolition of a heritage dwelling and construction of nineteen (19) multiple dwellings at No. 10 (Lot 4) Edeline Street Spearwood for the following reasons:
  1. The existing dwelling has heritage significance and approval of the proposed partial demolition would result in a significant loss for the community and would be inconsistent with the provisions of Council's Local Planning Policy APD64 Heritage Conservation Design Guidelines.
  2. Approval of the proposal including retention of the tower structure is tokenistic and does not deliver an acceptable heritage outcome.
  3. The bulk and scale of the proposed building is inconsistent with the existing or future desired built form in the area and therefore fails to comply with Clause 6.1.1 (Building Size) of the Residential Design Codes.
  4. The open space proposed as part of the development does not respect the existing or preferred neighbourhood character and therefore fails to comply with Clause 6.1.5 (Open Space) of the Residential Design Codes of Western Australia.
- (2) notify the applicant, the State Administrative Tribunal and those who made submissions on the proposal of the Council's decision.

**CARRIED 8/2**

**Reason for Decision**

The significant social, cultural and historic value of this more than 100 year old dwelling is well established. Of sound structural quality and still being used as a residence today, this well-loved landmark is a rare remnant of Cockburn's unique foundation and history. As there is very



little physical history left in Cockburn, the loss of this architecturally unique home would signal a huge loss for the Cockburn community and is at odds with the City's focus on preserving our heritage and history wherever possible.

The property is intrinsically tied to both the original St Jerome's Catholic Church just a few metres away, as it was its original Presbytery, and is also linked to the original Spearwood Primary school, now Spearwood Alternative School, as the dwelling's original owner Angus McLeod was instrumental in securing funding for the school.

The City's independent architect considers retention of solely the tower, as proposed in the application, is not an ideal heritage outcome.

To allow demolition of the dwelling without exhausting all avenues of retention is at odds with the classification 'C' of the property within the City's own Heritage Inventory, which states that it is desirable for the dwelling to be retained. Approving the demolition would seriously call into question the integrity of Council's own policy of classifying heritage buildings.

Council believes the attempt to preserve the history of the building by retaining the 'tower' structure in the middle of the proposed development is tokenistic and that an outcome showing more respect to the dwelling's historical and heritage values can be reached.

Furthermore, the development application exceeds the plot ratio requirement of 60%, at 66%, and does not reach the open space ratio of 45%, at 43%.

## **Background**

The subject site is located in Edeline Street Spearwood, is 1879m<sup>2</sup> in area and contains an existing single storey limestone dwelling. The dwelling has a tiled roof and is located towards the rear of the lot (set back approximately 40m from the street). The property is included in the City's Local Government Inventory (LGI) due to its heritage significance. According to the LGI, the dwelling, known as Spearwood Presbytery (FMR) or Sumich House, was constructed circa 1912 and has aesthetic value through its distinctive architectural features and is associated with the Catholic Church in the district and with some well-known local families.

The dwelling floor plan is typical of the period and includes four rooms on each side of a central hallway surrounded by a wide verandah which has been partially enclosed to accommodate a kitchen, bathroom and laundry. The internal and external aspects of the dwelling appear to be in fair, mostly original, condition. The distinctive front tower on the front



elevation includes a façade only and is in effect part of the front verandah. Gardens surrounding the dwelling have generally not been maintained.

The section of Edeline Street where the dwelling is located contains a variety of dwelling types constructed during different eras. These include original pre-and post-war cottages, single detached houses constructed in the 1960s, 70s and 80s, older-style grouped dwelling developments constructed in the 1970s and 80s (including a 20 unit site at No. 6 Edeline Street), older style apartment buildings (including a two storey block of 16 apartments at No.16) and new, more recently constructed grouped dwelling developments constructed as a result of the Phoenix Revitalisation strategy and associating recoding of the land. Besides the nearby old St Jeromes Church on the corner of Edeline Street and Rockingham Road and a dwelling on nearby Denham Street, there are no other buildings on the LGI surrounding or in close proximity to the subject site.

A proposal for demolition of the existing heritage dwelling was referred to Council for determination at its ordinary meeting held on 10 October 2013 which was refused based on the following reasons:

- ‘1. *The dwelling has significant social, cultural and historic value heritage to the local community.*
2. *The dwelling has distinctive architectural features which set it apart from other typical dwellings or similar style constructed in the area.*
3. *The dwelling contributes to the character of the streetscape and is a landmark building to the local community.’*

The applicants subsequently lodged an application to the State Administrative Tribunal (SAT) for review of the above decision. A series of mediation sessions took place between the applicant, the City’s Officers, the City’s legal representatives, a heritage architect engaged by the City and an elected member. It became evident during the mediation process that retention of the dwelling in a redevelopment scenario was problematic. During mediation, retention of the existing dwelling and conversion into two separate apartment-type dwellings was investigated as were other options to construct dwellings around the existing dwelling which were all dismissed as unviable by the applicant. Approval of a multiple dwelling proposal incorporating the retention of the tower element of the heritage dwelling represents a negotiated outcome between the applicant and the City.

During the mediation process, the applicant also lodged a separate application for the development of 19 Multiple Dwellings on the site which included demolition of the heritage dwelling. The application was deferred until the demolition application was under review by SAT.



The final Mediation session held at SAT resulted in the following orders:

1. *By close of business 31 May 2014 the applicant shall provide to the Tribunal and copy to the respondent a revised development application for the site which includes the retention of the tower on the south west corner of the existing residence.*
2. *Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision on the application for the demolition of the existing dwelling in light of the revised development application which includes the retention of the existing tower at its meeting on 14 August 2014.*
3. *The matter is referred to a directions hearing on Friday 22 August 2014.'*

The proposal which now includes partial demolition of the heritage building and the construction of 19 multiple dwellings is therefore being referred to Council for determination.

### **Submission**

The proposal is for a partial demolition of the heritage dwelling (retaining the tower on the south west corner of the existing residence), and the construction of 19 multiple dwellings comprising two levels of residential apartments, with parking on the ground level. The proposal specifically consists of:

- 14 x two bedroom dwellings
- 5 x one bedroom dwellings

The dwellings range in size between 50m<sup>2</sup> and 89m<sup>2</sup> in area.

The proposed development has been designed to comply with the State Administrative Tribunal order in relation to the demolition of the existing dwelling to retain the tower on the south west corner of the existing residence. Therefore, the application for demolition and construction of 19 multiple dwellings now forms part of the same application.

### **Report**

The following section provides discussion on the various issues affecting the proposal.

#### State Administrative Tribunal Act 2004

Under Section 31 of the *State Administrative Tribunal Act 2004*, the City has been invited to reconsider its previous decision on the subject application; that is, to (a) affirm the decision; (b) vary the decision; or



(c) set aside the decision and substitute it for a new decision. Once a decision is made by Council, it will be conveyed to SAT.

Section 31 states as follows:

*“31. Tribunal may invite decision maker to reconsider*

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision maker may:
  - (a) affirm the decision;*
  - (b) vary the decision; or*
  - (c) set aside the decision and substitute its new decision.**
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

## Planning Framework

### *Zoning*

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential R40 under the City's Town Planning Scheme No.3 (TPS 3). Multiple dwellings are a 'D' use which means that *“the use is not permitted unless the local government has exercised its discretion and has granted planning approval.”* Council therefore has the discretion to issue planning approval for the proposed development.

### *Residential Design Codes of Western Australia*

The proposal has been assessed against the relevant provisions (part 6) of the Residential Design Codes of Western Australia (R-Codes). The proposed development complies with the 'deemed to comply provisions' with the exception of the following:

- maximum plot ratio of 0.66 in lieu of the maximum deemed-to-comply plot ratio of 0.6 as per Part 6.1.1 'Building Size'; and
- maximum of 60% hard surface within the street setback area in lieu of the maximum deemed-to-comply hard surface of 50% as per Part 6.3.2 'Landscaping'.





### Building Size

The building size is required to be assessed against the relevant design principle which is:

*'Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality.'*

As discussed above, Edeline Street provides an eclectic mix of dwellings including single houses, grouped dwellings and multiple dwellings built over the last century. The recoding that occurred as part of the Phoenix Revitalisation Strategy to a medium density R40 code anticipated replacement of older-style single detached residences with medium density infill development which is close to established infrastructure, services and amenities. The proposed development of two levels is consistent with other dwellings in the vicinity and accords with Council's planning framework. The street includes many other examples of existing grouped dwellings and some multiple dwellings. Given the relatively large lot sizes in the street there have been recent approvals for other multiple dwelling developments in the street of a similar bulk and scale to what is being proposed on this site. As such, the proposed plot ratio is considered to meet the design principle in relation to Building Size.

It should be noted that as a result of the SAT proceedings, the applicants have incorporated the retention of the tower element of the existing heritage dwelling into their design. This obviously creates a minor reduction to the overall development potential of the site and may suggest why the building size may not meet the deemed-to-comply criteria.

### Landscaping

The relevant landscape provision regarding hard surfaces in the street setback area is required to be assessed against the relevant design principle which is:

*'The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:*

- *meets the needs of the residents;*
- *enhances security and safety for residents; and*
- *contributes to the streetscape.'*

The design incorporates a balance between landscaping, a 6m wide vehicular access way, meter reading area, the entrance way of unit 3 and two (2) visitor parking bays. The following design aspects are proposed to mitigate the amount of hard surface in the setback:



- increasing the landscaped strip between the edge of the visitors parking bay and the boundary; and
- using concrete grass planting tiles under the two car parking bays.

The amount of hard surface area in the street setback area is not considered significant when considering the overall landscaping plan proposed for the site. There is sufficient planted landscaped areas provided within the street setback area and verge, the landscaping proposed is deemed to comply with the above design principle.

#### *City of Cockburn Inventory (LGI)*

The City of Cockburn Local Government Inventory (LGI) identifies places within the City that have cultural heritage significance. The compilation of an LGI is a requirement of Clause 45 of the *Heritage of Western Australia Act 1990*. The subject building is place no. 57 and has a 'C – Significant management category which states that the place:

*'Contributes to the heritage of the locality. Conservation of the place is desirable.*

*Any alterations or extensions should be sympathetic to the heritage values of the place, and original fabric should be retained wherever feasible'.*

The LGI states that the place is in 'good' condition and has 'high' authenticity and integrity. The LGI was updated and adopted in November 2012 and an annual review of the LGI commenced earlier this year and advertising concluded on 3 September 2013. It should be noted that on both occasions there was no submissions or recommendations to elevate the management category of the subject place.

#### *Local Planning Policy APD64 'Heritage Conservation Design Guidelines'*

The City's Local Planning Policy APD 64 applies to all places on the heritage list pursuant to TPS 3 and places on the LGI. Part 2 (Clause 2) of the policy states that the retention of a building is encouraged, however demolition may be supported, subject to the consideration of heritage significance together with other relevant planning issues. The policy also states that if demolition does occur then an archival record shall be prepared.



## Issues

### *Heritage Significance*

The heritage significance of the existing dwelling was discussed in depth in the 10 October 2013 Council report and this included comment from Heritage experts engaged by the applicant and the City. Both experts indicated that demolition can be contemplated based on the Category C attached to the building. Palassis Architects who were engaged by the City during SAT proceedings are of the opinion that retention of the tower element is better than complete demolition however that retention of just the tower is not an ideal heritage outcome but may be an acceptable compromise given the site's R40 coding making it suitable for medium density development.

The applicant does not propose to alter the structure of the existing tower except for removal of foreign additions including the wall that fills the arch on the north side. The tower element is proposed to be used as a sunroom without a roof and free from wall and door additions with information and pictures on the wall of the tower about the history of the area, the heritage house and the reason for retaining this portion of the building. The information frames will be weather proofed and the visitors and residents that will be able to access the tower can sit on the benches that will be added inside the small space of the old tower.

It was suggested to the applicant by the City that the tower element becomes a more usable part of the development including a roof and secure door which could then have some function such as a bicycle store. However the applicants are opposed to any addition of any kind to the structure because they believe this will ruin the character of the old tower as a landmark of the local community.

While the City's officers are generally supportive of using the tower for the purposes outlined above, the existing windows and red brick feature of the tower, which are strong elements, should remain along with provision of a roof. It is also suggested that the street elevation of the dwellings should be more sensitive and relate better to the tower element. This could be through the use of colours, finishes or materials. For example, the front fence or perhaps a front feature wall could be constructed of red brick or limestone which would complement the tower element and provide a visual link between the new buildings and the heritage tower.

Should Council consider approval of the proposal, a condition can be imposed requiring revised plans to ensure the aspects mentioned above are implemented into the final design.



## **Community Consultation**

In accordance with Council's Town Planning Scheme No. 3, Clause 9.4, the application was advertised directly to those nearby landowners who were also consulted on the original demolition application for the heritage dwelling on-site. During the consultation period, eight (8) submissions were received including seven (7) objections. In summary, the objections raised the following comments:

### Objections

1. Proposal is totally against previous submission to retain the historic home and not have it demolished.
2. Car parking is a concern as limited car bays provided and extra cars will be forced to park out on the street or other properties verges.
3. Overcrowded development which does not retain the heritage listed home.
4. Heritage Dwelling is icon of Spearwood and site should be retained to be dedicated to the pioneers of the area.
5. Does not comply with plot ratio and as a result does not complement the current streetscape.
6. A grouped dwelling would be more in keeping in the area than a multiple dwelling development.

While the objections from the adjoining landowners are noted, the key issues for consideration from their comments are on the plot ratio variation and the comments on retaining the existing heritage dwelling. In regards to plot ratio, as noted earlier in the report, the proposal is of a reasonable height, bulk and scale in an infill area which is in transition from low to medium density development.

With regards to the objections regarding the demolition of the heritage dwelling, the main issues were discussed in detail in the 10 October Council meeting minutes. Through the SAT mediation process, it was discussed that Council may be prepared to give favourable consideration to a re-submission which incorporates a development proposal as well as the demolition proposal, but where the development proposal incorporates the tower from the existing dwelling, as a reasonable gesture towards the interest of heritage protection.

## **Conclusion**

The proposal for demolition of the existing heritage dwelling and the construction of a two-storey multiple dwelling development consisting of a nineteen (19) dwellings is considered to provide additional dwellings within close proximity to the Phoenix Shopping Centre



Precinct. The proposal has been assessed on its merits and is supported for the following reasons:

1. Full retention of the heritage dwelling is problematic due to the dwelling being located 40m from the front boundary, Council's rezoning of the lot to R40 to accommodate medium density development, the heritage management category which does not offer a high level of protection under the City's TPS 3.
2. Retention of the tower element of the existing dwelling is visible from the street and will reinforce the heritage significance of the former dwelling.
3. The proposal complies with the requirements of the Residential Design Codes.
4. The proposal is consistent with the State Government's Directions 2031 document which promotes density nearby designated activity centres.
5. The proposal is considered to increase vibrancy and activity to the site.
6. The proposal will provide a housing type (apartments) which will add to a diversity of housing and residents in the area.
7. The proposal is considered to enhance surveillance of street.
8. No visual privacy issues are prevalent.
9. The bulk and scale of the building is consistent with other existing and recently approved developments along the street.
10. Traffic generated by the development is not considered excessive and shall be adequately accommodated within the existing road network and the car parking provided within the site which complies with the R-Codes requirements.

In light of the above, it is recommended that Council approve the application, subject to the conditions confirmed in the officer's recommendation.

### **Strategic Plan/Policy Implications**

#### **Growing City**

- Development that is soundly balanced between new and existing areas.
- Diversity of housing to respond to changing needs and expectations.

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.

### **Budget/Financial Implications**

N/A.



## Legal Implications

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

## Attachment(s)

1. Title page
2. Survey plan
3. Landscaping plan
4. Floor plans
5. Ground floor plans
6. Upper floor plans
7. Elevations
8. Inside elevations
9. Street elevation perspective
10. Verge parking plan
11. Location Plan
12. Schedule of Submissions

## Advice to Proponent(s)/Submissioners

The Proponent(s) and those that submitted objections to the proposed development have been advised that this matter is to be considered at the 14 August 2014 Council Meeting.

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

Nil.

### 14.8 **(MINUTE NO 5351) (OCM 14/8/2014) - ADOPTION OF VARIATION TO LOCAL STRUCTURE PLAN - LOTS 50 AND 802 MAYOR ROAD, MUNSTER (D. DI RENZO) (110/102) (ATTACH)**

#### RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.14.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the variation to the Munster Phase 3 Structure Plan for Lots 50 and 802 Mayor Road, Munster, subject to:

1. Inclusion of the following clauses in Part 1 of the Structure Plan report under 'Subdivision / Development' regarding fire management:



### Notifications of Title

In respect of applications for the subdivision of land the Council shall recommend to the Western Australian Planning Commission that a condition be imposed on the grant of subdivision approval for a notification to be placed on the Certificate(s) of Title(s) of all lots to advise of the following: -

*All land or lots are deemed to be affected by a Bush Fire Hazard as identified in the Bushfire Management, and building setbacks and construction standards are required to achieve appropriate Bushfire Attack Level ratings in accordance with Australian Standards (AS3959-2009): Construction of buildings in bushfire prone areas*

### Detailed Area Plans

Detailed Area Plans (DAP's) are required to be prepared and implemented pursuant to Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3 for lots comprising one or more of the following site attributes:

1. Lots with rear-loaded vehicle access.
2. Lots deemed to be affected by a recognised Bush Fire Hazard as identified in the accompanying Bushfire Management Plan, which is all lots within the Structure Plan area;

### Other provisions / standards / requirements

#### Designated Bushfire Prone Areas - Construction Standards

This Structure Plan is supported by a Bushfire Management Plan (BMP). Any land falling within 100 metres of a bushfire hazard identified in the BMP is designated as a Bushfire Prone Area for the purpose of the Building Code of Australia.

1. The legend of the Local Structure Plan being modified to reflect the R30 coding (not R20/30).
- (2) in pursuance of Clause 6.2.14.2 of the Scheme, send the variation to the Structure Plan once modified to the Western Australian Planning Commission for their information; and
- (3) advise the proponent of the Council's decision.



**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

The purpose of this report is for Council to consider adopting a variation to the Munster Phase 3 Local Structure Plan for Lots 50 and 802 Mayor Road, Munster (“subject land”).

The subject land is zoned “Urban” under the Metropolitan Region Scheme (“MRS”) and “Development Zone” within “Development Area No. 5” (“DA 5”) and within Development Contribution Areas No. 6 and No. 13 under the City of Cockburn Town Planning Scheme No. 3 (“Scheme”).

The subject land is 2.84ha, and is located to the south of Mayor Road in Munster. The land is vacant and undeveloped, with little vegetation. It is located immediately to the north of Bush Forever Site 429, which encompasses and surrounds a Resource Enhancement Wetland.

The Structure Plan variation seeks to modify the residential coding from predominately R20 (with a portion of R40) under the Munster Phase 3 Local Structure Plan to an R30 density code with an extended area of R40 (see Attachment 2).

The variation to the Structure Plan has been advertised for public comment and also referred to authorities for comment. The purpose of this report is to consider the variation to the Local Structure Plan for the subject land for final adoption in light of the advertising process having taken place.

**Submission**

The proposed variation to the Local Structure Plan has been lodged by the landowners of the subject land.

**Report**

The currently endorsed Munster Phase 3 Local Structure Plan includes the subject land as predominately ‘Residential R20’, with an ‘R40’ grouped housing site. There is an area of proposed Public Open





Space ("POS") in the south-eastern corner of Lot 50 Mayor Road adjacent to an existing parcel of POS (Reserve 50736) that functions as a wetland buffer to the Resource Enhancement Wetland located to the south, which is also a Bush Forever site (No. 429).

The proposed road network includes an extension of existing Preston Drive running east west to the north of the wetland buffer, with two short culs-de-sac running north south off Preston Drive.

The revised Structure Plan maintains this proposed road network (with a slight change to the alignment of the eastern road), and proposes modification to the residential density from predominately R20 to an R30 density code with an extended area of R40 on the eastern side (see Attachment 2). There is no proposed change to the location or size of the POS.

The variation to the Structure Plan will facilitate approximately 57 lots on the subject land, in comparison to the 42 lots that would be potentially facilitated under the current Structure Plan. It is considered that this increase can be accommodated without any unacceptable impacts on the road network in this area.

The Munster Phase 3 Local Structure Plan is predominately coded R20, with a large number of these lots having already been created, mostly around 500m<sup>2</sup>. Traditional single residential housing blocks are currently well provided within Munster and the wider Cockburn local government area.

The proposed modification to the Structure Plan for the subject site from a residential coding of predominately R20 to R30 and R40 is intended to provide medium density housing to cater for the growing number of smaller households in the City of Cockburn. It will contribute to dwelling diversity, given that this area is predominately coded R20.

A Bushfire Management Plan was submitted in support of the Structure Plan, and this demonstrates that adequate separation can be achieved between future dwellings and the vegetated Reserve. However given that future lots are within 100m of a bushfire hazard dwellings will need to be built to Australian Standard (AS3956): Construction of buildings in bushfire prone areas. Accordingly, it is recommended that the Structure Plan report be amended to reflect this requirement which should be stated in the 'Subdivision /Development' Section of Part 1 of the Structure Plan report. There is also a requirement for notifications to be put on titles advising of this issue, in addition to the requirement for a Detailed Area Plan(s).



Given that the variation does not alter the general road layout of the endorsed Structure Plan or POS it is considered to constitute a variation to the Structure Plan pursuant to clause 6.2.14.2 that does not require the endorsement of the Western Australian Planning Commission ("WAPC"). It is therefore proposed that if Council adopt the variation to the Structure Plan for final approval a copy will be sent to the WAPC for their information pursuant to clause 6.2.14.2 of the Scheme.

### Community Consultation

The proposed variation to the Structure Plan was advertised in the Cockburn Gazette for public comment for 21 days from 27 May until 17 June 2014 in accordance with the requirements of the Scheme. It was referred to nearby and affected landowners and also to relevant government authorities. No submissions were received from adjoining landowners or servicing/government authorities.

### Minor Modification

The legend of the local structure plan annotates the R30 coding as "R20/R30", and it is recommended that this be modified to state "R30" to avoid ambiguity.

### Conclusion

It is recommended that Council in pursuance to Clause 6.2.9 of the Scheme adopt for final approval the proposed modification to the Munster Phase 3 Local Structure Plan, subject to the modifications as discussed in this report and shown at Attachment 2.

## **Strategic Plan/Policy Implications**

### **Growing City**

- Diversity of housing to respond to changing needs and expectations.
- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

### **Environment & Sustainability**

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.



**Budget/Financial Implications**

The required fee was calculated on receipt of the proposed Structure Plan and has been paid by the proponent.

**Legal Implications**

Nil.

**Community Consultation**

The proposed modification to the Local Structure Plan for Lots 50 and 802 Mayor Road, Munster was advertised for public comment for 21 days from 27 May until 17 June 2014 in accordance with the requirements of the Scheme.

**Attachment(s)**

1. Current endorsed Munster Phase 3 Local Structure Plan.
2. Proposed variation to Lots 50 and 802 Coogee Road.

**Advice to Proponent(s)/Submissioners**

The Proponent(s) have been advised that this matter is to be considered at the 14 August 2014 Council Meeting.

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

Nil.

**14.9 (MINUTE NO 5352) (OCM 14/8/2014) - VARIATION OF POLICY SPD7 TO ALLOW BULK EARTHWORKS ON LOTS 1, 53 & 55 NORTH LAKE ROAD, LOT 54 POLETTI ROAD AND LOTS 804 & 9504 BEELIAR DRIVE, COCKBURN CENTRAL (6006139) N JONES (ATTACH)**

**RECOMMENDATION**

That Council approves an exemption to Policy SPD7 "Prevention of Sand Drift from Subdivisions and Development Sites" to allow bulk earthworks during the moratorium period on Lots 1, 53 and 55 North Lake Road, Lot 54 Poletti Road and Lots 804 and 9504 Beeliar Drive, Cockburn Central subject to compliance with a Dust Management Plan to be submitted and approved by the City's Manager Health Services.



**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

In response to significant dust problems from development sites, the City adopted a Policy SPD7 "Prevention of Sand Drift from Subdivisions and Development Sites" on 21 October 2003, prohibiting bulk earthworks during the commonly warm, dry and/or windy period from 1 October to 31 March in line with guidance from the Department of Environment. The moratorium is especially necessary in Cockburn due to the presence of fine black sands and high levels of land clearing, and it continues to provide an effective method of reducing dust nuisance in the City. The policy does allow bulk earthworks to occur during the moratorium period but only with prior approval of Council.

**Submission**

Engineers representing Landcorp have requested Council approval to carry out bulk earthworks from September until December 2014 to meet their development deadlines, based upon a commitment to implement the highest standard of dust control measures.

**Report**

This land is the site of the proposed Cockburn Central West Regional Physical Activity and Education Centre (RPAEC). Engineers representing Landcorp have advised that they are prepared to implement the highest standard dust control measures in order to meet their development deadlines. The site is surrounded by busy roads and the nearest residence to the works area is at least 100m distant. The proposed bulk earthworks and the details of the project are described by the engineers as follows:-

*The site is approximately 35 hectares in size and consists of Lots 1, 53 and 55 North Lake Road, Lot 54 Poletti Road and Lots 804 and 9504 Beeliar Drive, Cockburn.*

*We have been commissioned by LandCorp to design and oversee the Construction of this forward works package. The earthworks package will facilitate the construction of both the RPAEC site, which includes*



*an oval and a structured recreation facility and aquatic centre, as well as the urban development infrastructure such as roads and services which are adjacent to and service this site. The earthworks operation is largely a cut to fill operation for the RPAEC site as well as the future proposed public playing fields, in order to achieve an oval level as set out by the architects of the RPAEC site, Sandover Pinder, which has subsequently been approved by the City of Cockburn (CoC).*

*The agreement between our client; LandCorp, and CoC is that this RPAEC site will be created as soon as possible, in order to facilitate the CoC construction programme for the RPAEC structure, which is set to commence January 2015.*

*As such, we are currently preparing to appoint a Contractor to proceed with construction works, with the following planned start / end dates and milestones:*

- 1. Date of appointment – approximately 1<sup>st</sup> September 2014 subject to approvals and suitable tender offers).*
- 2. Projected Start date on site – 15th September 2014.*
- 3. Target date for completion of RPEAC site earthworks and retaining walls (separable portion 1) – 31st October 2014 (9 weeks after appointment of Contractor).*
- 4. Target date for completion of balance of earthworks (separable portion 2) – end December 2014 with a possible remobilisation onto site in January 2015 to complete any final earthmoving operations or restabilising of stockpiles, etc.*

*Please note that all dates above are subject to changes. The intent is to expedite the works as quickly as possible; however, unknown factors may lead to some minor slippages in these target dates.*

*Due to the major cut/fill operations required, and the target hand-over date for the RPAEC site, these works will fall within the dust moratorium period. As such it has been deemed necessary to request this approval to carry out these works subject to conditions or requirements that might be set out by the CoC to ensure that dust nuisance does not occur during the construction phase.*

*We have already requested that the Tenderers commit to undertake the works with all measured deemed necessary by the CoC. The tender documents clearly state a ‘zero dust’ policy as endorsed by LandCorp, and will also require the Contractor to provide an application to CoC, with a Dust Management Plan to carry out the bulk earthworks. It will include the following:-*

- 1. A Site Description (of the existing site and the proposed development)*



2. A report and map demonstrating:
  - a. property boundary, contours, compass points, existing landforms, prevailing wind directions and adjacent features
  - b. all areas and vegetation to be retained or left undisturbed
  - c. all areas and vegetation that will be disturbed
  - d. location of the proposed development
  - e. location of physical barriers especially wind fencing
  - f. location of stockpiles and storage areas
  - g. traffic routes and stabilised site access/exit point/s
3. Detailed Dust Control Measures which will outline:
  - a. how dust will be managed on-site
  - b. water availability
  - c. source of water
  - d. number of tankers
  - e. emergency stabilisation agents
  - f. dust monitors, etc.

Further to the above, the following conditions have been included in the Tenderers' contract documents, which the Contractor will need to comply with:

1. The occupier shall ensure that advisory notices are distributed to all adjoining land occupiers. The notices shall contain the name and contact details (including the Site Manager's mobile number) of the person responsible for the works on the approved site and to whom any dust complaints are to be addressed. These details shall also be displayed on the works notice at the site entrance.
2. All parties will meet on-site prior to start-up to ensure that all dust management requirements are in place.
3. Adequate water supply is available on-site at all times to provide a maximum 10 minute refill to water tankers.
4. Material which has been stockpiled as a result of trenching, excavation work or any other activity shall be stabilised if the stockpile is to be left exposed for longer than 48 hours.
5. The occupier shall satisfy the Manager, Environmental Health that adequate procedures will be employed to minimise escape of dust and sand via vehicle transport from "the Land" onto surrounding access roads, and shall ensure that any accumulated material is removed on a regular basis, or at a minimum of once per week.
6. Any activity that generates, or is likely to generate, dust or sand drift from "the Land", shall cease where the wind is in excess of 25 knots, and the site sufficiently stabilised until such time as the wind conditions are appropriate to resume works. Where the wind is forecast by the WA Bureau of Meteorology to be in excess of 25 knots on any day, including non-working days, the site supervisor shall stabilize the site in anticipation of those conditions.



7. *Should dust visibly cross the site boundary at any time, operations must be modified and dust suppression measures increased immediately. Should dust continue to be generated, all operations must cease immediately and the site sufficiently stabilized or water carts operated until management controls are effective for works to continue.*

*We also recognise that other conditions may arise from this application, and should this be the case, these conditions will be issued to the Contractor as an addendum to the contract documentation, and we will work with the Contractor and the City to ensure that these conditions are adhered to.*

Council Officers have carried out a screening assessment of the site to confirm that dust can be controlled and that the site is unlikely to be the source of nuisance complaints because the site is remote from residents and/or sensitive land uses. Officers have concluded that dust and sand from the proposed bulk earthworks can be effectively controlled during the moratorium period subject to a series of strict conditions contained in a Dust Management Notice under clause 5.11 of the Local Government Act Local Law served by the Manager of Health Services. Non-compliance with the notice would result in significant penalties.

### **Strategic Plan/Policy Implications**

#### **Growing City**

- Development that is soundly balanced between new and existing areas.

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.

#### **Environment & Sustainability**

- Identification and minimisation of impacts to human health risk.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A



**Community Consultation**

Nil to date; however, advisory notices will be distributed to all adjoining land owners/occupiers as per item 1 above.

**Attachment(s)**

Site plan

**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 (MINUTE NO 5353) (OCM 14/8/2014) - LIST OF CREDITORS PAID - JUNE 2014 (076/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the List of Creditors Paid for June 2014, as shown in the attachments to the Agenda.

**COUNCIL DECISION**

MOVED Clr S Portelli SECONDED Deputy Mayor C Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

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

**Submission**

N/A





**Report**

The List of Accounts for June 2014 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications****Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A responsive, accountable and sustainable organisation.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – June 2014.

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

**15.2 (MINUTE NO 5354) (OCM 14/8/2014) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - JUNE 2014 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council :

- (1) adopt the interim Statement of Financial Activity and associated reports for June 2014, as attached to the Agenda;



- (2) amend the materiality threshold from \$100,000 to \$200,000 for 2014/15 financial year in accordance with Local Government (Financial Management) Regulations 1996 as amended – Regulation 34 (5);
- (3) amend the 2013/14 Municipal Budget by:
  1. Increase LG Reform OP 9710 from \$288,000 to \$428,000 (+exp \$140,000)
  2. Reduce Community Consultation OP 9761 from \$40,000 to \$0 (-exp \$40,000)
  3. Increase LG Reform OP 9710 Grant income from \$0 to \$50,000 (+inc \$50,000)
  4. Reduce EA Provision OP 8245 from \$98,000 to \$48,000 (-exp \$50,000)
  5. Add new OP project for \$11,000 to fund the design of a standby generator (+exp \$11,000)
  6. Reduce Business Plan Exp OP 9714 from \$20,000 to \$9,000 (-exp \$11,000); and
- (4) advertise the use of the following monies in the identified Reserve for another purpose as provided for in section 6.11 (2)(b) of the Local Government Act 1995:
  1. Use of \$4.6m in the Land Development Reserve for the construction of the CCW Project
  2. Use of \$5.4m in the Major Buildings Reserve for the construction of the CCW Project
  3. Use of \$9.6m in the DCA 13 Reserve for the construction of the CCW Project
  4. Use of \$8.3m in the Waste and Recycling Reserve for the construction of the CCW Project
  5. Use of \$7.0m in the Community Infrastructure Reserve for the construction of the CCW Project
  6. Use of \$2,518,882 in the Contaminated Sites Reserve for the Waste & Recycling Reserve

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr S Pratt that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**



## Background

Regulations 1996 prescribes that a local government is to prepare each month a Statement of Financial Activity.

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) explanation 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 be presented to Council within 2 months after the end of the month to which the statement relates.

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit. The City chooses to report the information according to its organisational business structure, as well as by nature and type.

Local Government (Financial Management) Regulations - Regulation 34 (5) states:

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

This Regulation requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. Council adopted a materiality threshold of \$100,000 five years ago. After due consideration, it is thought appropriate to review the threshold level given the growth of the council over the last five years. The new recommended level is \$200,000. The accounting standard does refer to a guide of 5% to 10% as the base for establishing a threshold level. This would mean for the City a figure from \$50 to \$2.2m (the size of relative budgets at 5%). It is open for Council to adopt a flat figure which is the recommendation of the this report. Monthly budget reviews



as instigated during 2013/14 and the mid-year budget review will report all variances. This threshold only applies to the monthly reporting contained in the detailed attachments provided in this report.

### **Submission**

N/A

### **Report**

Due to ongoing end of financial year (EOFY) processing, the June financial statement being presented to Council is an interim one and subject to final audit. Whilst the current closing budget position is showing a surplus of \$14.1M, this includes the municipal funded portion for carried forward projects (currently estimated at \$8.7M) and will be further impacted by EOFY processing.

The final budget position for 2013/14 is expected to be reported to the October Council meeting, along with the associated list of carried forward projects and a final June statement of financial activity.

### Closing Funds

The City's closing funds of \$14.1M are \$13.3M higher than the budget forecast. This comprises net favourable cash flow variances across the operating and capital programs as detailed later in this report.

The revised budget shows end of year closing funds of \$0.80M. This has predominantly resulted from several upwards adjustments to revenue throughout the year and a \$0.16M balancing item in the mid-year review.

The budgeted closing funds fluctuate throughout the year, due to the impact of Council decisions and budget recognition of additional revenue. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial summaries attached to this report

### Operating Revenue

Consolidated operating revenue of \$119.39M is ahead of the full year budget forecast by \$1.22M. Several significant variances fall within this amount:

- Revenue from property rates is \$0.60M higher than the budget target.
- Underground power charges collected are \$0.13M ahead of budget.



- Interest on investments exceed budget by \$0.80M.
- Grants and subsidies for the Human Services business unit are \$0.30M higher than budget.
- Received unbudgeted liveable cities grant for CCW of \$0.19M unbudgeted (\$87k unspent at year end).
- Fees & charges across the Human Services business unit are 0.17M behind budget, mainly due to the out of school care and family day care programs.
- Workers compensation reimbursements are \$0.15M greater than the budget setting.
- Development application fees are up by \$0.27M against budget, however building permits revenue is short \$0.14M.
- Revenue from HWRP waste disposal operations is down \$1.75M against the budget due to continuing low tonnages through the gate.
- Income for the SLLC is down \$0.18M compared to budget with lower membership fees a prime contributor to this result.
- Revenue from dog registration fees is \$0.17M greater than the full year budget due to the impact of changes made to the Dog Act.

Further details of material variances are disclosed in the Agenda attachment.

#### Operating Expenditure

Operating expenditure (including asset depreciation) of \$108.31M was under the YTD budget by \$2.2M and comprised the following significant items:

- Material and Contracts (\$1.04M under budget)
- Other Expenses (\$0.82M under budget)
- Salaries & Direct On Costs (\$0.38M over budget)
- Indirect Employee On Costs (\$0.26M under budget)
- Utilities (\$0.22M under budget)
- Depreciation (\$0.32M under budget)

A more detailed explanation of the variances within each business unit is included in the attached financial report.

The following table shows the operating expenditure budget performance at the consolidated nature and type level:



Nature or Type Classification	Actual \$M	Amended Budget \$M	Variance to Budget \$M
Employee Costs - Direct	40.95	40.56	(0.38)
Employee Costs - Indirect	0.69	0.96	0.26
Materials and Contracts	34.87	35.91	1.04
Utilities	4.18	4.40	0.22
Interest Expenses	0.18	0.17	(0.01)
Insurances	2.25	2.24	(0.01)
Other Expenses	6.34	7.17	0.82
Depreciation (non-cash)	21.88	22.21	0.32

### Capital Expenditure

The City's actual capital spend to the end of June was \$43.31M, representing an underspend of \$25.78M against the full year budget of \$69.08M.

The following table shows the budget variance analysis by asset class:

Asset Class	YTD Actuals \$M	YTD Budget \$M	YTD Variance \$M	Annual Budget \$M	Commit Orders \$M
Roads Infrastructure	6.84	15.28	8.44	8.84	1.04
Drainage	0.82	1.29	0.47	1.01	0.02
Footpaths	1.46	2.10	0.64	1.31	0.17
Parks Hard Infrastructure	2.17	5.29	3.11	4.38	0.66
Parks Soft Infrastructure	1.08	1.20	0.12	0.76	0.15
Landfill Infrastructure	0.30	1.70	1.40	1.31	0.05
Freehold Land	0.59	2.13	1.54	0.40	0.01
Buildings	26.77	34.04	7.27	25.11	3.67
Furniture & Equipment	0.02	0.14	0.12	0.14	0.00
Computers	0.73	1.52	0.79	0.54	0.30
Plant & Machinery	2.51	4.39	1.88	3.90	1.37
<b>Total</b>	<b>43.31</b>	<b>69.08</b>	<b>25.78</b>	<b>47.68</b>	<b>7.44</b>

Further details on significant spending variances by project are disclosed in the attached CW Variance analysis report.

### Capital Funding

Capital funding sources are generally highly correlated to capital spending, the sale of assets and the rate of development within the City (for developer contributions).



Significant variances for June include:

- Transfers from financial reserves were \$13.80M behind budget.
- Road grants received were \$0.55M below the budget.
- Balance of GP Super Clinic grant funding for \$0.33M not yet received
- Developer contributions received under the Community Infrastructure plan are \$4.67M ahead of the YTD budget.
- Developer contributions for roads infrastructure was collectively \$0.75M ahead of the full year budget forecast across all DCP areas.
- Unbudgeted POS cash in lieu contribution received of \$0.69M (restricted funds).
- Proceeds from the sale of plant were \$0.35M behind YTD budget targets, mainly due to outstanding trades on waste and other trucks.
- Proceeds from the sale of various land holdings are collectively \$4.0M below full year budget. These include the Quarimor Road industrial land development, lot 40 Cervantes Loop, lot 23 Russell Road and the development of lot 702 Bellier PI & lot 65 Erpingham Rd.

### Cash & Investments

Council's cash and financial investments holding at June month end totalled \$109.2M down from \$117.0M the previous month.

\$85.4M represents the balance held in the cash backed reserves, up from \$64.2M the previous month due to EOFY reserve transfers. Another \$2.8M represents funds held for other restricted purposes such as deposit and bond liabilities. The remaining \$21.0M represents the cash and financial investment component of the City's working capital, available to fund current operations, liabilities and commitments.

The City's investment portfolio made a weighted annualised return of 3.97% in June, unchanged from the previous month. Whilst this compares favourably against the BBSW 6 month annualised rate of 2.66%, the return is trending downwards due to the low official cash rate of 2.50% impacting renegotiated terms on investment.

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are invested for terms ranging between three and twelve months in order to lock in the most



beneficial rate and meet the City's cash flow requirements. Factors considered when investing include maximising the value offered within the current interest rate yield curve and mitigating cash flow liquidity risks.

The RBA has reduced rates over the current round of quantitative easing by a total of 2.25%. However, the City's recent investment strategy of investing in terms nearer to the extent of statutory limits (12 months) has served to temper the negative impact on the City's total interest earnings.

Given we are now at the bottom of the current interest rate cutting cycle (consensus view of the market) the strategy is now to shorten the average duration for the investment portfolio. TD investments offering value over the shorter terms (3 to 6 months) are now preferred, subject to cash flow planning requirements. This will reduce risks associated with a potential increase in interest rates over the medium term. The City's investment portfolio currently has an average duration of 91 days.

#### Budget Revisions

Self-funding budget revisions have been made to several operational projects, resulting in increased funding of \$140k for LG reform activities undertaken during 2013/14. Legal Fees associated with LG Reform were increased by \$40k, whilst the State Government Grant for LG Reform of \$50k was matched by a City allocation of equal amount. The resultant \$100k was allocated to undertake a range of reports for the Local Implementation Committee on Finance, Human Resource and Information Technology issues. These reports have now been completed and will be presented to the next LIC meeting. \$11k has also been found to fund initial design work for a standby generator for the administration centre, due to the high frequency of power outages experienced recently.

#### Reserves

The adoption of the 2014/15 Municipal Budget provided for the establishment of the Reserve Fund to undertake the construction of the Regional Aquatic and Community Recreation Facility at Cockburn Central West, (CCW Project).

Now that the Reserve has been established funds need to be allocated to the reserve to ensure sufficient funds present to provide assurance to prospective Tenderers. In addition to the \$40m required from the Municipal Fund (Reserves), the Council has authorised the raising of loans directly and indirectly to fund the project.





As funds have been disbursed across a number of current reserves, the City will have to advertise the re-allocation of reserves to the new reserve as required by section 6.11 (2) of the Local Government Act.

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.
- (2) Subject to subsection (3), before a local government —
  - (a) changes\* the purpose of a reserve account; or
  - (b) uses\* the money in a reserve account for another purpose,
 it must give one month’s local public notice of the proposed change of purpose or proposed use.

The following funds will be used for another purpose:

From Reserve	To Reserve	Amount
Land Development Reserve	CCW Reserve	\$4,600,000
Major Buildings Reserve	CCW Reserve	\$5,400,000
DCA 13 Reserve	CCW Reserve	\$9,600,000
Waste & Recycling Reserve	CCW Reserve	\$8,300,000
Community Infrastructure Reserve	CCW Reserve	\$7,000,000
		\$0
Contaminated Sites Reserve	Waste & Recycling Reserve	\$2,518,882

The first five, identified above will be used to build the CCW Project with the sixth reserve being transferred back to the origination of the funds, being the Waste and Recycling Reserve

As such the CCW funds will be as follows:

CCW Reserve .....	\$34.90m
Loan funds .....	\$25.00m
Municipal Fund 2014/15.....	\$ 2.90m
Funds already spent .....	\$ 2.20m
<b>Total COC funds.....</b>	<b>\$65.00m</b>

Description of Graphs and Charts

There is a bar graph tracking Business Unit operating expenditure against budget. This provides a very quick view of how the different units are tracking and the comparative size of their budgets.



The Capital Expenditure graph tracks the YTD capital spends against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

A liquidity graph shows the level of Council's net current position (adjusted for restricted assets) and trends this against previous years. This gives a good indication of Council's capacity to meet its financial commitments over the course of the year.

Council's overall cash and investments position is provided in a line graph with a comparison against the YTD budget and the previous year's position at the same time.

Pie charts included show the break-up of actual operating income and expenditure by nature and type and the make-up of Council's current assets and liabilities (comprising the net current position)

### **Strategic Plan/Policy Implications**

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

### **Budget/Financial Implications**

Budget amendment included in the recommendation has no net impact on the City's closing Municipal budget position.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated reports – June 2014.



**Advice to Proponent(s)/Submissioners**

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

Nil

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (MINUTE NO 5355) (OCM 14/8/2014) - CITY OF COCKBURN  
DRAFT BUSHFIRE RISK MANAGEMENT PLAN 2014-2019 (027/007;  
028/027) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council seek public comment as part of the public consultation process on the Draft Bushfire Risk Management Plan 2014-2019, as shown in the attachment to the Agenda.

**COUNCIL DECISION**

MOVED C/r S Portelli SECONDED C/r Y Mubarakai that Council defer the release of the Draft Bush Fire Risk Management Plan for community engagement until the draft is refined and made more accessible / understandable to ratepayers, with the revised draft document being brought back to the October 2014 Ordinary Council Meeting.

**CARRIED 10/0**

**Reason for Decision**

Council needs more time to consider the implications of the Draft Bush Fire Risk Management Plan before it is released to the public for comment.



## Background

Under the State Emergency Management Plan for bushfire (*Westplan - Fire*), Local Government have responsibility for the prevention, preparedness and response to bushfire, within their district.

As part the prevention and mitigation component of *section 2.1.1 Westplan – Fire*, it is a requirement on Local Government to facilitate the commencement of a Bushfire Risk Management Plan (BRMP) (attachment 1) using the AS/NZS ISO 3100:2009 risk management framework outlined by SEMP 2.9 – Management of Risk.

## Submission

N/A

## Report

As part of the City's obligations under the *Emergency Management Act 2005* and *Westplan – Fire* it is a requirement for the City to have a comprehensive risk management plan in place covering all land tenures including unmanaged reserves (UMR) and unallocated crown land (UCL).

Under *Westplan – Fire* it is a requirement to use the templates and methodology supplied by the Department of Fire and Emergency Services – Office of Bushfire Risk Management.

Risk assessments were carried out on number of different land tenures to determine the risk of bushfire, consequence and likelihood for individual assets. All assets identified during this process were categorised into four groups:

- Human Assets (property and homes);
- Economic Assets (rail lines, gas pipelines etc);
- Environmental Assets (Council managed reserves and DPaW regional parks); and
- Cultural assets (registered aboriginal sites and assets from the Local Government Inventory as adopted by Council on 14 July 2011).

During the consultation phase of the draft BRMP the City's officers sought extensive collaboration from the following agencies;

- Department of Fire and Emergency Services (DFES);
- Office of Bushfire Risk Management (OBRM);
- Department of Parks and Wildlife (DPaW);
- Department of Lands;
- WA Planning Commission;



- LandCorp;
- Main Roads WA;
- Jandakot Airport Holdings;
- Western Power; and
- Department of Education.

Mitigation strategies assigned within the *Treatment Schedule* of the draft BRMP are currently restricted to a recommendation on all crown land due to the limitations of *Section 33* of the *Bush Fires Act 1954 (as amended)*.

It is anticipated that the new Emergency Services Act will require Government Agencies to proactively reduce fire risk on land managed by them. The City of Cockburn BRMP will in the first instance be a voluntary guide on what the City sees as required to reduce fire risk on crown and other government land.

Should the BFMP be adopted there are some mitigation strategies that may be difficult to achieve such as hazard reduction burns. The experience from DPAW for example has been that it is difficult to get suitable experienced personnel to carry out the work when the weather conditions are suitable.

### **Strategic Plan/Policy Implications**

#### **Growing City**

- To grow our City in a sustainable way by: using land efficiently, protecting the natural environment and conserving biodiversity.

#### **Community & Lifestyle**

- Safe communities and to improve the community's sense of safety.

#### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.
- A culture of risk management and compliance with relevant legislation, policy and guidelines

#### **Environment & Sustainability**

- To protect, manage and enhance our natural environment, open spaces and coastal landscapes.

### **Budget/Financial Implications**

Endorsement of a BRMP by Council will require additional bushfire mitigation works be carried out on lands managed by the City. The cost of these works will be identified on the completion of the Community Consultation period for consideration by Council.



### **Legal Implications**

Bush Fires Act 1954 (as amended)  
Emergency Management Act 2005

### **Community Consultation**

Community engagement was conducted during the consultation phase of the draft BRMP. This engagement was carried out through two workshops to gain the residents views, on a range of topics relating to bushfire risk and gauging the resident's level of acceptance of risk associated with mitigation strategies. The workshops were extensively promoted within the community to ensure a diverse group of residents attended.

Residents that attended the workshops showed a strong desire to have a BRMP incorporated into the City's management of reserves and other land owned by the State. Salient findings of the community engagement workshops were added as appendix 6 within the draft BRMP.

The draft BRMP adopted by Council will be advertised for public comment in the Local newspaper, website and social media for comment.

Those groups who participated in the initial consultation process will be advised that the draft is available for review and public comment.

### **Attachment(s)**

Draft Bushfire Risk Management Plan (BRMP)

### **Advice to Proponent(s)/Submissioners**

The Proponent(s) have been advised that this matter is to be considered at the 14 August 2014 Council Meeting.

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

Nil

## **19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil



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

Nil

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

Nil

**22 (OCM 14/8/2014) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

**Deputy Mayor Carol Reeve-Fowkes** – requested that a report be prepared on potential traffic calming for Barrington Street (west) to identify opportunities to improve the safety for residents, wildlife and motorists. There have been several accidents along this road in the last few years and the traffic on Barrington Street has increased as motorists seek to avoid congestion at Rockingham Road/Mayor Road/ Stock Road intersections. A traffic count and review for potential safety improvements would be appropriate now, with the report to be brought back to Council for the October 2014 OCM.

**Mayor Logan Howlett** – requested that a report be prepared and presented to the September 2014 Ordinary Council Meeting detailing car parking options for businesses, residents and visitors within the Cockburn Central Town Centre.

**23. CONFIDENTIAL BUSINESS**

Nil

**24 (MINUTE NO 5356) (OCM 14/8/2014) - 24 RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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



**COUNCIL DECISION**

MOVED Deputy Mayor C Reeve-Fowkes SECONDED Cllr L Smith that the recommendation be adopted.

**CARRIED 10/0**

**25 (OCM 14/8/2014) - CLOSURE OF MEETING**

The Meeting closed at 8.18 p.m.

**CONFIRMATION OF MINUTES**

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

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

