

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 MAY 2009 AT 7:00 PM

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# CITY OF COCKBURN

## MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 MAY 2009 AT 7:00 PM

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### PRESENT:

#### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Ms L Smith	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

#### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr D. Vickery	-	Acting Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms T. Truscott	-	Media Liaison Officer
Ms V. Viljoen	-	PA to Chief Executive Officer

### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm and acknowledged the presence of former Mayor Mr Ray Lees (JP), Freeman of the City of Cockburn. He then made the following announcements:

#### **Prime Minister Kevin Rudd - Community Jobs Forum Launch**

The City of Cockburn was selected by the Prime Minister's office to launch the Community Jobs Forum on Tuesday, 21 April 2009. The Prime Minister discussed local responses to the global financial crisis and the challenges of unemployment and training with people from across the South West



Metropolitan Region. About 200 representatives from local business groups, industry, education and training organisations joined those who are currently unemployed or in transitional vocational training to share their thoughts with the Prime Minister at the forum.

### **Recognition of Service**

Clr Ian Whitfield, Rob Avar, Community Services Manager and Mayor Howlett attended a FESA and City of Cockburn joint recognition of service to fire fighting volunteers:

- Steve Filer - 30 years
- Louise Filer – 30 years
- Frank Massey – 35 years

These people have served the Cockburn community and the wider community with distinction in terms of volunteering over such an extensive time and we should all be proud of them.

### **Wedding Anniversary**

John (Jack) & Ailsa Clementi celebrated their 70<sup>th</sup> Wedding Anniversary this week. They were both surprised when Mayor Howlett visited them at their home to convey a congratulatory message from the citizens of Cockburn on their very special day.

### **State Budget Outcomes**

The Member for Jandakot, Joe Francis MLA advised Mayor Howlett prior to the meeting that the City of Cockburn had received funding for a number of major projects in Cockburn, including:

- a new FESA Headquarters at Cockburn Central;
- a primary school in Aubin Grove;
- an extension to Atwell College; and
- Roe 8 (subject to a contribution from the Federal Government).

A media announcement would be made on Friday, 15 May 2009 relating to commuter parking at Cockburn Central that should please a lot of people. Other funding for smaller projects would also be provided.

The only downside to the news was a 350% increase in the waste services levy. This would adversely impact on the City's current budget deliberations.

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

N/A

2



**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 14/5/2009) - 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 declarations of interest from Deputy Mayor Kevin Allen on Item 14.11 and Cllr Tony Romano on Items 13.3 and 14.11, which would be read at the appropriate time.

**5. APOLOGIES AND LEAVE OF ABSENCE**

Nil

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

Nil

**7 (OCM 14/5/2009) - PUBLIC QUESTION TIME**

**Golda Tomas – Spearwood** (on behalf of 317 Rockingham Road)

*Item 14.1 - Change of Use – Retrospective (Grouped Dwelling to Lodging House) Location: 314 (Strata Lot 1) Rockingham Road, Spearwood*

*Q1 How many other lodging houses are in the district and where?*

A1 There are currently six approved lodging houses within the City of Cockburn. They are located at:

- China Southern Flying College - Jandakot Airport
- Jandakot Chalet Centre - Jandakot Airport
- Singapore Flying College - Jandakot Airport
- 110 Yangebup Road, Yangebup (Homeswest Group Disabled Residence)
- Hamilton Apartments - 163 Healy Road, Hamilton Hill
- Winterfold House - 17 Winterfold Road, Hamilton Hill

*Q2 Are two bathrooms (bath) and two toilets sufficient for 16 persons?*



- A2 Under the provisions of the Building Code of Australia, two bathrooms and two toilets are adequate for 30 persons. The site assessment conducted by the City's Health Service identified that the dwelling has three unisex toilets which accords with the statutory requirements.
- Q3 *Parking at present are okay, but when there are 16 occupants there is no way enough parking?*
- A3 The parking provided for the proposed development complies with Council's Town Planning Scheme requirement of 1 bay for every 4 beds. The proposal does comply with statutory requirements.
- Q4 *Only 4 letters sent out regarding application. How can you expect more responses?*
- A4 The proposal was advertised to all abutting landowners and those opposite the subject site, as these were considered to be the only affected properties. It is noted that this is a retrospective application and to date no complaints have been received in regard to the use of the property.
- Q5 *This type of zoning will devalue our properties.*
- A5 The claim in respect to devaluing properties is unsubstantiated and is not a relevant planning concern in considering this application, as previously determined by the State Planning Tribunal.
- Q6 *When a lodging house approved, is a permit given or is it an open thing that goes on forever, or is it a six month trial or a twelve month trial?*
- A6 There are two approvals, one is the planning approval which is under consideration by Council tonight. The second is a lodging house licence which is an annual approval and that is where it is assessed against the statutory health requirements. As I mentioned in answer to the first question, there are six approved, licensed lodging houses in the City.

**Karen Franke – Attadale**

*Item 14.11 - Consideration to Adopt Phoenix Central Revitalisation Strategy*

- Q1 *Aside from the Council's argument that areas only within 0.4km radius of Phoenix Shopping Centre have been considered in the plan for rezoning which has divided Pilgrim Way in to two sections, why haven't my very practical and legitimate reasons for wanting our block at 16 Pilgrim Way included in this plan been given serious consideration which means the difference between being able to develop our block in the near future or not due to extremely high cost site works as this would give us the opportunity to build two dwellings*





*for the same site costs and improve the amenity of the area rather than leaving it as a vacant lot?*

- A1 The submission lodged in respect to Pilgrim Way was taken into consideration as part of the assessment, however it is still considered appropriate that the northern end of Pilgrim Way remain in the area to be considered as part of a separate Hamilton Hill Study. This is programmed to commence later this year. The reason for this is that the northern end of Pilgrim Way has a spatial relationship to the Memorial Hall neighbourhood centre, being within 400m (5 minute walking distance) of this centre. Given the relative distance from the Phoenix town centre, and the lack of clear spatial relationship to that centre, it is not considered appropriate to propose higher residential densities for the northern end of Pilgrim Way in the context of the current study. However, given that this area is located within the 400m walkable catchment of the Memorial Hall neighbourhood centre it may be identified for higher residential densities as part of that future study. It should be noted that not all properties within the Phoenix Revitalisation Strategy study area have been identified for proposed higher residential densities. For example, properties south of the railway line in Spearwood that are located outside the 800m walkable catchment are proposed to remain coded R20 given the distance from the Phoenix town centre.

The value of land and houses is determined by the Valuer General of WA and not by the City of Cockburn. The value of vacant land is derived by the Valuer General using 5% of the capital value/market value of the land in question. Vacant blocks in Hamilton Hill are selling for \$300,000 \$400,000 for 800 square metres. Based on this capital value, the Valuer General has applied a 5% rule and derived a Gross Rental Value of approximately \$15,000, from which Council then applies a rate in the dollar of approximately \$1,100. For land on which a house stands, the Valuer General determines what rent a house would potentially earn if leased. The Valuer General has determined that rents in Hamilton Hill for valuation purposes are between \$170 to \$250 per week. The City has tried to remedy this position by introducing a new rate in the dollar where by if a land owner is building or has lodged/issued with a building licence, the City would rate the block at the lower or residential rate in the dollar. The City does have a vacant land rate in the dollar and has had one for the past twenty years so as to encourage land owners to develop land rather than leave it vacant.

- Q2 *Why hasn't the natural boundary of the whole street been incorporated into the proposal and why are we being charged unreasonable rates of \$1600 per annum for a vacant lot when an owner of a house in Blackwood Avenue is paying \$800 per annum?*

- A2 The reasons for not including the whole street within the study area are as previously stated.



**Robyn O'Brien – Munster**

*Item 14.10 - Proposed Structure Plan Amendments – Australian Marine Complex Technology Precinct – Location: Various Lots Bound by Frobisher Avenue, Rockingham Road and Russell Roads*

Q1 *In the attachments to the Agenda, the location map of Munster is not accurate, it shows blocks that are not accurate. On the page where the WaterCorp makes its submission, it says they would like Council to clarify TPS3 provisions – the land is zoned special use, it is a development zoned DA6 and in the Council's recommendation next to the WaterCorp wording Council has here that "DA6 provisions provide land uses that are not provided in the buffer area" – they are talking about Woodman Point Waste Water Treatment Plant buffer. It says here "the Structure Plan also provides a notation which states that the land uses are to be in accordance with DA6". As Councillors probably know, we went to SAT protesting the fact that there was an odour buffer there.*

The Presiding Member asked Mrs O'Brien to ask her question as she was running out of time.

*We went to SAT and their decision was - the Council argued strongly that there was an odour buffer and that Council put the odour buffer in Scheme Amendment in 2002. That means that this odour buffer that you are talking about here, accordingly to our lawyers, if you agree to the wording agreeing to the amendment that your Council officers have recommended, this wording according to our lawyers will lead you to compensation. The wording needs...*

The Presiding Member again asked Mrs O'Brien to ask her question.

*I sent you a letter, Mr Mayor, and asked you to get legal advice and talk to people about this. Are the Councillors aware that I notified you that we will be taking legal action and that I asked for a meeting with people and asked for a deferment of this portion of this until such time as we had that meeting because I do not want to go the legal way but if we need to we will and you have ...*

The Presiding Member again advised Mrs O'Brien that she was making a statement and needed to ask her question.

*My question is: do any of the Councillors know what I have just said?*

A1 The Presiding Member advised that he had spoken with the Chief Executive Officer and the Director Planning & Development, and that Council would get back to her regarding the request for a meeting.

Q2 *Do the Councillors know that I wrote to you stating that if they agree to*



*this today that will lead Council to a state of compensation?*

- A2 The Presiding Member advised that Council could not make any comment on a legal issue.

### **Patrick Thompson – Spearwood**

#### *Item 14.11 - Consideration to Adopt Phoenix Central Revitalisation Strategy*

Q1 *Looking at the map of Spearwood Avenue, it looks like it is the same as Phoenix Road. Is Spearwood Avenue going to be a dual carriageway?*

- A1 Spearwood Avenue between Hamilton Road and Doolette Street, is depicted on the plans as a dual carriageway, which means there is a lane of traffic for each direction and an island in the middle.

Q2 *Is it going to be upgraded to two lanes in each direction?*

- A2 The Acting Director Engineering & Works advised that he believed it will but would take the question on notice and respond in writing.

Q3 *In relation to my specific property, it is zoned R40 – can you confirm that is what 10 Edeline Street will be?*

- A3 At this stage all that is currently before Council is a recommendation. Council has yet to make a determination whether they support that recommendation and, even if Council does support it, it will still need to go through a re-zoning process which means it will have to go through further public consultation and Council; and ultimately the Minister will make a determination on whether the land is re-zoned or not.

#### *Item 14.1 - Change of Use – Retrospective (Grouped Dwelling to Lodging House) Location: 314 (Strata Lot 1) Rockingham Road, Spearwood*

Q1 *There seems to be a bone of contention. I personally do not have a problem with it becoming a lodging house. I would much rather see something done with it rather than see what has happened to the old church and see it rot, which is what seems to be happening to most old properties. People seem to throw their arms up when anything changes. Does Council have a policy regarding older properties that just get a fence ringed around them, like the old church and the Newmarket pub, or do we just leave them to rot until such time as a great white charger comes along?*

- A1 It is the responsibility of the actual landowner to undertake any redevelopment, not Council. However, as pointed out with studies such as the Phoenix Central Revitalisation, what Council is trying to



put in place is zoning and provisions that actually encourage people to redevelop their properties and, in particular, the older properties.

The Chief Executive Officer made an observation on the Newmarket Hotel stating that Council had considered two redevelopments for that site, both of which would have been approved but each development stopped for either want of finance or the sale of the land did not proceed as was predicated.

**Debbie Gibson –Hamilton Hill**

*Item 14.11 - Consideration to Adopt Phoenix Central Revitalisation Strategy*

Q1 *According to the map, the area around the Southwell precinct is R30. My block borders on Southwell Park which is public open space. Is it R40 zoning where it is shaded over with blue ink and what are the total height restrictions for the property in the back of that block so that when the block is sub-divided what is the height restrictions there?*

A1 Unfortunately, without knowing exactly which property you are talking about, it is difficult to answer the question. The actual colours will distinguish whether it is R40 or R30 – whether it is beige or pink in colour. The actual blue hatching relates to areas whether Council considers require special design controls, or there is a certain standard or higher standard in terms of residential development. In fact, if it falls within an area where there is blue hatching, part of the special design guidelines that will be prepared will determined the building heights. Essentially, all residential development within the City is governed by the Residential Planning Codes which look at the issues of terms of specifying maximum heights of buildings, which is roughly 2-3 storeys.

*You rare not giving me the height in metres.*

This is specified in the Residential Planning Codes and, as previously stated, we would have to look at the specification codes and planning codes to give a response.

The Presiding Member suggested Ms Gibson could discuss this matter in more detail with the Director Planning & Development, after the meeting.

Q2 *The next part of my question is the distance from the fence line. There is a property five houses from my house, which has less than a metre between the concrete wall and the fence line which is presently being built.*

A2 Once again, the actual set-backs to property boundaries are set by



the Residential Planning Codes and the set backs are determined by the length and height of the wall, whether it has any windows or openings within that wall, and there is a table that dictates that. The Director Planning & Works advise he and his officers would be quite happy to meet with Ms Gibson to go through those provisions and how they are applied.

- Q3 *Regarding these issues, they really need to be part of the documentation we are seeing in the Council foyer or the shopping centres. These are the things that will alert people most to be concerned, not just the fact that you are going R40 or R30 but the actual heights and distances to fence lines – do you agree?*
- A3 That is why, within the study, Council has identified there are areas where Council will need to develop residential design guidelines that actually specify these things. One of the recommendations is that if Council adopts this Strategy, the officers then go about developing those guidelines in consultation with the residents in those areas. It is premature to say that because Council has not, as yet, got around to developing those guidelines.

### **Frank Williams – Spearwood**

*Item 14.1 - Change of Use – Retrospective (Grouped Dwelling to Lodging House) Location: 314 (Strata Lot 1) Rockingham Road, Spearwood*

- Q1 *Is there any regulation as to the amount of density allowed for lodging houses. I think what has happened is you have a lodging house that has reapplied as a lodging house, and you now have another one that has 25 units that is being proposed. I think what people are scared of is that amount of density you have in an area like that. Is there a regulation or numbers that the City of Cockburn would allow in a set area?*
- A1 Council does not have a policy for determining the number of lodging houses that can be placed within a specific area. Basically, the actual zoning which is a residential zone permits lodging houses to be considered, so we do not have anything in terms of specifying the numbers. In terms of specifying the numbers within an individual site, lodging houses are not considered to be residences and therefore the issue of residential density does not apply because a lodging house actually relates to the number of people residing in a property, whereas the residential density refers to the number of dwellings in an specific area not how many bedrooms are contained within that dwelling. Each individual application is considered on its own merits. It is determined in terms of the use - it looks at the number of bedrooms, the number and type of facilities that are required to be provided and the number of car parking bays – which tends to dictate how many people may reside in a proposed lodging house.



Q2 *Would you be, as a Council, concerned – and I try to be politically correct as we have a social economic area with that type of clientele and I have great empathy for those people as I work in a non-profit group – so I am comfortable with lodging houses, but I am wondering if you as a Council are concerned with the amount of density in that area.*

A2 As indicated before, each application has to be considered on its own individual merits. When an application is lodged before Council, we look at that proposal as to whether it is appropriate in that particular location, is it close to facilities in terms of shops within walking distance and whether there is good public transport. A lot of people who use lodging houses are usually dependent upon public transport and do not have their own vehicles, so we look at those sort of aspects in considering each application.

### **Valerie McLeod – Spearwood**

*Refers to Item 14.1 - Change of Use – Retrospective (Grouped Dwelling to Lodging House) Location: 314 (Strata Lot 1) Rockingham Road, Spearwood*

Q1 *We have been notified there is a proposal for a lodging house containing 36 single rooms for 316 Rockingham Road which was once the Cockburn Medical Centre. This is going to be placed directly behind us, we are in an Over 55s unit and I have a petition that has been signed by a number of people who are concerned about this project going ahead. I know Council has not yet passed that but I know it is going to come before Council and it is not a good position. You already have a house next door to it that has 16 people in it and you will have another 36 people when this is finalised. To start you will have 14 rooms in the original building, and behind it you have double storey “boxes” or “dongas”....*

The Presiding Member advised Ms McLeod that the item was not on the Agenda.

*It is not on the agenda but it has been discussed and I would just like to bring it to people’s notice now.*

The Presiding Member advised Ms McLeod that he would accept her petition.

### **Dot Hopkins – Coogee**

*Item 14.11 - Consideration to Adopt Phoenix Central Revitalisation Strategy*

Q1 *Does Council and Councillors realise how important open space is for*



*the wellbeing of Cockburn residents, especially referring to the grounds surrounding the present Council buildings. Does Council and Councillors realise Council buildings stand on former fruit growers' land and is of great historic value to residents and I am sure these old residents would not be in favour of this open space being continually filled up with more buildings.*

- A1 When Council officers have tried to ensure, when looking at the development of the administration site, that there is a significant amount of green space provided for any potential residences should Council decide to look at residential development on this actual site. They have also looked at trying to retain, wherever possible or practicable, the existing mature vegetation. In fact the recommendation talks about creating a small lake with vegetation around it; also looking at potentially creating a grassed town square which people could use and enjoy. In respect to the issue of who has tenure of the land, only a portion of the site was vested or granted over to Council from the market garden operations and that was ceded to Council on the basis it be retained for civic use and within the development that is all that is proposed to be developed in that area. The balance of the site was not part of that grant given by previous owners and that is the area where development will be determined by Council, including residential areas.

### **Zoe Inman – Coogee**

*Item 14.10 - Proposed Structure Plan Amendments – Australian Marine Complex Technology Precinct – Location: Various Lots Bound by Frobisher Avenue, Rockingham Road and Russell Roads*

- Q1 *Are Councillors aware of the area around Fawcett Road that is in the Structure Plan proposal for the Marine Complex. The area that is proposed for the oval (from my understanding of the drawings) has a lot of very mature trees in it. I have a suggestion that instead of putting a green oval in that area where there is a low density of residents, that actually make it part of the Lake Coogee Reserve, maintain the trees and keep it as a public open space and put an oval and park in another part of Cockburn that is a lot more accessible to children and residents by walking rather than by having to drive. I would like to know if Councillors are aware of the area where this oval is proposed and could they consider an alternative place for the oval and maintain all of the Tuart trees and other mature trees in the area as more of a natural public open space.*
- A1 The Presiding Member advised Ms Inman that all Elected Members were aware of the issues she had raised.



**Robyn O'Brien – Munster**

*Item 14.11 - Consideration to Adopt Phoenix Central Revitalisation Strategy*

*Q1 Is there any extra public open space proposed in the Phoenix Revitalisation Plan from the existing parks already there?*

A1 There is not any increase in the amount of public open space proposed on the Phoenix Revitalisation Strategy. It should be noted that the State Government policy is that the amount of public open space is determined by the amount of developed land, not on the basis of actual densities. Therefore there is no proposal to increase public open space, the option being that if Council chooses to increase public open space, the only way it could achieve that would be to resume existing residential properties.

*Q2 Is it the case that when you have parks that service the existing families, when you are putting huge amounts of extra densities in then all those extra people will have to use those same parks. How do you explain to us that what you have there is enough public open space for all the extra population?*

A2 As previously stated, the requirements are based on the land areas not on the actual residential densities in terms of determining public open space. What it would mean is a greater utilisation of those existing parks and reserves.

**Mary Jenkins – Spearwood**

*Item 14.11 - Consideration to Adopt Phoenix Central Revitalisation Strategy*

*Q1 With all this planning for high rise along Rockingham Road and along the bottom end of Spearwood Avenue, what is going to happen to Rockingham Road and the traffic on Rockingham Road? Has a proper traffic assessment been done and if so, we would like to see it because Rockingham Road is already over-stressed and chaotic and you are bringing in an awful lot of residents and offices in your plan to use Rockingham Road.*

A1 Yes, a traffic study has been undertaken and that documentation has been available on Council's website and at the library since the middle of last year.

**Robyn Scherr – Coogee**

*I have submitted two petitions to Council this evening. Mayor Howlett has agreed to read those petitions out at this meeting and I ask*





*Council to give due consideration to the requests of those petitioners.*

The Presiding Member acknowledged receipt of the two petitions (which will be read at the appropriate time.)

### **Mary Jenkins –Spearwood**

#### *Deep Sewerage in Hamilton Hill*

*Q1 I do not know whether council is aware, but the State Government has halted the funding of the sewerage project and that means that the people of Hamilton Hill will not get their deep sewerage and a lot of people have big holes in their gardens waiting for it. The Premier said he is concerned about jobs, those people who have been doing the deep sewerage have more or less been given notice. I would like Council to actually lobby for the people of Hamilton Hill so that this sewerage project will be completed.*

The Presiding Member advised Council would take the matter on notice in terms of discussing it with the officers concerned.

### **Patrick Thompson – Spearwood**

#### *SMRC - Waste Disposal Fees*

*Q1 I recently noticed that our waste disposal charges are going to increase because the SMRC recycling plant in Canning Vale is howling poverty because the commodity prices have reduced for their recycled products. Can Council please advise during the last calendar year how long the SMRC was open because it was closed a number of times because of odour aspects?*

*A1 The SMRC has not been closed at all in the last calendar year for the receipt of waste. Very occasionally some of the digesters are taken off line for maintenance, at which time a portion of the municipal solid waste only will go to landfill instead of being processed at the facility, but the site has not been closed.*

With regard to your first statement, world commodity prices have collapsed. It is the same principle that has happened to the iron ore and other mineral exports. Council cross-subsidise the waste levy with the income Council receives from the sale of the recyclables. The SMRC is one of the few facilities that is still able to export, because the quality of the product produced through the materials recovery facility is the highest standard in Australia.

*Q2 How many other general tips are there within the area of the SMRC, apart from Henderson.*



- A2 The only facility other than Henderson is the Miller Road landfill in the City of Rockingham.
- Q3 *Could you please advise why, if it is so necessary for our waste to go to the SMRC in Canning Vale, that we have spent an inordinate amount of money lining the Henderson tip with gas recycling, all sorts of decontaminant, etc., if what you are saying is it goes to the SMRC when it is open, because in my experience I have been to the Henderson tip a number of times and all I see there are City of Cockburn waste disposal trucks dumping into that facility.*
- A3 The waste that goes to the Henderson landfill is predominantly commercial waste. The City made a decision a number of years ago when it joined the SMRC to put all its domestic waste, i.e. the household waste, through the SMRC. By the time the green bin waste is separated and the organic content removed, about 50% still ends up in landfill. In other words, it is waste we cannot process. One of the things that people are deliberately throwing in their green bin is material that could otherwise be recycled, i.e. cardboard and paper that should go in the yellow bin. That is one of the reasons why officers are recommending to Council this year, as part of the budget considerations and based on previous community feedback, is that we introduce a weekly recycling service, which means the yellow bins would be picked up every week. Council knows through the trial it did in the Bibra Lake area, that it will increase the recycling rate by about 25%, so Council is hopeful that as a result the amount of waste being processed through the waste recovery facility will go up and the amount of landfill will go down.
- Q4 *I presume the reason for recycling is to reduce the carbon footprint/greenhouse effect. Does it make any sense to transport my rubbish from Spearwood to Canning Vale, to sort it and then take 50% of it back to the Henderson landfill? That does not make any sense to me. It would make more sense to take my rubbish straight to Henderson and the carbon footprint would be much less than taking it to Canning Vale and then back to Henderson.*
- A4 The Presiding Member suggested Mr Thompson should discuss this matter with the officers, following the meeting.



## 8. CONFIRMATION OF MINUTES

### 8.1 (MINUTE NO 3940) (OCM 14/5/2009) - ORDINARY COUNCIL MEETING - 09/04/2009

#### **RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 9 April 2009 be adopted as a true and accurate record.

#### **COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

## 9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

## 10 (OCM 14/5/2009) - DEPUTATIONS AND PETITIONS

The Presiding Member accepted four petitions that were tabled at the meeting, as follows:

1. Mrs Val McLeod tabled a petition from the residents of Edeline Street in reference to the proposed lodging house on Lot 103 (#316) Rockingham Road stating that the undersigned opposed the development of a two storey lodging house.
2. Mrs Robyn Scherr tabled a petition from residents of Cockburn requesting the removal of 36 Norfolk Island Pines recently planted in the lawn area at Coogee Beach.
3. Mrs Robyn Scherr tabled a petition from the residents of Amity Boulevard requesting the City of Cockburn to take action to reduce the incidence of speedsters and hoons endangering residents, pedestrians and other traffic on Amity Boulevard, Coogee.
4. Deputy Mayor Allen tabled a petition he had received from Vjeko and Patricia Jakovcevic supporting the proposal to name the public open space at Lot 129 West Churchill Avenue, Munster, "Solta Park" to commemorate all those people who came from that island and made an important contribution to the City of Cockburn.



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

Nil

**12 (OCM 14/5/2009) - DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER**

Nil

NOTE: AT THIS POINT IN THE MEETING, THE TIME BEING 7.56PM THE FOLLOWING ITEMS WERE CARRIED BY AN 'EN BLOC' RESOLUTION OF COUNCIL:

14.2	14.5	14.8	14.15	15.1	16.1	17.1
14.3	14.6	14.9		15.2		
14.4	14.7	14.12				

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 3941) (OCM 14/5/2009) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS (DAPPS) COMMITTEE AND PROPOSAL FOR THE ESTABLISHMENT OF A BUDGET COMMITTEE (1054) (D GREEN)**

**RECOMMENDATION**

That Council:

- (1) disbands the Delegated Authorities, Policies and Position Statements Committee;
- (2) requires all items previously considered by the Committee to be presented directly to Council for consideration;
- (3) not establish a Budget Committee and continue to prepare its Annual Budget in accordance with the timetable contained in Policy SC34 "Budget Management"; and
- (4) reviews these matters following the October, 2009 Council elections.



**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Deputy Mayor K Allen that Council adopt the recommendation with the following amendment to Item (2):

- (1) as recommended;
- (2) require all items previously considered by the Committee to be presented directly to Council for consideration on a regular basis;
- (3) as recommended; and
- (4) as recommended.

**CARRIED 8/2**

**Reason for Decision**

DAPPS meetings have been held tri-annually in March, July and November. By disbanding this committee and having items coming directly and regularly to full Council, it will avoid delays and will result in a significant efficiency gain to the organisation.

In respect to the proposed Budget Committee, Council Officers have undertaken extensive research of the practices of other Local Governments, relative to Budget processes. The research has involved the collection of information from thirty one metropolitan Councils. The majority of Councils in the Perth Metropolitan area operate in a similar manner to that currently practised by the City of Cockburn. Council believes it is not considered necessary to establish and maintain a committee system that is unnecessary to accomplish its outcomes.

**Background**

At the Council Meeting held on 9 April 2009, the following matters were listed for investigation:

- (1) *Mayor Logan Howlett has requested a report be prepared on the formation of a Council Budget Committee on the basis that committee being open to the public, including provision for public question time.*
- (2) *Mayor Logan Howlett has requested a report be prepared on the Council's Delegated Authorities, Policies and Position Statements Committee (DAPPS), including potential*



*delegations and it being open to the public, including a provision for public question time.*

## **Submission**

N/A

## **Report**

### 1. DAPPS Committee

At the November 2007 Council Meeting, a report was presented which recommended that Council disbands a number of Committees that had been established prior to that time and seek to have the business formerly conducted by these Committees to be attended to under the auspices of specific reference groups.

This enabled the administration of a number of functions undertaken by Council to be dealt with in a manner which was not constrained by the formal requirements of established Committees. This is particularly relevant to the administrative requirements placed on Committees pursuant to the Local Government Act, 1995.

These requirements include the preparation of reports, agendas, minutes, notification of meetings and preparation of Council Agenda items to receive and adopt the recommendations of any Committees, all of which are administratively time consuming and otherwise unwieldy.

The decision of Council to disband a number of Committees and conduct relevant business by the establishment of specific interest groups created a far more efficient mechanism for related functions to be administered. Having evaluated the effectiveness of this system, it is timely to consider the role of the DAPPS Committee and whether its business can be conducted in an alternative format.

Since its establishment in 2007, DAPPS meetings have been held tri-annually in March, July and November. While there is scope to convene extra meetings on an as required basis, there has not been the occasion to do so. Therefore, the frequency of these meetings has not caused any logistical problems for its membership.

However, administratively, there have been many occasions when an officer has not been able to present a related new or amended item to Council in the interim, because of the requirement for all associated issues to be originally considered



by the Committee. This has in some cases resulted in unnecessary delays of up to 3 months in having valid matters of policy or delegations considered by Council. Such delays are unnecessary and can be avoided by simply having the issues currently considered by the DAPPS Committee being presented directly to Council.

Statistically, Council has dealt with an average of 17 items per meeting over the past 12 months. Each meeting has had an average duration of 1.25 hrs. DAPPS Committee Meetings held during the corresponding month have considered an average of 23 items per meeting (70 in total). If these matters were included as items directly for Council consideration, it is unlikely that the duration of Council meetings would be extended by any more than 30 minutes. This would result in a significant efficiency gain to the organisation through reduced meeting time (DAPPS Committee Meetings are of an average 1.25 hrs duration per meeting) and reduced paper wastage from not having to produce copies of Committee Agendas and Minutes, the latter of which then have to be duplicated for the Council Agenda.

In addition, there is no requirement for staff to withhold policy and delegation issues for an occasional Committee meeting to be convened.

Given this anecdotal evidence, it is considered that the retention of a DAPPS Committee could be superfluous to Council's requirements.

## 2. Proposed Budget Committee

In order to ascertain the suitability of this proposal, extensive research of the practices of other local governments, relative to budget processes, was undertaken.

This research involved the collection of information from thirty-one metropolitan (including immediately adjacent) Councils and the procedures followed leading to the adoption of the annual budget in each case. This revealed that only one Council (City of Perth) has a Committee dedicated to the oversight of the annual budget process. Five other Councils (Mundaring, Subiaco, Peppermint Grove, Rockingham and Armadale) recommend the adoption of the annual budget through a multiple disciplined committee which has financial monitoring as one of its functions.

Seven other Councils (Bassendean, Cambridge, Claremont, Cottesloe, East Fremantle, Fremantle and Joondalup) have an established committee system which generally provide



recommendations on their functions for Council consideration, however, do not include consideration of the annual budget. In each case, the annual budget is considered by the Council at either an Ordinary or Special Meeting.

The eighteen remaining local governments present the annual budget direct to either an Ordinary or Special Meeting of Council for adoption.

It is interesting to note that a number of these local governments undertake preliminary *workshops* between Elected Members and Senior Staff to frame the principles of the budget prior to formal adoption. It must be highlighted that there is no capacity for formal decisions to be made at such workshops and that the forums can only legally be convened for the purpose of information provision and responding to questions or enquiries related to the budget.

It is apparent that the majority of Councils in the Perth metropolitan area operate in a similar manner to that currently practiced by the City of Cockburn, whereby preliminary advice and information is provided to Elected Members over a period of time preceding the adoption of the budget documents at a formal Council meeting. While there is a variety of alternatives available for Council to consider in the preparation of its budget, there would appear to be little benefit to be gained by the formation of a formal committee to replace the processes currently undertaken by the City.

### 3. Conclusions

While there are advantages in the operation of committees for the conduct of Council business, it is also an inefficient use of resources which is being utilised less frequently by local governments generally.

The Department of Local Government, as stated in its 2007 Probity Compliance Audit Review, supports any actions taken by Council to rationalise its meeting structure to ensure that it does not become difficult to manage. It also questions whether the mere endorsement or acceptance of Committee Minutes in their entirety is sufficient to clarify what actions or decisions council is suggesting. It noted that the operation and oversight of Council committees is a time consuming task which requires a high level of administrative resource to ensure it is correctly undertaken.

Accordingly, it is not considered necessary to establish and maintain a committee system which is both administratively burdensome, resource intensive and unnecessary for Council to accomplish its desired outcomes.





As all non-statutory committees established by Council are effectively operational only until the October 2009 Elections, there is an opportunity for Council to trial the effectiveness of the recommended actions until that time and reconsider its options following the electoral cycle.

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

Sec. 5.11 of the Local Government Act, 1995, refers.

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

**13.2 (MINUTE NO 3942) (OCM 14/5/2009) - LOCAL GOVERNMENT ELECTIONS 2009 (1700) (D GREEN)**

**RECOMMENDATION**

That Council:

- (1) declare in accordance with Section 4.20(4) of the Local Government Act, 1995, the Electoral Commissioner to be responsible for the conduct of the 2009 Ordinary elections together with any other elections or polls which may also be required;



- (2) decide, in accordance with Section 4.61(2) of the Local Government Act, 1995, that the method of conducting the election will be as a postal election; and
- (3) seek clarification from the Minister for Local Government on the method of voting to be used for the elections.

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

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Cllr I Whitfield that the recommendation be adopted.

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

**Background**

Council is required to conform with statutory procedures prior to each ordinary election day, if it wishes to undertake its elections by postal voting. This relates to declaring the Electoral Commissioner to be responsible for the elections and that the method of voting be by postal vote.

**Submission**

N/A

**Report**

There will be six(6) vacancies on Council for the 2009 elections, being the Mayor, two Councillors in each of the West and Central Wards and one Councillor in the East Ward.

Retiring members are Mayor Howlett, Councillors Allen and Romano (West Ward), Councillors Oliver and Baker (Central Ward) and Councillor Smith (East Ward).

Council has recently received correspondence from the Western Australian Electoral Commissioner advising of its agreement to be responsible for the conduct of these elections, plus any extraordinary elections and/or polls of electors.



The correspondence also contains an implied invitation for Council to utilise the Commissioner's services to undertake the elections on Council's behalf.

To comply with the provisions of the Act, Council is required to adopt the recommendations relative to the decisions to utilise the Commissioner to conduct the elections and to conduct them by postal vote.

Council first used this method at the inaugural elections of a new Council (Mayor and 9 Councillors) in December, 2000, following the dismissal of the previous Council.

The resultant voter turnout of over 43% was a vast improvement on previous 'in person' elections held by Council, which typically attract about 10% voter participation.

Even the more than 32% participation rate in the 2003 and 2007 elections was encouraging, given that there were only four(4) vacancies contested. The most recent comparable elections in 2005 attracted a 37% participation rate for the Mayoral plus five(5) Councillor vacancies.

As Council's budget has accommodated estimated costs of conducting the elections by post, it is recommended that Council continue with this method which should guarantee healthy community input to these elections.

Another issue which will require clarification is that of the voting methodology to be used for the elections. Previous advice from the Minister was that it was proposed to revert from the current proportional preferential system to the simpler 'first past the post' system of determining successful candidates. However, with only four months until the elections, there has been no confirmation of the progress of the proposal and it is considered timely to seek the Minister's response.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

Council Policy SC8 'Conduct of Elections by Postal Ballot' refers.

## **Budget/Financial Implications**

The WA Electoral Commission (WAEC) estimates the cost payable by Council to the WAEC for it to conduct the elections will be around



\$150,000. Funds are available within the Governance (Elections) Account to cover these and other associated costs.

**Legal Implications**

Part 4 of the Local Government Act, 1995, and the Local Government (Elections) Regulations, 1997 (as amended) refers.

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

CLR TONY ROMANO LEFT THE MEETING, THE TIME BEING 8.15PM.

**DECLARATION OF INTEREST**

The Presiding Member read a declaration of a conflict of interest from Clr Romano in Item 13.3 "Minutes of the Grants and Donations Committee Meeting held on 20 April 2009", pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations, 2007. The nature of the interest being that Clr Romano is an office bearer of an organisation recommended to receive a donation.

**13.3 (MINUTE NO 3943) (OCM 14/5/2009) - MINUTES OF THE GRANTS AND DONATIONS COMMITTEE MEETING HELD ON 20 APRIL 2009 (5930) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee Meeting held on 20 April 2009 and adopt the recommendations contained therein.



**COUNCIL DECISION**

MOVED Clr H Attrill SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 9/0**

**Background**

The Council of the City of Cockburn established the Grants and Donations Committee to recommend on the level and the nature of grants and donations provided to external organisations and individuals.

**Submission**

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

**Report**

Council has under Policy SC35 committed to contributing 2% of its rates income toward grants and donations. For 2008/09, 2% of the rates income equates to \$714,000.00. The Grants and Donations Committee is empowered to recommend to Council how these funds are to be distributed.

At its meeting of 15 July 2008 the Committee recommended a range of allocations of grants, donations and sponsorship which were duly adopted by Council on 14 August 2008.

Following the September 2008 round of grants, donations and sponsorship funding opportunities, the Committee, at its meeting of 21 October 2008, recommended a revised range of allocations which were duly adopted by Council on 13 November 2008.

The second round of advertising was held in March 2009 for grants, donations and sponsorship funding opportunities has now closed and the Committee considered the application for donations and sponsorship, as well revised allocations for the 2008/09 grants and donation budget.

**Strategic Plan/Policy Implications****Governance Excellence**

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



### **Budget/Financial Implications**

All grants and donations will be considered in the context of Council Policy SC35 which establishes that 2% of rateable income will be available for this purpose.

### **Legal Implications**

N/A

### **Community Consultation**

In the lead up to the September 2008 round, grants, donations and sponsorship funding opportunities were promoted through the local media and Council networks. The promotional campaign comprised of:

- Three advertisements running fortnightly in the Cockburn Gazette's City Update on 17/02/09, 03/03/09 and 24/03/09.
- One advertisement in the February and March editions of the Cockburn Soundings.
- Promotion to community groups through the Community Services email networks and contacts.
- All members of the Regional Community Development Group, Regional Parents Group and Regional Seniors Group have been encouraged to participate in the City's grants program.

### **Attachment(s)**

Minutes of the Grants and Donations Committee Meeting – 20 April 2009.

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

N/A

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

Nil.

CLR ROMANO RETURNED TO THE MEETING, THE TIME BEING 8.16PM. THE PRESIDING MEMBER ADVISED CLR ROMANO OF THE DECISION OF COUNCIL IN HIS ABSENCE.



**13.4 (MINUTE NO 3944) (OCM 14/5/2009) - LOCAL GOVERNMENT REFORM PROCESS (1054) (SC) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receives a copy of the completed Local Government Reform Checklist for the City of Cockburn; and
- (2) initiates further dialogue with the City of Fremantle and Town of Kwinana on possible amalgamation options.

**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr V Oliver that Council adopt the recommendation with the following amendments:

- (1) as recommended;
- (2) as recommended;
- (3) provide a report to the June Ordinary Council Meeting following consultation with Fremantle and Kwinana, and any other Local Government Council with a common boundary to the City of Cockburn;
- (4) undertake community consultation by July 2009; and
- (5) the Project Team to comprise the Mayor, Deputy Mayor and Chief Executive Officer.

**LOST ON CASTING VOTE OF PRESIDING MEMBER 5/5**

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr I Whitfield that Council:

- (1) receives a copy of the completed Local Government Reform Checklist for the City of Cockburn;
- (2) initiates further dialogue with the City of Fremantle and Town of Kwinana on possible amalgamation options;
- (3) gives authority to the City of Cockburn's Working Group (Mayor Howlett, Deputy Mayor Allen and the CEO, Mr Cain) to engage in reform process discussions with other local governments that have a common boundary with the City of Cockburn should the need arise and to provide a report to Council following

discussions with the City's neighbouring Councils; and

- (4) initiates community consultation as soon as practicable to ensure the voice of the Cockburn community is reflected on this matter.

**CARRIED 10/0**

### **Reason for Decision**

It is important for all options to be kept open in terms of the local government reform process and to be able to respond to all local governments who have a common boundary with the City of Cockburn should an approach to engage in dialogue occur. The City of Cockburn must keep all options open to itself to ensure the best outcome for its ratepayers and residents. There is also a need to engage our community in the reform process earlier rather than later to ensure that as we go forward we are cognisant of their views.

NOTE: THE DIRECTOR FINANCE & CORPORATE LEFT THE MEETING, THE TIME BEING 8.30PM.

### **Background**

In February 2009, the Minister for Local Government announced his intention to commence a wide ranging reform of the industry. The Minister was of the view that, while there had been widespread recognition of the need for structural reform, the industry had been slow in advancing this process. At the heart of the Minister's reform program were two objectives; to reduce the number of Local Governments through a process of voluntary amalgamation and to reduce the number of Elected Members to between six to nine, for each remaining Local Authority.

### **Submission**

N/A

### **Report**

Structural reform of Local Government reform has been undertaken across most States and Territories. Most recently the Queensland Government, under former Premier Peter Beattie, reduced the number of Local Governments from 157 to 73, through a process of compulsory amalgamations. Similar compulsory reform has occurred in South Australia, Victoria and the Northern Territory.





While there have been a few voluntary amalgamations of Councils in Western Australia, currently with 139 Local Governments this State has the largest number of local authorities in Australia. Previous studies, such as the 2006 WA Local Government Advisory Board Report, have highlighted the need for reform, as many of these Local Authorities were not financially sustainable.

The peak industry body, the West Australian Local Government Association (WALGA) had also recognised the need for reform. Following a two year process of consultation and analysis, WALGA released its Systemic Sustainability Study report – *The Journey: Sustainability into the Future* in September 2008. The report contained 39 Actions, which included the need for greater resource sharing, voluntary amalgamations and a reduction of Elected Members.

While there has been much media conjecture that the Minister is seeking to force the amalgamation of smaller local governments, this position has been clarified, with voluntary reform being the focus of the review process. Indeed the key difference in WALGA's approach and that of the Minister; is the requirement for all to critically examine their own sustainability LGAs, in a prescribed timeframe, and formally consider voluntary amalgamation as an option.

Reform Process. The Minister issued Structural Reform Guidelines in late February 2009. The guidelines prescribed a five stage review process, a copy of which is attached, with the key requirements being:

1. Completion of a Local Government Reform Checklist – March / April. [With submission by 30 April 2009].
2. Identification of suitable regional partners for amalgamation and commencement of consultation – April / May.
3. Development of a regional reform submission – May / June.
4. Finalisation of the submission, including a proposed timetable for amalgamation – June / July.
5. Submission of the reform proposal to the Minister by 31 August 2009.

The structure of the checklist is more of general governance review, than a sustainability check. For instance, only limited consideration is given to financial indicators, which remains a key ingredient of sustainability. The Chief Executive Officer has completed this Checklist and submitted it in accordance with the prescribed timeframe, and a copy of this is attached.

The Checklist shows that the City was compliant with the vast majority of the criteria. The checklist also indicates that the City is reform minded and has been proactive in pursuing efficiencies. While there were negative responses to two of the Checklist criteria, eg the processing of residential building licences within 20 days, the standard



being applied was more demanding than the approved Statutory requirement. When measured against these statutory benchmarks, the City's efficiency level is greater than most other local governments.

The last criterion on the checklist required making a determination as to whether there was need for further structural reform. While nothing in the checklist specifically identifies that the City of Cockburn needs to undertake reform, in the wider regional context it is the opinion of the Chief Executive Officer that regional structural reform would be beneficial and, as such, should be considered further.

*Amalgamation Scenarios.* Stage one of the process also required a consideration of potential amalgamation partners. The City had to review the potential partners and identify which Local Authorities further dialogue should be held with.

The following parameters were considered in this analysis:

- Population projections
- Socio Economic indicators
- Financial indicators

The Australian Bureau of Statistics, as well as local government Annual and Financial Reports provided the sources for the data for this analysis. Without providing an extensive summary of the above, attached to the report are tabular summaries of some of these metrics.

In any amalgamation scenario, the logical partners for the City of Cockburn are the City of Fremantle and Town of Kwinana. Based on established growth rates, the population grouping scenarios identified that a tie-up with either of these local governments would provide a merged local government with a 2011 population of between 120,000 – 125,000 persons, with the potential for solid growth for another decade or more.

While a merger with either Local Authority would substantively increase the size and population than of the new entity, but it would still be nowhere near the biggest in the metropolitan area. The Cities of Joondalup, Wanneroo and Stirling already have greater populations in their own right, and the Cities of Stirling, Swan and Armadale similarly have larger regional areas. But a combination of the Cities of Cockburn and Fremantle or the City of Cockburn with the Town of Kwinana, would create a more substantial, economically sustainable and more prominent Local Government within the Perth metropolitan area.

*Regional Discussions.* At a regional level, the reform process has been formally discussed at WALGA's South Metropolitan Zone meeting and at the South West Group's April board meeting. Each meeting reiterated the need for the reform process to follow a voluntary path.



While not objecting to the need for reform, it has generally been agreed that each Local Government needs to talk with its neighbours individually.

Informal discussion between regional Chief Executives has been conducted as a precursor to more formal discussion between Elected Members. It is now intended that the Mayor, Deputy Mayor and Chief Executive Officer undertake consultation with their counterparts at Fremantle and Kwinana and then provide a report back to the other Elected Members.

*Financial Assistance.* The Minister has also offered up to \$10,000 per Local Authority in funding assistance to assist in responding to the remaining stages of the Reform Process. A suitable use for these funds would be to conduct a joint study to identify the financial benefits of a merger. A preliminary review by staff has identified that there could be significant labour savings, with other efficiencies achieved through reducing corporate overheads and better capital expenditure.

However, there would be costs associated with amalgamation, particularly as a result of standardising information technology and accounting processes. Identifying both the costs and benefits would provide the community with some reassurance that there are overall financial gains to be made through this process.

*Elected Member Representation.* The second part of the process required the City to consider reducing the number of Elected Members. The City currently has 10 Elected Members, comprising a popularly elected Mayor and three wards each of three Councillors.

The Director of Administration and Community Services has undertaken a concept review of potential configurations, based on three scenarios:

- The City remaining an independent body
- A merger with Fremantle
- A merger with Kwinana

Through this process 16 different scenarios were generated. At this stage of the Reform Process, however, there is no need to formally consider these and it is recommended that these scenarios be used simply for aiding regional dialogue. It is recognised that the process requires political sensitivity and promoting pre-conceived options could send the wrong signal to the City's neighbours. If there is no agreement with either Fremantle or Kwinana, the matter of political representation will need to be considered on its merits.

*Conclusion.* Whilst voluntary in nature, the Reform Process is not intended for a 'do nothing' option. The President of WALGA, Mr Bill Mitchell, has cautioned the sector that there are still options open to the



Minister to initiate reform if the industry does not respond thoughtfully to this process. It is recommended that the City's Elected Members, ratepayers and staff approach this task with an open mind, so that long held desires for industry reform may finally be initiated.

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

#### ***Governance Excellence***

- To develop and maintain a financially sustainable City.

### **Budget/Financial Implications**

An application for up to \$10,000 in State Government financial assistance is available to assist with regional dialogue.

### **Legal Implications**

Depending on the outcome of regional discussion, there may be a requirement for legal advice so that this matter can be progressed.

### **Community Consultation**

N/A

### **Attachment(s)**

1. City of Cockburn's completed Reform Checklist (less attachments, which can be viewed on the City's website).
2. Economic, social and population data.

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

N/A

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

N/A

NOTE: THE DIRECTOR FINANCE & CORPORATE RETURNED TO THE MEETING, THE TIME BEING 8.32PM.



## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

- 14.1 **(MINUTE NO 3945) (OCM 14/5/2009) - CHANGE OF USE - RETROSPECTIVE (GROUPED DWELLING TO LODGING HOUSE) LOCATION: 314 (STRATA LOT 1) ROCKINGHAM ROAD SPEARWOOD - OWNER: BAGARINO SALMON MERLY - APPLICANT: BAGARINO SALMON MERLY (2203536) (A LEFORT) (ATTACH)**

### RECOMMENDATION

That Council:

Approve the retrospective application for a lodging house at 314 (Strata Lot 1) Rockingham Road Spearwood subject to the following conditions and advice notes:-

### CONDITIONS

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The planning approval being valid for a period of 12 months only from the date of this approval.
4. No more than 16 persons being accommodated in the lodging house at any one time.
5. No more than five vehicles being parked at the premises at any one time.
6. The submission of a Management Plan to the satisfaction of Council outlining how the lodging house is to be managed and including details of tenancy arrangements within 30 days of the date of this approval.

### ADVICE

1. The development is to comply with the requirements of the Building Code of Australia. This involves the modification of Bedroom 8 to become a habitable room.
2. The development is to comply with the provisions of the Health Act 1911.



3. With regards to Condition No. 3, should the applicant wish to continue the use beyond the 12 month period, a new application is required to be submitted and approved by Council. In considering a renewal of the approval, Council will take into consideration any complaints received by nearby residents that relate directly to the lodging house.

#### **COUNCIL DECISION**

MOVED Clr H Attrill SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 10/0**

#### **Background**

The dwelling on 314 (Strata Lot 1) Rockingham Road Spearwood is one of two existing grouped dwellings and consists of a substantial two-storey dwelling which was the original house on the lot. The lot was subdivided in 2002 and a new dwelling was constructed on the rear strata lot in 2004. The current lot size of Strata Lot 1 is 617 sqm.

The dwelling is currently being used as a lodging house (without Council approval) and houses 16 people who are not related and the owner of the building does not live at the premises. The owner has now submitted an application (retrospectively) to change the use of the building from a grouped dwelling to a lodging house.

#### **Submission**

The applicant proposes to change the use of the dwelling located on Strata Lot 1 to a lodging house. The building contains eight bedrooms (with two single beds in each), three toilets, three showers, two laundry rooms, three living areas, two kitchens and a three-car garage. The applicant has provided the following information about the lodging house:

- There are currently 16 people living at the premises;
- There are currently 16 single beds;
- The lodging house is managed by the owners of the building who do not reside there but attend the house daily for maintenance and cleaning purposes; and
- The owners currently provide drop-off and pick-up services for the residents, most of whom work in the local area.



## Report

### Statutory Context

#### *Zoning*

The subject site is zoned “Residential R20” under the City of Cockburn’s Town Planning Scheme No. 3 (TPS 3). A lodging house is defined in TPS 3 as having the same meaning as is given to it in and for the purposes of the Health Act. The Health Act 1911 defines a lodging house as:

*“any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include –*

- (a) premises licenced under a publican’s general licence, limited hotel licence, or wayside-house licence, granted under the Licencing Act 1911;*
- (b) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or*
- (c) any building comprising residential flats.”*

The proposal complies with the above definition. A “lodging house” is an “A” use under the scheme which means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 9.4.

In accordance with scheme requirements, the application was advertised to adjoining properties and those on the opposite side of Rockingham Road. Four responses were received, which are all objections to the proposal. Three of the objections are from neighbours on the opposite side of Rockingham Road and the other objection is from a resident from Adela Place (who was not advertised to). The objections are summarised in the table below:

<b>Name and Address</b>	<b>Affected Property</b>	<b>Reasons for Objection</b>
I & D Petkovich 4 Herschell Way Coogee	319 Rockingham Road	Concerned about noise Concerned about parking Concerned that friendly neighbourhood will be lost.
Y Bacich 317 Rockingham Road Spearwood	317 Rockingham Road	Concerned about reduced security due to uncertainty and variability of occupants Concerned that the house is not suitable for a lodging house with

		regards to car parking, bathrooms, internal security between occupants Concerned about reduced stability of a historically stable, friendly neighbourhood Concerned about market value of own property.
J & K Every 321 Rockingham Road Spearwood	321 Rockingham Road	Concerned that the proposal contravenes health regulations Concerned about unruly behaviour from occupants Concerned about parking Concerned about devaluation of property.
G Tomas 25 Adela Place Spearwood	25 Adela Place Spearwood	Concerned about parking specifically in relation to traffic lights and rail boom gates.

### *Parking*

TPS 3 requires parking at a rate of one car parking bay per four beds and one delivery bay per service/storage area. Based on the provision of 16 beds, the proposal requires four car parking bays. This is achieved through the three bays in the garage and within the driveway due to garage being set back more than 7m from the front boundary of the lot.

Several of the neighbour objections relate to car parking and this is a valid planning concern, especially if a large portion of the residents own vehicles (which is not currently the case but could occur). Should Council approve the proposal, it is recommended that a condition be imposed that restricts the number of vehicles to be kept at the premises at any time to five. This is reasonable given the ability to house three vehicles in the garage and two vehicles on the driveway in front of the garage.

### *Other Statutory Requirements*

The proposal is also subject to compliance with other statutory requirements including the Health Act and Building Code of Australia. Compliance with these requirements will ensure that there are sufficient sanitary provisions and that the premises are suitable to be converted to a lodging house (which addresses several of the objections relating to suitability of the dwelling).





### *Amenity*

Several concerns have been raised by nearby landowners that the proposal will detract from the amenity of the area in terms of noise and this is a valid planning consideration given the residential zoning of the area. Management of the premises to ensure that there is minimal disruption to the neighbourhood is vital. Noise from vehicles can be controlled through the car parking restriction as discussed above. Noise from recreational activities is more difficult to control through planning conditions, but it is considered that the indoor living areas and rear outdoor living area will ensure that noise is relatively contained within the site. Any anti-social activities by the residents that may create an unreasonable level of noise would have to be dealt with by Police, the same as noise caused by any other residential dwelling.

In addition, the location of the lot is in close proximity to the intersection of Rockingham Road and Spearwood Avenue which carries considerable traffic. It is considered likely that traffic from Rockingham Road would cause more noise than the development itself.

### Strategic Context

The subject site is located within the City of Cockburn's draft *Phoenix Central Revitalisation* project area and under this plan has been identified to be rezoned to 'Business'. Should this project be finalised as proposed, the subject site and other properties on that portion of Rockingham Road would be suitable for a mix of commercial and/or residential development. It is considered that the impact of the lodging house as proposed would be less if there were other commercial uses in close proximity rather than just residential uses..

### Location

The location of the subject site is considered appropriate for a lodging house due to the close proximity to Phoenix Shopping Centre, access to other district centre services and good access to public transport routes.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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



### **Budget/Financial Implications**

Nil

### **Legal Implications**

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

### **Community Consultation**

The application was advertised to neighbouring properties in accordance with TPS 3. The outcome of the advertising is discussed in the Zoning section of the report.

### **Attachment(s)**

1. Location Plan
2. Floor Plans

### **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 May 2009 Council Meeting.

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

Nil.

**14.2 (MINUTE NO 3946) (OCM 14/5/2009) - SINGLE DWELLING - THIRD STOREY EXTENSION - LOCATION: 1 (LOT 111) CHARLOTTE VIEW COOGEE - OWNER: W GARRARD & S KEEGAN - APPLICANT: W GARRARD - (3318070) (A LEFORT) (ATTACH)**

#### **RECOMMENDATION**

That Council approve the application for a single house (third storey extension) at 1 (Lot 111) Charlotte View Coogee subject to the following conditions:-

#### **CONDITIONS**

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



2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. All stormwater being contained and disposed of on-site to the satisfaction of the City.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays.
5. The materials and colours used for the third storey extension shall match the existing dwelling.

**ADVICE**

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

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

**Background**

Zoning:	MRS:	Urban
	TPS 3	Residential R20
Land use:	Single Dwelling	
Lot size:	706 sqm	
Use class:	"P"	

The subject site is located on the corner of Charlotte View and Richardson Road in Coogee. It contains a two storey single residential dwelling which has its frontage and vehicle access from Charlotte View.

**Submission**

The applicant proposes to construct a 91.2 sqm third storey extension to the existing dwelling. The third storey is proposed to consist of a games room and balcony which wraps around the southern and western sides of the dwelling. The proposed addition features a flat roof design and therefore results in an overall building (and roof) height



of 8.34 m. The proposal has been referred to Council because it does not comply with the wall height limits specified in Council's Coogee Residential Height Requirements Policy APD 53, and therefore seeks a variation.

The applicant submitted a similar proposal to the City which was refused at the Ordinary Council Meeting held on 13 November 2008. This application retains the same wall height as the previous application but reduces the overall building height by 0.88 m due to the modified flat-roof design.

## **Report**

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

### Coogee Residential Height Requirements Policy APD 53

The Coogee Residential Height Requirements Policy APD 53 was prepared to guide the height of residential development in the suburb of Coogee. The Policy states that:-

Maximum building height of residential development shall be limited to:

- (i) Top of wall (roof over) - 7 m
- (ii) Top of Wall (parapet) - 8 m
- (iii) Top of pitched roof - 10 m

The proposed wall height (8.34 m) exceeds the maximum wall height provided for by this policy, which is 8 m where there is a parapet wall or flat roof design. The policy states that building heights for residential development shall be limited to those specified in the policy and that any proposal that exceeds the requirements is to be advertised for public comment. The proposal was therefore advertised to surrounding neighbours for comment and three submissions were received consisting of two objections and one (1) non-objection.

The 0.34 m variation to the wall height is considered relatively minor and is not considered to negatively impact on the amenity of the area or adjoining neighbours.

### Visual Privacy and Overlooking

The proposal complies with the requirements of the Residential Design Codes (R-Codes) in relation to privacy and overlooking as there are no major openings on the northern and eastern sides of the third storey which are the two sides that have properties. The balconies comply with the cone of vision setbacks as required by the acceptable development provisions of the R-Codes. There is therefore no visual privacy or overlooking issues caused by the proposal.



### Streetscape

The proposal matches the existing dwelling in terms of design and should Council approve the proposal, it is recommended that a condition be imposed that all colours and material for the extension match the rest of the dwelling. Given the corner location and the building height of the adjoining dwelling on Richardson Road, the wall height of the proposed extension is not considered to negatively impact on the streetscape.

### Conclusion

Based on the above discussion it is recommended that the proposed development be approved based on the following reasons:

1. The dwelling's wall height is not considered to detract from the streetscape or visual amenity of the area.
2. The proposal does not cause any privacy or overlooking issues to adjoining properties.
3. The proposal does not result in a loss of direct sun or adequate daylight to adjoining properties.
4. The proposal does not negatively affect any views of significant of adjoining properties.

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

#### **Demographic Planning**

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

#### **Budget/Financial Implications**

N/A

#### **Legal Implications**

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

#### **Community Consultation**

This proposal was advertised in accordance with the policy which resulted in two objections and one non-objection. One of the



objections gave no reason for objecting and the other objection is summarised below:

- The building will not affect my views, but similar variations west of my property could do so if the variations become habitual.

The objections received do not relate directly to the increased wall height. Council's Policy APD53 provides guidance to Council in decision making related to heights of residential dwellings in Coogee. However, proposals that do not comply with the policy provisions but which provide an acceptable built form outcome can still be supported by Council.

#### **Attachment(s)**

1. Location Plan
2. Site Plan
3. Floor plans (Ground Floor unchanged, First Floor, Upper Floor)
4. Elevations

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 May 2009 Council Meeting.

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

Nil.

#### **14.3 (MINUTE NO 3947) (OCM 14/5/2009) - SATELLITE DISH (RETROSPECTIVE) LOCATION: 11 (LOT 318) ASTER CLOSE BEELIAR - OWNER: A & J DE ABREU - APPLICANT: J DE ABREU (4413773) (A LEFORT) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) refuse the retrospective planning application for a satellite dish at 11 (Lot 318) Aster Close Beeliar for the following reasons:
  1. The proposal does not comply with either of the general guidelines as outlined in *Council's Domestic Satellite Dish Policy APD 14* relating to visual impact.
  2. The proposal is considered to detract from the streetscape.



3. Approving a variation to Council's policy to allow a roof-mounted satellite dish may create an undesirable precedent for the erection of roof-mounted satellite dishes elsewhere in the City.
- (2) require the proponent to remove the existing satellite dish from the roof of the dwelling within 28 days of the date of the refusal.

#### **COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

#### **Background**

The subject site is 641 sqm in area and is located at 11 (Lot 318) Aster Close in Beeliar. The land contains an existing two-storey single residential dwelling and is surrounded by other similar properties. The site contains an unapproved satellite dish which has a diameter of 3 m and is mounted to the roof of the ground floor of the dwelling in the north-west corner.

#### **Submission**

The applicant has applied for retrospective planning approval for the unapproved roof-mounted satellite dish. The dish sits on a 1.6 m pole which is mounted to the roof resulting in an overall height of approximately 4.8 m from ground level.

It was suggested to the applicant to relocate the dish so that it becomes ground mounted and has a reduced height to comply with Council's policy but this option was not chosen by the applicant. Therefore, the applicant seeks a variation to Council's policy and this is why Council is required to determine the application.

#### **Report**

##### *Zoning*

The subject site is zoned "Residential R20" and domestic satellite dishes can be considered in this zone.



*Domestic Satellite Dishes Policy APD 14*

Council's Domestic Satellite Dishes Policy APD 14 seeks to establish guidelines to minimise the visual impact of satellite dishes. The policy contains the following general guidelines to assist Council in the assessment of satellite dish proposals:

**"1. General Guidelines**

- 1.1 *Dishes should be located such to minimise the visual impact from neighbouring properties, the street or other public areas.*
- 1.2 *Dishes should be erected close to the ground and below the height of fences where practicable. If objections from neighbours are received with regards to the potential visual impact, the dish shall not protrude above a fence or screening fixture at all times."*

The existing satellite dish is roof mounted, visible from the street (see photo attachment) and is not located close to the ground or below the height of the fence. The dish in its existing location clearly does not comply with the general guidelines of this policy. Should Council vary its policy and approve the proposal in its current form, it may set an undesirable precedent for the installation of satellite dishes with a 3 m diameter where applicants wish to receive a clearer signal.

*Neighbour Consultation*

In accordance with Policy APD 14, the application was referred to surrounding neighbouring properties where the satellite dish may be in view. One response was received from a neighbouring property which was a non-objection. The applicant also submitted three letters of non-objection from other neighbouring property owners. Clearly, the neighbouring landowners have no objections to the dish in its existing location.

*Streetscape Considerations*

The roof-mounted dish is clearly visible from the street and although the neighbouring property owners (including those on the opposite side of Aster Close) have provided no objections, it is considered that the dish detracts from the amenity of the area and streetscape. Being roof-mounted and up to 4.8 m from ground level, the dish is unable to be screened with fixed screening or mature vegetation as is often used for ground-mounted satellite dishes.





## Conclusion

It is recommended that retrospective planning approval for the existing satellite dish on the subject site be refused for the following reasons:

1. The proposal does not comply with either of the general guidelines as outlined in Council's Domestic Satellite Dish Policy APD 14 relating to visual impact.
2. The proposal is considered to detract from streetscape.
3. Approving a variation to Council's policy to allow a roof-mounted satellite dish may create an undesirable precedent for the erection of roof-mounted satellite dishes within the City.

## Strategic Plan/Policy Implications

### Demographic Planning

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

### Budget/Financial Implications

N/A

### Legal Implications

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

### Community Consultation

The proposal was advertised to neighbouring landowners from where the satellite dish may be visible in accordance with the requirements of the Council's Policy APD 14. One response was received, which registered no objection.

### Attachment(s)

1. Location Plan
2. Site Plan
3. Elevations



### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 May 2009 Council Meeting.

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

Nil.

**14.4 (MINUTE NO 3948) (OCM 14/5/2009) - OUTBUILDING & HOME BUSINESS (RETROSPECTIVE) - LOCATION: 86 (LOT 20) BORONIA ROAD BANJUP - OWNER: N CUNLIFFE-WILLIAMS - APPLICANT: NORMAN BROOKS ARCHITECTURAL DRAUGHTING & DESIGN (5500106) (A LEFORT) (ATTACH)**

#### RECOMMENDATION

That Council:

Approve the planning application for an Outbuilding and Home Business (retrospective) at 86 (Lot 20) Boronia Road Banjup subject to the following conditions:

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
3. The outbuilding (except for the home business portion as marked in red on the approved plans) shall be used for domestic purposes only associated with the property, and not for human habitation or commercial purposes.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays.
5. No retail or wholesale sales being permitted from the premises or site.
6. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.



7. The development complying with the Home Business provisions and definition set out in the Town Planning Scheme.
8. A maximum of 15 clients per day in accordance with the applicant's submission with an interval of at least 10 minutes between clients.
9. The hours of operation for the office are limited to 7:00 a.m. to 7:00 p.m. Monday to Friday and 8:00 a.m. to 5:00 p.m. Saturday, and not at all on Sunday and Public Holidays. The hours of operation for the spray tanning service are limited to 7:00 a.m. to 8:30 p.m. Monday to Friday and 8:00 a.m. to 5:00 p.m. Saturday and not at all on Sunday and Public Holidays.
10. No signage or bunting (bunting includes streamers, streamer strips, banner strips or decorations of similar kind) shall be displayed at the front of the property relating to the approved home business.
11. The submission of material, finish and colour details for the development to the City's satisfaction prior to the issue of a building licence.
12. The home business activities (including materials and equipment required) are restricted to the 50 sqm area which includes the front portion of the outbuilding within the transportable building, store room and one room in the dwelling (as marked in red on the approved plans).
13. No existing vegetation shall be removed to facilitate the construction of the outbuilding.
14. A revised site plan being lodged prior to the issue of a building licence showing staff and visitor parking to the home business.
15. The home business may continue to operate from the existing transportable building located on the site until such time as the new outbuilding is constructed subject to the same conditions as contained in Conditions 7, 8 and 9 of this planning approval.
16. All existing sea containers and other outbuildings/structures to be removed from the site within 28 days of the new outbuilding being occupied.



**FOOTNOTES**

1. The proposed shed and existing transportable building shall comply with the Building Code of Australia.
2. The applicant is advised that the City may conduct random compliance checks to ensure that the home business remains restricted to the 50 sqm area as per the approved plans.
3. The proposed development shall comply with the Health Act. Queries relating to the effluent disposal system shall be directed to the City's Health Services section.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

**Background**

Zoning:	MRS:	Rural – Water Protection
	TPS 3	Resource
Land use:	Single House (Outbuilding and Home Business)	
Lot size:	3.2043 ha	
Use class:	P	

The subject site contains an existing dwelling, patios, several sea containers, several small outbuildings including a transportable building and a significant amount of native vegetation. The lot does not contain a building envelope. The landowner currently operates a home business from the existing transportable building and inside the dwelling (without planning approval). The home business consists of offices and a spray tanning service.

The proposal does not comply with Council's "Outbuildings" Policy APD 18 with regards to maximum floor area and wall height. Applications for outbuildings which are not in accordance with this policy require full Council determination.

**Submission**

The applicant proposes to construct a 252 sqm outbuilding consisting of a new colourbond shed and relocation of the existing transportable



building on site and a 36 sqm lean-to/carport. The shed is 210 sqm with a wall height of 4.5 m and a ridge height of 5.9 m and the transportable building is 40.8 sqm with a wall height of 2.4 m and a ridge height of 4.3 m. The transportable building is proposed to abut the shed and there is access between the transportable building and shed. The entire development is to be located in an area of cleared vegetation behind the existing dwelling.

The applicant has also applied to gain retrospective planning approval for an existing home business. The home business is currently operating from the existing transportable building on site and from a room within the dwelling. The applicant has provided the following information about the home business:

1. The business consists of administration offices for a franchise business called 'Technotan' which runs home and mobile tanning franchises. The landowner also operates a spray tanning service from a room within the dwelling.
2. The administration is to operate out of the outbuilding and the spray tanning service is to continue to operate from a room within the dwelling.
3. The business employs 2 persons who are not members of the household.
4. The business hours for the administration side of the business are 9:00 a.m. - 5:30 p.m.
5. The business hours for the spray tan service are 9:00 a.m. to 8:30 p.m.
6. The average number of clients obtaining spray tans from the premises is 10 per week.
7. No clients are expected to attend the administration part of the business.
8. Some deliveries occur to the business on a fortnightly basis.

The applicant has advised that the existing home business will continue to operate out of the transportable building (which has been relocated) and a store room within the shed and that the remainder of the outbuilding will be used for domestic purposes including workshop, garage and boat store, gym, tools and garden equipment and kitchenette and bathroom (as indicated on the plans).

## **Report**

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

### State Planning Policy 2.3 Jandakot Groundwater Protection

The proposed resource zoning means that any land use needs to be considered in accordance with the State Government's State Planning



Policy 2.3 Jandakot Groundwater Protection (SPP 2.3). The proposal complies with this policy.

Town Planning Scheme No. 3

The property is zoned Resource under the City of Cockburn's Town Planning Scheme No. 3 (TPS 3) and an outbuilding and a home business can be considered under this zoning (in accordance with SPP 2.3). TPS 3 defines a home business as:

*“a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –*

- (a) does not employ more than 2 people not members of the occupiers household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 50 square metres;*
- (d) does not involve the retail sale, display or hire of goods of any nature;*
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.”*

The applicant has provided information accompanying the application which suggests that the home business complies with the above criteria. Provided that the home business activities are restricted to a 50 sqm area including the transportable building, store and bedroom within the dwelling, the proposal can be supported. The rest of the outbuilding shall not be used for commercial purposes and should Council support the proposal, a condition can be imposed to ensure this occurs.

Any expansion of the business would indicate that the premises are not a suitable land use for the site.

Outbuildings Policy APD 18

Council's "Outbuildings" Policy APD 18 was developed to provide a consistent set of guidelines for the development of sheds and other outbuildings in the residential, rural, rural living and resource zones.

The following table summarises the criteria outlined in the policy and includes the actual details associated with this proposal:



Policy Criteria	Policy Requirement	Proposed	Comment
Floor Area	200 sqm	252 sqm	Variation
Wall Height	4 m	4.5 m	Variation
Ridge Height	6 m	5.9 m	Complies

As demonstrated in the above table, the proposed development does not comply with the requirements for an outbuilding in the resource zone and therefore approving the proposal constitutes a variation to the policy.

The proposed outbuilding is located behind the existing dwelling and is set back 74 m from the primary street, 50 m from the northern boundary and 50 m from the southern boundary. The proposal was advertised to the adjoining neighbour to the south for comment but no response was received. In this instance, the proposed variations to Council's Outbuilding Policy in terms of size are considered acceptable as it will not have a detrimental impact on the amenity of the area. In addition, the applicant has advised that the proposed outbuilding will replace the existing un-approved sea containers located on the site.

#### Existing Vegetation

The proposed outbuilding is to be located in an area already cleared of vegetation so no existing vegetation is to be removed as part of the proposal. In the absence of a building envelope on the site, this area is considered to be appropriate.

#### Conclusion

The proposed outbuilding and home business is supported based on the following reasons:

- The proposed outbuilding is not considered to detract from the visual amenity of the area.
- The proposed outbuilding is not considered to cause any negative impact on the environment and it does not facilitate any clearing of vegetation.
- The proposed outbuilding is to replace existing unsightly sea containers on the property.
- The proposed outbuilding is located behind the existing dwelling and is set back significantly from all property boundaries.
- The home business is considered acceptable, as long as its operations are restricted so that it can still be defined as a home business in the City's TPS 3.



- The home business is not considered to create an unreasonable amount of traffic for the area.
- The proposal is not considered to cause any detrimental impacts on the environment.

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

#### **Demographic Planning**

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

#### **Natural Environmental Management**

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.
- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

The proposal was advertised to the adjoining landowner and no response was received.

### **Attachment(s)**

1. Location Plan
2. Site Plan
3. Floor Plan & Elevations
4. Dwelling Floor Plan





### 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 May 2009 Council Meeting.

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

Nil.

**14.5 (MINUTE NO 3949) (OCM 14/5/2009) - SINGLE HOUSE (OUTBUILDING) AND BUILDING ENVELOPE MODIFICATION - LOCATION: LOT 303 (NO. 3) CESSNA DRIVE, JANDAKOT - OWNERS/APPLICANTS: B EIZADI, M EIZADI-SABERI & M FAITHI (5515397) (R COLALILLO) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) approve the application for a Single House (Outbuilding) and Building Envelope Modification at Lot 303 (No. 3) Cessna Drive, Jandakot subject to the following conditions:-
  1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan.
  2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development
  3. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays.
  4. The outbuilding shall be used for domestic and purposes only associated with the existing dwelling on site and not for human habitation. No commercial activities are permitted to take place within the outbuilding.
  5. The outbuilding is to be constructed in a non-reflective colourbond material that matches existing development on the site and harmonises with the surrounding environment. Colour and material details are to be submitted with the Building Licence application.
  6. All structures and associated infrastructure must be located within the amended *Building Envelope as shown*



*on the approved plans.*

7. No additional removal of vegetation outside of the approved Building Envelope is permitted, except in the following circumstances:-
- (a) to remove vegetation that is dead, diseased or dangerous; and
  - (b) to construct a three metre wide fire break around the perimeter of the property.

**FOOTNOTE**

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

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

**Background**

Zoning:	MRS:	Rural – Water Protection
	TPS 3	Resource
Land use:	Single House (Outbuilding)	
Lot size:	2.0087 ha	
Use class:	P	

The subject site contains an existing dwelling, swimming pool, shed (144 sqm) and water tanks. The lot also has a building envelope in which all associated development is required to be contained.

The proposal does not comply with the City’s “Outbuildings” Policy APD 18 with regards to maximum aggregate floor area. Applications for outbuildings which are not in accordance with this policy require full Council determination.

**Submission**

The applicant proposes to construct a 180 sqm colourbond outbuilding with a wall height of 3 metres and a ridge height of 4 metres. The outbuilding is proposed to be located outside of the existing building envelope in an area of cleared vegetation behind an existing outbuilding. In order to accommodate the proposed location of the



outbuilding, the existing building envelope is required to be modified as part of the application.

The applicant has advised that the proposed outbuilding is required as the dwelling does not have an associated garage/carport and the existing outbuilding on the property is inadequate in size to accommodate various vehicles (7 cars, 2 quad bikes) and equipment used to maintain the land (tractor, lawnmower etc). The applicant has confirmed that the additional outbuilding will only be used for storage and not for commercial purposes.

## Report

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

### State Planning Policy 2.3 - Jandakot Groundwater Protection

The property's resource zoning means that any land use within the site needs to be considered in accordance with the State Government's State Planning Policy 2.3 Jandakot Groundwater Protection (SPP 2.3). The proposal complies with this policy.

### Outbuildings Policy APD 18

The City's "Outbuildings" Policy APD 18 was developed to provide a consistent set of guidelines for the development of sheds and other outbuildings in the residential, rural, rural living and resource zones.

The following table summarises the criteria outlined in the policy and includes the actual details associated with this proposal:

Policy Criteria	Policy Requirement	Proposed	Comment
Floor Area (Aggregate)	200 sqm	144 sqm (existing) + 180 sqm (proposed) = 324 sqm (total aggregate)	Variation
Wall Height	4 m	3 m	Complies
Ridge Height	6 m	4 m	Complies

As demonstrated in the above table, the proposed development does not comply with the floor area requirements for an outbuilding in the Resource zone and therefore approval of the proposal would constitute a variation to the policy.



The proposed outbuilding is located behind an existing outbuilding and is set back 84 metres from the primary street, 110 metres from the western boundary and 12 metres from the southern boundary. The proposal was not advertised to adjoining neighbours for comment as the proposed location of the outbuilding will mean it is located over 100 metres away from surrounding dwellings. Its proposed location is also effectively screened by existing vegetation on the site and surrounding properties.

The proposed outbuilding is to be located in an area already cleared of vegetation so no existing vegetation is proposed to be removed as part of the proposal.

In this instance, the proposed variation to Council’s policy is considered to be acceptable as it will not have a detrimental impact on the amenity of the area.

Relocation of Building Envelopes Policy APD 55

Building envelopes are used in resource zones to guide and contain development on a lot so that vegetation and wetlands are protected from extensive clearing and development. They are also used for separating dwellings and buildings on lots for the purpose of achieving a high degree of amenity.

The City’s “Relocation of Building Envelopes” Policy APD 55 was developed to provide guidance in regard to the circumstances whereby building envelopes may be relocated.

The following table summarises the criteria outlined in the policy and includes the details associated with the proposed building envelope modification:

<b>Policy Criteria</b>	<b>Policy Requirement</b>	<b>Proposed</b>	<b>Complies</b>
Maximum Envelope Area	3000 sqm max	2200 sqm	Yes
Minimum Front Setback	20 m min	40 m	Yes
Minimum Side Setback	10 m min	10 m	Yes
Ground Level	Same height as existing building envelope	Amended area same level as existing	Yes
Vegetation Removal	Avoid/minimise vegetation removal	New envelope area void of vegetation	Yes

Given the above, the proposed modification to the existing building envelope should be supported.



## Conclusion

The proposed outbuilding and associated building envelope modification are supported for the following reasons:

- The proposed outbuilding is not considered to detract from the amenity of the area.
- The proposed outbuilding will not result in a loss of existing vegetation on the site.
- The proposed outbuilding is located behind an existing outbuilding and is sufficiently setback from all property boundaries and surrounding dwellings.
- The building envelope modification fully complies with the City's Relocation of Building Envelopes Policy APD 55.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Natural Environmental Management**

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

The Planning Policies which applies to this item are:-

APD18 – Outbuildings

APD55 – Relocation of Building Envelopes

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

Planning and Development Act 2005

State Administrative Tribunal Regulations

### **Community Consultation**

No consultation was undertaken as the proposal complies with the required set backs for the zone.



**Attachment(s)**

1. Location Plan
2. Site Plan
3. Elevations
4. Building Envelope Modification Plan

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

The Proponents have been advised that this matter is to be considered at the 14 May 2009 Council Meeting.

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

Nil.

**14.6 (MINUTE NO 3950) (OCM 14/5/2009) - DETAILED AREA PLAN FOR LOT 331 PORT COOGEE, NORTH COOGEE - PREPARED BY: TAYLOR BURRELL BARNETT - PROPONENT: AUSTRALAND (9022) (T WATSON) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the Detailed Area Plan (DAP) presented for Lot 331 Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3, subject to:
  1. The comment shall be excluded from the height calculation under the 'Height' section of the DAP being deleted.
  2. The 'Fencing' section of the DAP being amended to include reference to the requirement for transparent fencing.
- (2) delegate authority to the Chief Executive Officer, in accordance with APD54, to consider and approve the required change to the fencing section of the DAP; and
- (3) advise the applicant accordingly.



**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

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

**Background**

Lot 331 is situated in Stage 3B of the 'Dry Land Residential' area within Port Coogee. Under the Local Structure Plan, the land is identified for high density residential development (R80). Following approval of a number of minor changes to the Local Structure Plan in September 2008, the lot now adjoins Public Open Space (POS) immediately to the north of the Marina Village. Previously, the lot was separated from the POS by a road. The lot also sits adjacent to the southern end of the public beach.

**Submission**

The attached DAP addresses amongst matters:

- the interface of future development on the land to the lot frontages, the POS and Pedestrian Access Way (PAW) on the western side of the land;
- development potential, including building height, plot ratio etc;
- building design considerations, including elevation requirements adjacent to the POS and PAW, and the location of service areas and related hardware; and
- vehicular access limitations.

Where the DAP does not refer to an alternate standard, the applicable standard/s are those prescribed in the Residential Design Codes (R-Codes) and Town Planning Scheme No. 3 where the R-Codes do not apply. For instance, the parking standards for residential development on the subject land are those detailed in the R-Codes, to be considered in conjunction with the access requirements of the DAP.

**Report**

The DAP for lot 331 provides a site-specific layer of planning information to be considered in the design and development of the land in question. The information is to be considered within the framework of the Local Structure Plan adopted by Council for Port Coogee, as well as the City's Planning Scheme and the R-Codes. The DAP addresses amongst matters: building setbacks, height, open space and vehicular access requirements.



Given the prominence of the lot, the DAP also addresses the need for the appropriate location/screening of service areas and related hardware. It is noted the DAP before Council incorporates several changes already resolved with the applicant. The following matters, however, remain outstanding and require amendment:

- the comment shall be excluded from the height calculation under the Height section of the DAP being deleted; and
- the fencing section of the DAP being amended to include reference to the requirement for transparent fencing.

### Conclusion

The DAP for Lot 331 reflects the content of the structure plan for the site and location. It is, therefore, recommended that the DAP be adopted by Council subject to the above matters being addressed. In this regard, it is recommended Council delegate authority to the Manager of Statutory Planning to resolve the matters.

Approval of a DAP is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in a DAP and the process for adopting such. Where a DAP may affect landowners other than the owner of the land subject of the plan, the City may undertake consultation. As Australand currently owns the surrounding land, this has not occurred. Clause 6.2.15.8 provides scope for a DAP to be amended.

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

The Planning Policy which applies to this item is Policy APD 31 - Detailed Area Plans.

### **Demographic Planning**

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

### **Lifestyle and Aspiration Achievement**

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

### **Governance Excellence**

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





**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act 2005

**Community Consultation**

The DAP has not been the subject of consultation. The DAP sits within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops.

**Attachment(s)**

1. Structure/Location Plan
2. Detailed Area Plan

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

The Proponent has been advised that this matter is to be considered at the 14 May 2009 Council Meeting.

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

Nil.

- 14.7 (MINUTE NO 3951) (OCM 14/5/2009) - PORT COOGEE STRUCTURE PLAN - RECONSIDERATION OF CONDITION - APPLICANT: TAYLOR BURRELL BARNETT (TOWN PLANNERS) ON BEHALF OF PORT CATHERINE DEVELOPMENTS (AUSTRALAND - OWNER) - LOCATION: PORT COOGEE, STAGE 3B (9662) (T WATSON) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) approve the request for a reduction in the width of the Pedestrian Access Way (PAW) in Stage 3B of Port Coogee from ten (10) metres to eight (8) metres subject to the reduced distance being reflected in the subdivision plan for Stage 3B (currently with the Western Australian Planning Commission (WAPC)); and
- (2) advise the applicant and the WAPC of Council's decision.



**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

**Background**

The Council at its 11 September 2008 meeting resolved to conditionally approve several minor changes to the Port Coogee Local Structure Plan. Condition 2 required the *Pedestrian Access Way (PAW) dividing the multiple dwelling site and R50 lots at the southern end of Stages 3A and 3B (connecting with the adjoining Public Open Space (POS)) to be no less than ten (10) metres.*

The requirement for the ten (10) metre wide PAW was based on *maintaining a strong visual connection between the dwellings within the Stage and the POS. It is equally important for the purpose of providing a generous pedestrian environment between what will be development 10+ metres in height. A 10 metre break will also provide a meaningful break in the extent of built form when viewed from the POS.*

Recently, the Detailed Area Plan (DAP) for the multiple dwelling lot adjoining the western side of the PAW was submitted for consideration (the subject of a separate item in this agenda). The DAP showed a five (5) metre wide PAW with a nil eastern side setback. The applicant was advised, however, that 5 metres is not supported. Furthermore, any variation to the requirement for ten (10) metres would need to be reconsidered by Council.

**Submission**

Subsequent to being informed of the City's position, the applicant has met with City officers to discuss alternative PAW widths. Following a meeting held 8 April 2009, the applicant has made submission seeking a reduction in the PAW width to eight (8) metres. As stated, *the proposed 8 m PAW and 1.5 m minimum setback will allow sufficient space to provide a safe and comfortable pedestrian connection and achieve a visual connection between the residential area to the north and the Public Open Space to the south of the proposed PAW.*

Additionally, *the proposed 8 m PAW is generally consistent with Planning Bulletin No 17- Battleaxe Subdivisions and Pedestrian Accessways (Revised Policy) which recommends that Public Accessways should not be less than 8 m wide.*



## Report

The City's intentions underlying the requirement for a ten (10) metre wide PAW will still be met through the alternatives presented by the applicant. The eight (8) metres proposed, combined with a 1.5 m setback within Lot 331 and a similar setback within the adjoining single residential lot to the east amounts to a visual corridor greater than 10 metres. The preservation of a generous pedestrian environment will also be achieved within a PAW eight (8) metres wide.

Accordingly, it is recommended Council in its reconsideration of the proposed reduction in PAW width resolve to support the lesser distance in the knowledge the alternative width and associated side setbacks will still achieve the City's objectives. Support for the reduced distance is recommended conditional upon the eight (8) metres being reflected on the subdivision plan for the stage.

## Strategic Plan/Policy Implications

### Demographic Planning

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

### Governance Excellence

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

### Transport Optimisation

- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.
- To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.

## Budget/Financial Implications

N/A

## Legal Implications

N/A



### Community Consultation

N/A

### Attachment(s)

1. Local Structure Plan (showing location of PAW).
  2. Copy of submission in support of reduced PAW width.
- Note: Detailed Area Plan for Lot 331 attached to Agenda Item 14.6

### Advice to Proponent(s)/Submissioners

The applicant has been advised that this matter is to be considered at the 14 May 2009 Council Meeting.

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

Nil.

- 14.8 **(MINUTE NO 3952) (OCM 14/5/2009) - ANCILLARY ACCOMMODATION - LOCATION: LOT 5 (NO. 7) COONADOO COURT, JANDAKOT - OWNER: A W & M A COOK - APPLICANT: A W COOK (551533) (R COLALILLO) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) refuse the application for Ancillary Accommodation at Lot 5 (No. 7) Coonadoo Court, Jandakot for the following reasons:-
  1. The proposal does not comply with the definition of Ancillary Accommodation as prescribed by the City's APD 11. The design and layout of the proposal (which includes 3 bedrooms, 2 bathrooms, double garage etc.) means it is effectively an independent dwelling with no relationship with the existing dwelling on the lot. As such the proposal represents the development of a 'grouped dwelling' which is not permitted within the Resource Zone by the City's Town Planning Scheme No. 3.
  2. The proposed development represents a major variation to the maximum internal floor area of 60sqm permitted by the City's APD 11.
  3. Approval of the proposed development would set an undesirable precedent and be contrary to orderly and proper planning within the locality.



- (2) advise the applicant that the City would be prepared to consider a future application for ancillary accommodation on the subject lot subject to the internal floor area being reduced and the proposal meeting the requirements of APD 11.

### **COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

### **Background**

Zoning:	MRS:	Rural – Water Protection
	TPS 3	Resource
Land use:	Ancillary Accommodation	
Lot size:	2.0 ha	
Use class:	Ancillary Accommodation 'P'	

The subject site contains an existing dwelling, shed and water tanks. The lot also has a building envelope in which all associated development is required to be contained.

The application is referred to Council for determination as the proposal contains variations to the City's 'Aged or Dependent Persons Dwellings and Ancillary Accommodation on Rural and Resource Zone Lots' Policy APD 11 (APD 11).

### **Submission**

The applicant proposes to construct an ancillary accommodation building with an internal living area of 100 sqm inclusive of 3 bedrooms, 2 bathrooms, kitchen, dining and lounge areas. The building also has an additional 103 sqm of associated space being an enclosed double garage, alfresco and verandah areas. The ancillary accommodation is proposed to be located behind an existing shed to the northeast of the existing dwelling and slightly outside of the existing building envelope. In order to accommodate the proposed location of the outbuilding, the existing building envelope is required to be modified as part of the application.

The applicant has stated that the ancillary accommodation will be initially be used by visiting family members. Upon retirement or when residing in their current residence becomes more difficult, the applicant and his wife will move into the smaller and purpose built ancillary



accommodation. The main residence will then be permanently occupied by their children and grand children. The applicant has confirmed that the ancillary accommodation will only be occupied by members of the family occupying the main residence.

## Report

Developments within the Resource Zone, being a Priority 2 Source Protection Area are subject to the provisions of the Western Australian Planning Commission's Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy (SPP No. 2.3). Ancillary Accommodation is a permitted use pursuant to the provisions of SPP No. 2.3; however, it must meet the development requirements of the City's Town Planning Scheme No. 2 and associated policies. In this regard, the City's APD 11 is the basis for planning assessment of the proposal.

### Aged or Dependent Persons Dwellings and Ancillary Accommodation on Rural and Resource Zone Lots Policy APD 11

The City's APD 11 was developed to provide a consistent set of guidelines for the development of aged or dependent persons dwellings and ancillary accommodation on Resource and Rural zoned land within the City.

The following table summarises the relevant development criteria outlined in the policy and outlines the proposal's compliance with the policy:

Policy Criteria	Policy Requirement	Proposed	Compliance/ Comment
Definition	Self contained living accommodation, secondary to existing dwelling.	Self contained accommodation including 3 bedrooms, 2 bathrooms, kitchen, dining area, lounge room, double garage and alfresco area.	Non –compliant The proposal is clearly an independent living accommodation given its size and layout.
Occupancy	Any occupier shall be a member of the family occupying existing dwelling.	Visiting family to initially occupy dwelling then landowners to reside in new accommodation.	Complies
Internal Floor Area	Maximum internal living area of 60 sqm.	Internal living area of 100 sqm.	Non - compliant
Siting	Maintain single residential appearance of	Located behind existing dwelling and shed	Complies



	property.		
External Appearance	Design, materials and colours harmonise with existing dwelling (brick & colorbond).	Brick walls & zinc roof	Complies

As demonstrated in the above table, the proposed development does not comply with various significant requirements of APD 11.

### Conclusion

In accordance with the above discussion, it is recommended that the proposed ancillary accommodation be refused based on the following:

- The proposal does not comply with the definition of Ancillary Accommodation as prescribed by the City's APD 11. The design and layout of the proposal (which includes 3 bedrooms, 2 bathrooms, double garage etc.) means it is effectively an independent dwelling with no relationship with the existing dwelling on the lot. As such, the proposal represents the development of a 'grouped dwelling' which is not permitted within the Resource Zone by the City's Town Planning Scheme No. 3.
- The proposed development represents a major variation to the maximum internal floor area of 60sqm permitted by the City's APD 11.
- Approval of the proposed development would set an undesirable precedent and be contrary to orderly and proper planning within the locality.

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

#### **Demographic Planning**

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

### **Budget/Financial Implications**

N/A



### **Legal Implications**

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

### **Community Consultation**

No consultation with adjoining landowners was undertaken with respect to the proposed development.

### **Attachment(s)**

1. Location Plan
2. Site Plan and Elevations
3. Floor Plan
4. Elevations

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

The Proponent has been advised that this matter is to be considered at the 14 May 2009 Council Meeting.

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

Nil.

- 14.9 (MINUTE NO 3953) (OCM 14/5/2009) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 67 TO TOWN PLANNING SCHEME NO. 3 - DEVELOPMENT CONTRIBUTION AREA NO. 11 MURIEL COURT - LOCATION: MURIEL COURT AREA COCKBURN CENTRAL - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93067) (M CARBONE) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment subject to the modifications within point 3 and 4 below and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (3) end the proposed text for DCA 11 Schedule 12 by adding R25, R60 and R80 densities and their corresponding average lot size requirements, as follows:





- R25 – 350 m<sup>2</sup>
- R60 – 166 m<sup>2</sup>
- R80 – 125 m<sup>2</sup>

- (4) amend the DA 19 Muriel Court provisions in Schedule 11 as follows:
1. Renumber proposed Provision No. 5 (which requires all development to be in accordance with Design Guidelines) to number 8.
  2. Include new provision as follows:
    9. Each subdivision and development application in the DA area shall achieve at least 75% of the potential number of dwellings achievable under the R-Code designated for the application area on the adopted Structure Plan.
- (5) note that developer contributions to community infrastructure items in accordance with WAPC Statement of Planning Policy 3.6 “Development Contributions for Infrastructure” are being prepared and will be separately advertised as a subsequent amendment to the scheme; and
- (6) advise submissioners and landowners of Council’s decision.

#### **COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

#### **Background**

Council at its meeting held on the 14 February 2008 resolved to initiate Amendment No. 67 to Town Planning Scheme No. 3 for the purpose of advertising. The amendment proposes to introduce Development Contribution Area No. 11 (Muriel Court) to Schedule 12 of the Scheme and some minor changes to the DA19 provisions under Schedule 11.

It is noted that the subject area is within the Muriel Court Development Area 19 Structure Plan Area. This structure plan was approved by the Council at its meeting held on the 13 November 2008. The City is currently resolving water management issues before submitting the structure plan to the WAPC for final endorsement.



## Submission

N/A

## Report

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

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. The amendment was subsequently advertised seeking public comment in accordance with the Regulations for not less than 42 days. A copy of the draft estimated cost contribution schedule was advertised with the amendment. It is noted that the amendment was advertised at the same time as the revised Structure Plan for the subject area and accordingly a number of submissions incorporated both structure planning and Scheme Amendment No. 67 issues. Those submissions which raised structure planning issues were considered within the Council report relating to the Structure Plan in November 2008. Accordingly, where a submission dealt with both the Structure Plan and Amendment No. 67, only the DCA comments are included in the Schedule of Submissions.

Out of the seven submissions relating to the amendment, three objected, two provided advice and two provided comment. It is considered that the submissions do not require explanation over and above that outlined in the Schedule of Submissions contained within the Agenda attachments. Many of the comments raised within the submissions simply relate to clarifying how costs are calculated.

The purpose of the amendment is to set up a Development Contribution Area (DCA) to facilitate the development of the Muriel Court Structure Plan Area. The DCA is necessary as there are approximately 90 landowners within the subject area and it is not possible for landowners to satisfy all planning requirements on their own land. The DCA will ensure the equitable sharing of costs for certain infrastructure between landowners.

The Amendment proposes the contribution to be based on the potential number of dwellings that can be constructed rather than based on land area. This is because the structure plan includes a range of densities (R20, R25, R40, R60, R80 and R160) and accordingly it is not equitable for the contributions to be on a land area basis. Basing the contribution on the per dwelling basis reflects both development potential and also relates to the generated need.

It is noted that the proposed Scheme Amendment was initiated when the initial structure plan was prepared which did not include densities of



R25, R60 and R80. As these densities have been included into the latest version of the structure plan, the Scheme Amendment text is required to be updated to include the R25, R60 and R80 densities and corresponding lot sizes.

Since the initiation of the Scheme Amendment, the residential densities have increased substantially between the original and revised version of the structure plan. The WAPC have also requested mandating a minimum dwelling density per hectare. To ensure suitable density targets are met a minimum density should be applied for this strategic location. A minimum of 75% of the nominated density is considered reasonable as a minimum.

For example, this means that a 10,000 m<sup>2</sup> development site which is zoned R20 could yield a maximum of 20 dwellings. Applying the 75% minimum requirement means that at least 15 dwellings must be developed. On a higher density (R160) development site of the same size which has the maximum potential of 160 dwellings, applying the 75% minimum requirement means that at least 120 dwellings must be developed.

This will ensure reasonable densities targets are achieved whilst still providing suitable flexibility for developers.

It should also be noted that since initiating this amendment, the Western Australian Planning Commission published State Planning Policy 3.6 'Development Contributions for Infrastructure (Draft)'. The Policy provides the opportunity for requiring contributions to community infrastructure, such as halls, libraries, etc., subject to there being a clear link between the development and the need for the facility. Officers are in the process of preparing Development Contribution Plans to Community Infrastructure for the whole City. Once complete, they will be processed as a separate amendment to TPS3. The contribution to community infrastructure will be in addition to these physical infrastructure works included in DCA11.

### Conclusion

It is recommended that Amendment No. 67 be adopted by Council and forwarded to the WA Planning Commission for final approval, subject to the following inclusions:

- R25, R60 and R80 and the corresponding lot size requirement being added where appropriate.
- Stipulating that 75% of the nominate density for each development site must be achieved.
- Renumbering proposed provision 5 to number 8 as this was previously incorrectly shown.



## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Infrastructure Development**

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

### **Transport Optimisation**

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

## **Budget/Financial Implications**

Cost of Administering the Development Contribution Plan will be funded as part of the Plan.

Some design and studies are likely to need to be prefunded by the City; these will be repaid as funds are available.

The Development Contribution Plan provides the ability for Council to loan funds to the DCA to acquire land or undertake works specified in DCA 11 and for the associated costs and interest to be paid to the City.

## **Legal Implications**

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

## **Community Consultation**

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 67 concluded on 8 October 2008. The Scheme Amendment attracted seven submissions of which three objected, two provided advice and two provided comment.

## **Attachment(s)**

1. Existing zoning map
2. Proposed zoning map
3. Schedule of Submissions
4. Draft Cost Contribution Schedule



### Advice to Proponent(s)/Submissioners

Those who lodged a submission have been advised that the matter will be considered at the 14 May 2009 Council Meeting.

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

Nil.

**14.10 (MINUTE NO 3954) (OCM 14/5/2009) - PROPOSED STRUCTURE PLAN AMENDMENTS - AUSTRALIAN MARINE COMPLEX TECHNOLOGY PRECINCT - LOCATION: VARIOUS LOTS BOUND BY FROBISHER AVE, ROCKINGHAM AND RUSSELL ROADS - OWNER: LANDCORP AND VARIOUS LANDOWNERS - APPLICANT: THE PLANNING GROUP ON BEHALF OF LANDCORP (9525) (R DONG) (ATTACH)**

#### RECOMMENDATION

That Council:-

- (1) pursuant to Clause 6.2.14.1 (b) of Town Planning Scheme No. 3 adopt the proposed amended Structure Plan (dated April 2009) for Australian Marine Complex Technology Precinct;
- (2) adopt the Schedule of Submissions contained in the Agenda attachment;
- (3) forward a copy of the amended Structure Plan for Australian Marine Complex Technology Precinct to the Western Australian Planning Commission for endorsement pursuant to Clause 6.2.14.3 of Town Planning Scheme No. 3;
- (4) request the proponent to include a condition in their sales/lease contracts to acknowledge the inconsistencies between provisions for Special Use No. 9 (SU 9) and DA 6 of Town Planning Scheme No. 3, and to preclude sensitive land uses within the Woodman Point WWTP Buffer and the EPP Buffer until such time that a Scheme amendment has been finalised to resolve the inconsistencies;
- (5) advise the proponent to provide Council with a written agreement which satisfies the conditions required in the Council resolution at its meeting held on 13 April 2006 in respect of the procedure for initiating cancellation of the existing 'A' Class Reserve 15741 (South Coogee); and
- (6) advise the proponent and persons who lodged submissions of Council's decision accordingly.



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that Council:

- (1) defer the adoption of the proposed amended Structure Plan (dated April 2009) for the Australian Marine Complex Technology Precinct;
- (2) advise the proponent that it would be prepared to favourably consider a revised Structure Plan which shows:
  1. The public open space being retained in the location shown on the currently approved Structure Plan (i.e. south western corner of the intersection of Frobisher Avenue and Button Street).
  2. Note 9 being modified to advise that any subdivision, land use and development of the former South Coogee Agricultural Hall (Lot 48 Rockingham Road) and the former South Coogee Primary School (Lot 4897 Russell Road) sites shall not only ensure the protection of culturally significant buildings but also any mature trees.
  3. Note 5 being modified to advise that whilst direct vehicle access to Rockingham Road is not permitted from properties abutting Rockingham Road it will still be permitted to the former South Coogee Agricultural Hall (Lot 48 Rockingham Road) site.

and renumber Items (4), (5) and (6) according:

- (3) as recommended at original Item (4);
- (4) as recommended at original Item (5); and
- (5) as recommended at original Item (6).

**CARRIED 7/3**

NOTE: CLR WHITFIELD REQUESTED THAT HIS OPPOSITION TO THIS RECOMMENDATION BE RECORDED.

**Reason for Decision**

Council's Strategic Plan on Infrastructure Development clearly states Council's intention "to Construct and Maintain Parks and Bushland Reserves that are convenient and safe for public use and do not compromise Environmental Management." Considering the concerns



of the DEC and our own Environment Department, it would be appropriate to keep the "A" Class Reserve in its currently approved location. Potential problems with maintenance of a sports oval adjacent to Lake Coogee with nutrient run off should be avoided rather than "managed" when it becomes a problem. Given the high public exposure provided by the Stock Road/Rockingham Road junction immediately to the north and the Stock Road/Russell Road intersection to the south, these amendments to the Plan will provide attractive features to enhance the amenity of the area.

## Background

The Structure Plan for Australian Marine Complex Technology Precinct (AMC) was prepared to address the requirement of Development Zone (DA6) under the City of Cockburn Town Planning Scheme No. 3 (TPS 3). The Structure Plan (Attachment 2 refers) was adopted by the City of Cockburn on 17 July 2006 and endorsed by the Western Australian Planning Commission (WAPC) on 8 September 2006.

The development of the AMC Technology Precinct consists of two stages of subdivision as identified on the approved structure plan (Attachment 2 refers): Stage 1 is subject to land south of Gardiner Ave and Stage 2 is subject to land north of Gardiner Ave. Stage 1 subdivision (WAPC ref's 131431 and 135751) were approved by the WAPC in 2006.

The applicant submitted an application on behalf of LandCorp on 26 September 2008 requesting modifications to the approved structure plan to facilitate their forthcoming subdivision for Stage 2.

Council at its meeting dated 12/2/2009 considered the modifications and resolved:

- (1) defer its determination of the proposed amended Structure Plan for the Australian Marine Complex – Technology Precinct;
- (2) direct Council staff to organise a workshop between Elected Members, the applicant (including their consultants) and officers to discuss in further details the full ramification of the proposed amendments to the Structure Plan; and
- (3) advise the applicant accordingly.

The main reasons for the above decision are summarised as follows:

- Concern regarding on the visibility and accessibility of the new location of the POS.
- Concerns over environmental issues including nutrient run off and the use of fertiliser and ground water for irrigation of the POS.



- Concerns as to whether the City can get a fully functioning, active oval including a change room and other facilities.

A workshop was subsequently arranged and carried out on 20 April 2009 with Elected Members, the applicant (including their consultants) and Council officers to discuss in details the proposed amendments to the structure plan, particularly with regard to the abovementioned concerns. A number of issues were discussed at the workshop, and this has led to this report being presented back to Council with a number of new provisions for the structure plan.

### **Submission**

The Planning Group (TPG) at the request of the landowner (LandCorp) has submitted an application to amend the AMC Technology Precinct Structure Plan (the Structure Plan) to rationalise the land uses and road network in order to facilitate their future subdivisions and development. The proposed amendments to the Structure Plan (Attachment 3 refers) are summarised as follows:

1. The relocation of the public open space (POS) from the northeast corner of the structure plan area to immediately west of McGrath Road and increasing the size of the POS by approximately 2,289 m<sup>2</sup>, (from 32,511 m<sup>2</sup> to 34,800 m<sup>2</sup>).
2. The realignment of roads, including McGrath Road as per the TPS 3 reservation between Gardiner Ave to the south and Frobisher Ave to the north, and the realignment of the road network within the north-east quadrant of the structure plan area that will result in a more standard grid layout and rectangular land parcels.
3. Rationalisation of the proposed cul de sac from Russell Road, west of McGrath Road.
4. Deletion of the Transit Square and provision of a public transport bus terminus (layover) instead.
5. Provision for the structure plan to address the residential area to the north through compatible land uses.
6. Provision for the structure plan to address development towards Rockingham Road.

The proponent states that the proposed amendments to the structure plan have been designed based on the following objectives:

1. Providing for well defined streetscapes.





2. Retaining the existing hierarchy of major roads and reinforcing the legibility of the grid street pattern.
3. Offering a variety of super lots to enable robust and flexible subdivision design.
4. Providing for a relocated South Coogee Reserve sporting oval.
5. Reserving the existing wetland vegetation adjacent to Lake Coogee to act as passive open space and a buffer to the precinct.
6. Better responding to the protection of remnant vegetation on the site.

## Report

### Consultation

A formal public consultation process has been carried out (from 7 October to 4 November 2008) which included: an advertisement being placed in the Cockburn Gazette newspaper, affected landowners being invited to comment, and information being made available at the Council's Administration Office and Council's website.

Advertising of the proposal has resulted in the receipt of 14 submissions, two of which were in objection. The issues raised in the submissions are addressed in the Schedule of Submissions (Attachment 4 refers).

The Structure Plan was also referred to the City's Environmental and Parks departments for technical comment.

### Main Issues

The amendments to the Structure Plan have raised a number of issues. Some of these issues have been raised from the submissions received (which have been addressed in the Schedule of Submissions) while other significant issues are discussed below:

1. *Location of the POS (Oval).*

The relocation of the POS raises a number of environmental issues as identified by DEC's submission (Attachment 4 refers) as well as the City's Environmental Department's comments (Attachment 5 refers). One of the main issues of concern relates to fertiliser application and irrigation of the oval turf, given that the majority of the POS falls within the 200m groundwater abstraction and fertiliser use exclusion zone around Lake Coogee.



The proponent's environmental consultant (Strategen) was requested by the City to address the issues raised by DEC and the City's Environmental Department.

In order to address the fertiliser use and irrigation issue, Strategen provided the following written response (Attachment 6 refers):

*"A section of the proposed POS lies outside the 200m groundwater abstraction zone and would be suitable for placement of an irrigation bore if required. A commitment can be therefore made excluding installation of bores and subsequent operation for irrigation purposes within 200 m of Lake Coogee.*

*A Preliminary Nutrient and Irrigation Strategy was included in Appendix 3 of the EMP. The purpose of this document is to provide advice on how to best manage nutrient addition and irrigation prescriptions for the proposed public open space (POS), so that potential impacts to Lake Coogee is minimised. The Strategy assumed the underlying soils have a low Phosphorus Retention Index (PRI) however this could potentially be increased through importation of soil with high PRI to underlie the POS.*

*The Strategy was prepared following some initial discussion with the City of Cockburn, and comment is sought on the appropriateness of prescribed fertiliser and irrigation practices detailed within the Strategy, such that the City of Cockburn is able to adopt these practices for ongoing management. The City of Cockburn's adoption of the practices described in this Strategy will minimise the risk of groundwater contamination through fertilizer use and over-abstraction of the underlying aquifer."*

Apart from the fertiliser and irrigation issue which has been addressed in the above, other environmental issues relating to POS were more minor and have been suitably addressed in Strategen's written response (Attachment 6 refers). Further discussion in this report is unnecessary. All these environmental issues will be dealt with at the subdivision stage by way of recommending subdivision conditions. The City's Environmental Department have requested Strategen to ensure all the environmental issues addressed and commitments made by the proponent prior to the subdivision stage are carried out.

## 2. *Design of the POS and the Provision of the Facilities*

There were still some concerns raised at the workshop on 20 April 2009 in relation to the detailed design of the POS including the oval, change room and other associated facilities. To



address these concerns, the proponent has been required to include the following notation (Notation 8) on the structure plan:

*“Prior to undertaking subdivision and development a DAP is required to be submitted and approved for the POS design to ensure the construction of the oval, change room and other associated facilities are to the satisfaction of the City of Cockburn. Furthermore, the detailed design is to ensure that the POS incorporates appropriate nutrient retention while maintaining playability for organised sports at all times.”*

3. *Cancellation of Existing South Coogee ‘A’ Class Reserve – Reserve No. 15741*

According to the Council resolution at its meeting held on 13 April 2006 in relation to the agreement of cancellation of the existing South Coogee ‘A’ Class Reserve – Reserve No. 15741 Russell Road (which is planned to be replaced by the proposed POS in this amended structure plan), LandCorp is required to provide written agreement to:

- “(i) provide a replacement reserve of at least an equivalent size to the current South Coogee Reserve in a location to the satisfaction of the City;*
- (ii) replace all facilities and infrastructure from the South Coogee Reserve to a value, in a location and within a timeframe to the satisfaction of the City; and*
- (iii) allow the existing sporting groups using the South Coogee reserve to remain there until suitable facilities are constructed on the replacement reserve.”*

While it is understood that the adoption of this amended structure plan may satisfy Condition (i) above, Conditions (ii) and (iii) will need to be addressed via a written agreement to be provided by LandCorp. Accordingly, a recommendation is made to advise LandCorp to provide the Council with a written agreement which satisfies the conditions required in the above.

4. *Deletion of the Transit Square*

The area of original transit square was not located in the optimal location to service the precinct catchments. The applicant has carried out consultation with the Public Transport Authority (PTA). The PTA has advised that a future bus connection is likely through the residential area to the north along McGrath Road and into the Technology Precinct terminating adjacent to the TAFE facility.



To provide for the public transport connection, the amended structure plan proposes a bus route that travels south along McGrath Road (through the residential area), east onto Frobisher Avenue and south onto the internal precinct road terminating at a bus layover centrally within the Structure Plan area and in close proximity to the TAFE facility, which provides an even more centralised public transport service to the precinct. A roundabout has been provided at the intersection to enable the buses to turn around and follow the same return route north. As a result, the above design replaces the need of a transit square.

While the City considers that the provision of a bus terminus layover in lieu of the transit square is justified, the following notation has been included on the structure plan (Notation 7) to ensure the design of the layover addresses the safety and amenity issues:

*“Prior to under taking subdivision and development a DAP is required to be submitted and approved for the bus layover design and its relationship with the surrounding public realm and built form. This is to specifically address pedestrian cover, safety, lighting, landscaping and the like to ensure this area has a high public amenity.”*

#### 5. Road network and Vehicle Access

The City has assessed the proposed road network changes and supports the changes in principle.

- The bus route design mentioned in 4 above necessitates the modification to Frobisher Avenue as shown in the amended structure plan, which includes the provision of an additional service road parallel to Frobisher Avenue.

The approved structure plan currently provides for the widening of Frobisher Avenue with a service road along its entire length, effectively separating internal traffic from residential traffic utilising Frobisher Avenue. This proposal, however, results in difficulties with the intersection treatments at its eastern end with Rockingham Road. The revised structure plan only proposes a service road along the eastern portion of Frobisher Avenue, where it directly faces potential residential development, reducing traffic separation between users of the AMC and residential traffic.

- Note 5 of the amended structure plan states that, *“Buildings to address Rockingham Road. Vehicle access to be provided from other than Rockingham Road until north-*



*bound lane becomes a service road*". This notation is found to be ambiguous, and relates to the future expansion of Stock road which in reality is many years away. Accordingly, this notation should be amended to read as follows:

*"Buildings are to address Rockingham Road. No direct vehicle access is permitted from properties abutting Rockingham and/or Russell Roads"*.

The above notation also addresses Main Roads' submission (Submission 9, Attachment 4 refers).

#### 6. *Inconsistencies between Scheme provisions for SU9 and DA6*

The Water Corporation's submission (Submission 7, Attachment 4 refers) raises issues relating to sensitive land uses such as "residential building" and "educational establishment" being potentially permitted within the Woodman Point WWTP buffer. This concern has come out due to a drafting conflict between the SU 9 (Special Use No. 9) and DA 6 (Development Area No. 6) provisions of TPS3.

While the drafting conflict is questionable in terms of whether it would ever cause an error in allowing a sensitive land use within the Woodman Point WWTP Buffer, it is appropriate to include on the amended structure plan under Note 1 the DA 6 provisions. This will make it absolutely clear that sensitive land uses are not permitted in buffer areas and will address Water Corp's concern.

Furthermore, it is also recommended that the proponent is to include a condition in their sales/lease contracts to acknowledge the inconsistencies between provisions for Special Use No. 9 (SU 9) and DA 6 of Town Planning Scheme No. 3, and to preclude sensitive land uses within the Woodman Point WWTP Buffer and the EPP Buffer until such time that a Scheme Amendment has been finalised to resolve the inconsistencies. The City will address this issue via the next Omnibus Scheme Amendment.

#### 7. *Protection of Heritage Buildings*

Issues have also been raised at the workshop in relation to the heritage buildings: Former South Coogee Primary School and Former South Coogee Agricultural Hall. Both buildings are listed in the City's Municipal Heritage Inventory (MHI). To ensure the heritage significance of the buildings is adequately addressed at the subdivision and development stages, the proponent has been requested to insert Notation 9 on the structure plan which reads as follows:



*“Future subdivision, land use and development of the former South Coogee Primary School site (Lot 4897 Russell Road) and Former South Coogee Agricultural Hall (Lot 48) shall ensure that the cultural heritage significance of the place is adequately protected, to the satisfaction of the City of Cockburn.”*

### Conclusion

The proposed amendments to the AMC Technology Precinct Structure Plan provide logical planning improvements such as reinforcing the legibility of the grid street pattern; enabling more robust and flexible subdivision design; and offering a greater buffer to the Lake Coogee wetland. However, it is essential to address those issues raised in this report and the Schedule of Submissions by adding the recommended notations to the structure plan. The final version of the amended structure plan (Attachment 3 refers) has addressed all the issues discussed in this report. It is therefore recommended that the amended Structure Plan be adopted and forwarded to the WAPC for endorsement.

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

#### **Infrastructure Development**

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

#### **Employment and Economic Development**

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

#### **Natural Environmental Management**

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

### **Budget/Financial Implications**

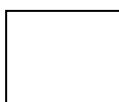
N/A

### **Legal Implications**

N/A

### **Community Consultation**

A formal public consultation process has been carried out (from 7 October to 4 November 2008) which include: an advertisement being placed in the Cockburn Gazette newspaper; affected landowners being



invited to comment on the proposed changes; and information being made available at the Council's Administration Office and on Council's website.

Advertising of the proposal has resulted in the receipt of 14 submissions, including two submissions of objection.

**Attachment(s)**

- 1 Location Plan
- 2 Adopted Structure Plan – AMC Technology Structure Plan
- 3 Amended Structure Plan (dated April 2009) – AMC Technology Structure Plan
- 4 Schedule of Submissions
- 5 City's letter to Strategen dated 17 September 2008
- 6 Strategen's letter to the City dated 21 January 2009

**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 May 2009 Council Meeting.

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

Nil.

**(MINUTE NO 3955) (OCM 14/5/2009) - EXTENSION OF TIME**

**COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr C Reeve-Fowkes that Council extend the duration of the meeting by a further 30 minutes.

**CARRIED 10/0**

DEPUTY MAYOR ALLEN AND CLR ROMANO LEFT THE MEETING, THE TIME BEING 9.03PM.

**DECLARATION OF INTEREST**

The Presiding Member read a declaration from Deputy Mayor Allen of a financial interest in Item 14.11 "Consideration to Adopt Phoenix Central revitalisation Strategy", pursuant to section 5.60B of the Local Government Act 1995. The nature of the interest being that Deputy Mayor Allen is the owner of land within the redevelopment precinct.



**DECLARATION OF INTEREST**

The Presiding Member read a declaration from Clr Romano of a conflict of interest in Item 14.11 “Consideration to Adopt Phoenix Central revitalisation Strategy”, pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations, 2007. The nature of the interest being that Clr Romano is directly related to an owner of land within the redevelopment precinct.

**14.11 (MINUTE NO 3956) (OCM 14/5/2009) - CONSIDERATION TO ADOPT PHOENIX CENTRAL REVITALISATION STRATEGY (9687) (D DI RENZO) (ATTACH)**

**RECOMMENDATION**

That Council adopts the Phoenix Central Revitalisation Strategy and the recommendations contained therein.

**RECOMMENDATION**

That Council:

- (1) adopt the Phoenix Revitalisation Strategy and the recommendations contained therein, with the exception of those recommendations relating to the residential development of the City of Cockburn’s administration site;
- (2) engage relevant consultant(s) to prepare a Master Plan and Design Guidelines for the City’s administration site, which incorporates and investigates alternatives to:
  1. Reduced densities and heights for the proposed residential development on the site.
  2. The recommendations 6.4 to 6.7 and the key features 1-7 as identified on the Community Hub Concept Plan within the Phoenix Revitalisation Strategy.
  3. The retention of mature trees on the site; and
- (3) advise all those individuals who have made submissions of Council’s decision accordingly.

**LOST 2/6**





**COUNCIL DECISION**

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

**CARRIED 6/2**

NOTE: CLR REEVE-FOWKES REQUESTED THAT HER OPPOSITION TO THIS RECOMMENDATION BE RECORDED.

**Background**

At the Council Meeting held on 9 August 2007, it was proposed that Council prepare a Phoenix Park Activity Centre Plan (Item 17.3). At its subsequent meeting held on 13 September 2007 (Item 14.2), Council resolved to prepare the plan (renamed the Phoenix Central Revitalisation Strategy) in accordance with a process that was outlined as part of that item.

The Phoenix Central Revitalisation Strategy ("Revitalisation Strategy") provides a strategic framework for improvements to the Phoenix Town Centre, which includes the surrounding suburbs of Spearwood and Hamilton Hill. This is to specifically guide changes to the study area over the next ten years, focussed on the 800m walkable catchment surrounding the Phoenix Town Centre.

The aim of the Revitalisation Strategy is to develop Phoenix Town Centre according to the principles outlined in the Network City Planning Strategy ("Network City"), which is the strategic plan guiding Perth's future growth. Network City sets out the direction for centres such as Phoenix to evolve into what it calls 'activity centres'.

**Submission****Overview of Preparation and Community Consultation**

Preparation of the Revitalisation Strategy included a comprehensive community consultation program which commenced in October 2007 with a visioning phase. The visioning stage incorporated a comprehensive landowner survey, a survey of retail traders and a community vision forum. The landowner survey was jointly prepared by the Spearwood Community Association and the City and sent to all landowners in the study area. 50 retail traders were individually contacted and their views solicited and 150 people attended the community forum.



After the visioning phase, the City held an Enquiry by Design workshop in November 2007 to prepare draft plans and ideas for how the area could be improved. All of the information obtained during the vision phase was presented to the multi-disciplined workshop team of City staff and relevant consultants who then prepared draft plans.

Following the Enquiry by Design workshop, the plans were further refined and presented to the wider community for comment during May and June 2008. In early May 2008 the City sent a brochure to all landowners in the study area outlining some of the key ideas and proposals for the revitalisation. The release of the draft plans was also advertised to the wider community through the local newspapers, Council's website and at the Phoenix Shopping Centre. In addition letters were written to individual landowners directly affected by some of the transport ideas. During this community consultation period, the City also held two community forums which were attended by approximately 160 people. The City received 400 comment sheets/submissions on the proposed ideas and proposals outlined in the Revitalisation Strategy.

#### Interim Council Consideration of Revitalisation Strategy

At its meeting held on 12 June 2008 (Item 21.1), Council resolved:

- i. not to support the compulsory acquisition of any residential property within the study area for the purpose of creating new road links;
- ii. not to support the inclusion of a bus way or transit way in Rockingham Road; and
- iii. not to proceed with the development of aged persons development on MacFaul Park.

Council also resolved Strategic Planning and Engineering Services to investigate alternative options for accommodating traffic in the area and prepare a report for the future consideration of Council.

#### Council Consideration to Adopt Revitalisation Strategy

At its meeting held on 11 December 2008 (Item 14.12) Council considered adopting the Revitalisation Strategy, which included a recommendation to modify the proposed zoning in the outer residential area from R30 to R25. Council resolved to defer its consideration of the Revitalisation Strategy, so as to ascertain further feedback from the community regarding the proposed reduction in residential density from R30 to R25 in the outer area.

This feedback has been subsequently assessed, and together with Council's resolution of 12 June 2008, this report is presented to Council for consideration to adopt the Revitalisation Strategy.



## Report

The report has been split into the various sections based on the main components contained within the Revitalisation Strategy. Within each section the main features that were initially advertised for community comment are outlined, together with a summary of the main issues raised by the community, and the City's response.

### Proposed Zoning Plan

#### Draft Plan Released for Community Comment

The draft plan that was advertised for public comment proposed a number of zoning changes within the study area, including the following key proposals:

- Expanding the 'District Centre' zone to include the City's administration site.
- Extending the 'Mixed Business' zone along Rockingham Road to south of Kent Street.
- Increasing residential densities from R20 to R40 in the 400 m walkable catchment of the Phoenix Town Centre and around local centres, parks and along major public transport routes.
- Changing the residential density from R20 to R30 within the 400m to 800 m walkable catchment.
- Proposing special design areas to encourage passive visual surveillance of parks and cycleways.
- Rezoning a portion of MacFaul Park to accommodate aged person housing.
- Identifying the northwest portion of the study area to be subject to a separate Hamilton Hill Study as part of revitalising the local shopping centre at the intersection of Carrington Street and Rockingham Road.
- That land around the Watsons Food Factory being reviewed separately once the buffer definition study has been finalised and factory shutdown.

#### *Summary of Community Feedback*

- Majority support of the opportunity to develop/subdivide in the future.
- Concerns about high rise/mixed business causing overlooking.
- Suggestions for height limits and design guidelines.
- Residential density radiating from the centre was supported.
- Need to improve/maintain/increase public open spaces.



*City's Response in Preparation of the Final Revitalisation Strategy*

The City has prepared a revised zoning plan that both reflects the original intentions of the zoning plan and takes into consideration issues raised during the community consultation. It maintains the radiating density plan, with proposed R40 within the 400m walkable catchment. Specific changes in relation to the outer and inner residential precincts are also explained following:

*i. Zoning Changes to Outer Residential Precinct*

The revised zoning plan that was presented to Council on 11 December 2008 recommended a reduction in residential density from R30 to R25 for the area between the 400m and 800m walkable catchments of the Phoenix Town Centre. This change was proposed in response to community concerns raised in relation to increased traffic on residential streets as a result of higher density development (discussed in the ideas for improving movement and mobility). It was considered that an R25 coding would still allow the majority of people to develop/subdivide in the future, while limiting the potential for increased traffic in the outer area.

In considering this recommendation, Council resolved at its meeting held on 11 December 2008 (Item 14.12) to defer its determination of the Revitalisation Strategy, so as to ascertain further feedback from the community regarding the proposed reduction in residential density from R30 to R25 in the outer area.

In undertaking this further feedback, a survey was sent to all landowners within the study area in order to ascertain quantitative feedback regarding the proposed reduction in residential density. Complementing this, members of the community were also invited to attend a public forum at the City on 21 February 2009. The results of this were that 403 surveys were submitted, and 42 landowners attended the public forum.

With regard to the public forum, the following key issues were raised:

- Increased traffic under R30 was not likely to be considerably more than under R25.
- R30 coding provided more flexibility to retain dwellings and subdivide.
- Greater concern regarding increased traffic around Council site, rather than the outer residential areas.

With regard to the surveys, a total of 403 were received from the community, with the results as follows:

- 51.6% supported a change in residential density from R30 to R25;
- 48% objected to a change in residential density from R30 to R25;



- 0.3% unsure/undecided.

The most frequent reasons provided by respondents for supporting a change in residential density were as follows:

- Minimising likely traffic increases on residential streets.
- To protect residential amenity (such as privacy, reducing noise, and facilitating larger lot sizes).

The most frequent reasons provided by respondents for objecting to a change in residential density from R30 to R25 were as follows:

- Support higher density to revitalise the area (e.g. increase activity, facilitate aging in place).
- Traffic increases under R25 not likely to be significant compared with those anticipated under an R30 coding.
- Loss of subdivision potential, or reduced subdivision potential.

Of the respondents who provided their address and whose properties were located in the outer residential area, 56.6% objected to a change from R30 to R25, and 43.3% indicated supported.

In comparison with R25, a coding of R30 could increase the total potential number of lots or dwellings within the whole study area by 267. It is not considered that this potential increase in lot yield is substantial, and the potential increase in residential traffic would not come close to exceeding the capacity of the roads.

There are also other differences between the subdivision and development requirements set out in the Residential Design Codes of Western Australia ("R-Codes") for R25 and R30 that may affect subdivision and development potential. This includes the requirements for street setbacks, minimum lot area, outdoor living area and open space. These differences may affect the ability of some properties to be subdivided while retaining an existing house.

An R30 coding would provide more flexibility for existing dwellings to be retained, should landowners chose to subdivide their property. As recognised by attendees at the community workshop, this is considered to be a benefit of an R30 coding, given that much of the housing stock in the area is in good condition.

Taking into consideration the outcomes of the community consultation and further examination of the differences between an R25 and R30 coding for this area, it is recommended that the original coding of R30 be identified for the outer residential area, as shown in the revised zoning plan (attached).



*ii. Zoning Changes to Inner Residential Precinct*

An area around Glendower Way and Shallow Street, on the east side of the Phoenix Town Centre is currently zoned R60. This R60 zone was originally based on the location of the sewer and does not follow a logical pattern. It is recommended that the R60 zone be expanded to create a more consistent land use pattern, centred generally around the public open space on Shallow Street as shown on the attached revised zoning plan.

The advertised zoning plan proposed to rezone 75 Phoenix Road, Spearwood from R80 to 'District Centre'. This has been reconsidered and it is considered preferable to maintain a residential streetscape along Glendower Way, rather than locating commercial uses opposite residential uses. Therefore it is recommended that the existing R80 zoning remain for this site.

To the south of this site, the advertised zoning plan proposed to rezone 3, 5, and 7 Glendower Way, Spearwood from R20 to 'District Centre'. However, it is recommended that this be changed to 'Residential R80' to maintain a residential streetscape on both sides of Glendower Way. A R80 zoning is considered appropriate for these properties, given the proximity to the Phoenix Town Centre.

*iii. Zoning Changes to Create New Business Areas*

The zoning plan that was advertised for public comment proposed an extension of the existing 'Mixed Business' zoning along the western side of Rockingham Road to Kent Street. The objective of this was to provide a more consistent land use pattern and streetscape along this section of Rockingham Road, consistent with the business uses already established on the opposite side of Rockingham Road.

However, on further consideration it is recommended that the existing and proposed 'Mixed Business/R60' zonings be changed to a 'Business/R60' zone with design guidelines. This is recommended because it is considered that the range of uses permissible in the 'Business' zone is more compatible with residential uses than those in the 'Mixed Business' zone. This is important given that residential uses will remain to the west of these lots fronting Rockingham Road.

It is also recommended that the provisions of the 'Business' zone be reviewed to include a range of residential uses such as grouped dwellings, multiple dwellings and lodging houses. This will facilitate mixed uses in these areas, including residential apartments above offices or retail uses. In addition, consideration should be given to the inclusion of other uses in the 'Business' zone that are compatible with residential development. Changes to the provisions of the 'Business' zone will be subject to a Scheme amendment, which would include community consultation.



The land adjacent to the intersection of Rockingham Road and Spearwood Avenue is also proposed to be rezoned to 'Business' to capitalise on passing trade and increased accessibility resulting from the Spearwood Avenue extension to Cockburn Road.

Design guidelines for the proposed 'Business' zone will help to ensure appropriate heights and uses to avoid overlooking and any potential conflicts with existing residential development. Design guidelines will also be required to be prepared for the R60 zone and the 'District Centre' zone to again ensure appropriate heights and to address concerns regarding overlooking.

The advertised zoning plan proposed to rezone properties south of the Council administration centre on Spearwood Avenue and Butkenica Court from R40 to 'District Centre/R60'. There was strong objection to this proposal from residents during the advertising period, and it recommended that the existing R40 zoning be retained in this area.

Currently, residential development at a density of R60 can be considered within the 'District Centre' zone subject to there being no land use conflicts. To date this has not occurred. To encourage vibrant activity which includes mixed use development it is recommended that a density code of R80 be applied to the Phoenix Shopping Centre site. This may provide more incentive for landowners to explore redevelopment options.

*iv. Zoning Changes to Residential Properties Adjacent to Parks*

The advertised zoning plan proposed an R40 coding adjacent to parks. The zoning plan considered by Council at the December 2008 meeting proposed that this be modified to a dual coding of R25/R40 with design guidelines. It was proposed that R40 would only be applicable to properties that amalgamate to achieve a better built form outcome, with design guidelines to encourage passive surveillance of public open space.

Given the recommendation that the outer residential areas be rezoned to R30, it is considered appropriate that properties fronting parks be modified to a proposed coding of R30/R40. A dual coding is still recommended to encourage amalgamations and better built form outcomes. Where properties fronting parks are located within the inner residential precinct it is recommended that an R40 coding be applied as shown on the attached revised zoning plan.

*v. Parks*

In accordance with Council's resolution of 12 June 2008 (Item 21.1) it is no longer proposed to create a retirement housing site on MacFaull Park (see Ideas for Improving Parks). Therefore, there are no proposed



zoning changes for any of the 'Local Reserves (Parks and Recreation)' within the study area.

*vi. Aged/Dependent Persons Accommodation*

A submission was received from the landowner of an existing retirement village located at 1 Rodd Street, Hamilton Hill requesting this site be rezoned from R35 to R80 to enable redevelopment of the site to accommodate more aged accommodation. Given the need for aged accommodation in this area it is recommended that this request be supported by identifying the site to be rezoned to 'Special Use (Retirement Housing) R35/R80' with special conditions in place to ensure that it will be only be developed for this purpose. This will also require the preparation of a concept plan and design guidelines.

Ideas for New Community Hub

*Ideas Released for Community Comment*

One of the priorities identified by the community was the need for a new community hub or gathering place. People expressed the view that there were currently few entertainment options, alfresco eating areas or public areas to sit and meet. The Council had already committed to a new senior citizen's centre on the City's administration site. This provided an opportunity to explore the development of a new community hub directly adjacent to the Phoenix Shopping Centre on the City's land. Four options were developed; all included a town square/piazza, a new life learning centre (incorporating a redeveloped library and new senior citizen's centre), a new café street, new residential housing and a town park.

The idea behind the life learning centre was to create a centrally located and integrated community facility that included: a senior's centre, larger redeveloped library, early years and family centre, youth activities spaces, community computer training rooms and meeting rooms, café, bookshop and new community hall. The new residential development was proposed with three apartment buildings up to eight stories to help generate more activity, sense of community as well as providing people with housing options for living in close proximity to services, facilities and public transport. The residential development would also help fund some of the proposed community infrastructure.

The proposed café street and town square were located on Coleville Crescent at southern side of the existing Phoenix Shopping Centre to try to maximise the possible vibrancy of this new area. Some options involved the realignment of Coleville Crescent to help create a two sided mixed use café street. Two of the options involved the demolition of the existing dental clinic to facilitate such realignment.





### *Summary of Community Feedback*

- Majority support for the idea of creating a new community hub on the City's administration site.
- Majority support of the new mixed use café street creating more restaurants and lifestyle opportunities.
- Generally supportive of new life learning centre.
- Generally supportive of creating a town park and town square and the idea of creating a central meeting and community place.
- Concerns about demolition of the dental clinic through the realignment of Coleville Crescent.
- Concerns about ensuring that there is sufficient parking.
- Objections and/or concerns about high rise causing social, traffic and overlooking problems.
- Suggestions that the City ensure safety/security in design and disability access.
- Suggestions for aged person housing on the bowling club site.

### *City's Response in Preparation of the Final Revitalisation Strategy*

The City has prepared a new concept plan for the City's administration site (a copy of which is attached) that is a combination of the previous options and community feedback. The new concept plan realigns Coleville Crescent slightly southwards to link with Goffe Street to form the new mixed use/café street but does not require the relocation of the existing dental clinic. The concept plan includes a town square or piazza, a new life learning centre, a town park including some form of water feature and residential housing. A draft plan to demonstrate the location of the underground car park for the site has also been prepared.

The revised concept plan proposes height limits for the proposed residential buildings. Opposite the existing residential area on Coleville Crescent a height limit of three storeys is proposed. Opposite the existing primary school, a four storey height limit is proposed. The larger eight storey apartments are located away from existing residential. All the residential buildings on the City's administration site will be subject to design guidelines to address concerns about overlooking, traffic, potential social problems, safety/security and disability access.

Building high rise apartments on at least some of the site is still considered to be important for maximising housing choices in the area. It is considered that there is an increase in the number of people who want to make a housing choice to live in apartments within close walking distance to services and facilities including public transport. This is especially important for people who cannot drive, the elderly, and people with disabilities. The City will continue to explore the possible location of aged housing on the site.



Locating higher density residential near public transport, services and amenity is also part of a strategy of reducing private vehicle use and therefore carbon emissions. It is considered that the advantages of locating high density residential development in the Phoenix Town Centre outweigh the possible community fears of traffic, social and overlooking problems. The City believes that these concerns can be addressed through appropriate design guidelines. Furthermore, it is important to note that the higher density development envisaged for the area will be of a very high quality, and cannot be compared to dated examples of poorly designed 'flats' around the Perth Metropolitan Area.

Recommendation 5.3 B. of the Revitalisation Strategy specifies that an Architect/Urban Designer will be engaged to prepare a master plan, design guidelines and a joint pedestrian, cyclist, traffic and car parking strategy for the City's administration site.

### Ideas for Movement and Mobility (Including Rockingham Road)

#### *Ideas Released For Community Comment*

Improvements to the visual and pedestrian amenity of Rockingham Road in the town centre have been identified by the community as a key priority. Rockingham Road has been one of the most difficult aspects of the Revitalisation Strategy given its status in the regional road network and other physical constraints. The City presented some ideas to the community that involved:

- seeking funding to underground the power
- creating a bus lane
- enlarging the median strips to increase pedestrian safety
- creation of a new pedestrian crossing near Kent Street
- working with landowners to place new street trees between the existing footpaths and the existing car parks due to the constraint of the existing road reserve
- improving signage
- generally improving residential streets and pedestrian and cycle routes to encourage walking and cycling.

Much of the improvements to Rockingham Road, especially the bus lane, required that traffic growth resulting from rezoning to a higher density be minimised particularly in the outer area where there is a greater dependency on the car. One option was to create new road linkages to provide alternatives for getting to the Phoenix Town Centre and to improve walkability to the centre. These road linkages would have ultimately required the purchasing or resumption of private properties, which was not supported by Council.



### *Summary of community feedback*

- Strong objections to any new road linkages, where properties may be resumed.
- General concerns about traffic increasing on residential streets.
- Concerns about traffic increasing on Gerald Street and its impact on the primary school.
- Concerns about the bus lane on Rockingham Road.
- The need to improve the pedestrian crossings across Rockingham Road.
- Supportive of plans to improve footpaths, lighting and landscaping on key streets to encourage walking, cycling and use of public transport including for the aged, disable and mothers with prams.
- Ideas for a CAT bus servicing the study area and other centres and better public transport generally.

### *City's Response in Preparation of the Final Revitalisation Strategy*

In direct response to the community's feedback, the Council made the following decision at its 12 June 2008 meeting (Item 21.1):

*"Not to support the compulsory acquisition of any residential property within the Phoenix Central project area for the purpose of creating new road links and the road links going through homes being deleted;"*

*"Not to support the inclusion of a busway or transit way in Rockingham Road."*

The Revitalisation Strategy includes streetscape improvements to key residential streets in the study area and the creation of new cycle routes. It also outlines possible options for landscape improvements to Rockingham Road, including improved pedestrian crossings. These proposals will encourage walking and cycling in the area; therefore, assisting to minimise anticipated traffic increases as a result of the proposed rezonings.

Currently the study area does not have the density to justify the viability of a CAT bus service (Central Area Transport Service) but as the population increases, such a service might become more viable. These are typically State Government funded, and currently only two areas in Perth have the service available (Central Perth and Fremantle).

### Ideas for Improving the Northern End

#### *Ideas Released for Community*

A number of ideas were presented to the community and to the landowners in the northern end of the centre, including more shade, wider footpaths, narrow road pavements, raised pedestrian crossings. This was in response to the community concern regarding the general



appearance, pedestrian amenity and traffic movements in the northern end of the town centre. This area however is privately owned and therefore it is difficult for the City to implement any changes without cooperation.

#### *Summary of Community Feedback*

- Very little feedback on these ideas from either landowners, traders or the community, but the few people who did responded positively.

#### *City's Response in Preparation of the Final Revitalisation Strategy*

As all of this land is in private ownership, it is difficult to improve this area without the cooperation of landowners. In the short term, the City will look at streetscape improvements to Lancaster Street within the Town Centre. Design guidelines will also be prepared for the area so that any future developments will contribute to the improvement of the overall area.

#### Ideas for Improving Parks

##### *Ideas Released for Community Comment*

Ideas have been prepared for greening and beautifying most of the parks in the study area. This was in response to the community desire for the area to stay green and beautified.

To address the need for aged persons accommodation the advertised zoning plan proposed retirement housing on a portion of MacFaull Park.

The advertised plan included the redevelopment of the facilities at Beale Park and the creation of a link between Watsons Reserve and Edwards Oval by buying a portion of some existing school grounds.

#### *Summary of Community Feedback*

- Strong objections to the idea of allowing retirement housing to be built on a portion of MacFaull Park.
- Generally supportive of the ideas for upgrading facilities and parks.
- Support for the redevelopment of Beale Park.
- Suggestions for better lighting, seating, barbecue areas, security, play equipment and trees.

#### *City's Response in Preparation of the Final Revitalisation Strategy*

In response to the community's feedback, the Council already made the following decision in its 12 June 2008 meeting (Item 21.1):



*“Not to proceed with the development of aged person development on MacFaul Park.”*

The proposal to link Watsons Reserve with Edwards Oval through the local school grounds has also been deleted.

### Conclusion

The final Revitalisation Strategy provides 66 specific recommendations (refer attached Summary of Recommendations). The key themes of these recommendations are summarised below:

- Preparation of Scheme Amendments for rezoning of the study area, and preparation of relevant design guidelines. These Scheme Amendments will need to be advertised for public comment, and be adopted both by Council and the Western Australian Planning Commission.
- More detailed planning and design of the City's administration site for the creation of a new community hub.
- More detailed planning and design of Rockingham Road and funding submissions for undergrounding the power.
- More detailed planning and design for streetscape improvements (cycle ways and pedestrian links).
- More detailed planning and design for park improvements.

It should be noted that while the City has provided leadership in formulating the Revitalisation Strategy, the commercial and residential community within the study area should understand that it is not the City's responsibility to fund all the potential outcomes arising out of the recommendations. This is particularly relevant for those areas for improvement, such as the northern end of the centre, which will require the active participation of those landowners to achieve the proposed outcomes that have been outlined in the Revitalisation Strategy, and that will be identified in future studies.

Once the detailed planning is undertaken on the various aspects of the project, financial costing will need to be determined. At this point the City will need to undertake a review of the Revitalisation Strategy's proposals and develop possible funding scenarios. This will involve the preparation of an implementation schedule, which will need to have due regard to the City's plan for the district.

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

#### **Demographic Planning**

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



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

#### **Transport Optimisation**

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

#### **Budget/Financial Implications**

The funds required for the preparation and finalisation of the Revitalisation Strategy are covered within the 2008/09 budget. Additional funding will need to be provided in the 2009/10 budget to cover the costs associated with the detailed planning design phases as identified in the Revitalisation Strategy's recommendations.

The external funding for the implementation of the Revitalisation Strategy will also need to be identified and budgeted for, once the detailed planning and design phases have been completed.

#### **Legal Implications**

N/A

#### **Community Consultation**

A brochure was sent to all landowners (4268 properties) in the study area. The release of the draft plans were advertised to the wider community through the local newspapers, Council's website and at the Phoenix Shopping Centre. Two community forums were also held during the community consultation period which was attended by approximately 160 people.

A survey was sent out to all landowners within the study area, and a community forum undertaken regarding the recommended modification to the proposed coding of the outer residential areas.

#### **Attachment(s)**

1. Phoenix Central Revitalisation Strategy - Revised Zoning Plan.
2. Phoenix Central Revitalisation Strategy - City Administration Site Concept Plan.
3. Phoenix Central Revitalisation Strategy - Recommendations.
4. Summary of Recommended Modifications to Zoning Plan.

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

Letters were sent to all submissioners of both the May/June 2008 advertising period, and the January/February 2009 consultation period advising that this matter was to be considered at the 14 May 2009



Council Meeting. An advertisement was also placed in the local newspaper.

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

Nil.

DEPUTY MAYOR ALLEN AND CLR ROMANO RETURNED TO THE MEETING, THE TIME BEING 9.19PM.

THE PRESIDING MEMBER ADVISED DEPUTY MAYOR ALLEN AND CLR ROMANO OF THE DECISION OF COUNCIL IN THEIR ABSENCE.

**14.12 (MINUTE NO 3957) (OCM 14/5/2009) - CLOSURE OF PORTION OF LYON ROAD, ATWELL - LOCATION: LOT 9038 LYON ROAD, ATWELL - OWNER: LANDCORP - APPLICANT: WHELANS (450016) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) subject to the proponent agreeing in writing to meet all costs associated with the proposal, advertise the proposed road closure of portion of Lyon Road, Atwell pursuant to Section 58 of the *Land Administration Act 1997*;
- (2) at the conclusion of the statutory advertising period and subject to no objections, request that the Minister for Lands close portion of Lyon Road, Atwell pursuant to Section 58 of the *Land Administration Act 1997*;
- (3) subject to the road closure, the land being made available for purchase to the adjoining landowners as per the normal procedures of the *Land Administration Act 1997*; and
- (4) advise the applicant of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**



## **Background**

Lyon Road, Atwell was surveyed prior to 1930 and has been constructed and maintained by the City.

## **Submission**

Whelans Consulting Surveyors, in its role as project manager for Landcorp's Harvest Lakes subdivision (reference 138305), has written to the City requesting closure of portion of Lyon Road, Atwell. Included in their submission is the pre-calculation subdivision layout plan, showing the extent of the proposed road reserve closure. This is considered appropriate to pursue on the basis of achieving adequate land rationalisation. Note that the road itself will still remain open, as the closure is only for a portion of surplus perimeter land around the constructed alignment of Lyon Road.

The road closure is consistent with the adopted Structure Plan for the subject land (refer Attachment 2) which shows a new road network being developed as part of urbanisation.

## **Report**

Following Whelan's request for closure, letters seeking comment were sent to the service authorities.

Should Council wish to proceed with the road closure, the procedure following Council resolution will be that officers complete the statutory advertising and obtain from all of the service authorities confirmation that they have no objection to the closure. The request will then be forwarded to State Land Services. State Land Services will obtain a valuation of the land from the Valuer General's office and offer the land to the adjoining landowners.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Transport Optimisation**

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





**Budget/Financial Implications**

All associated costs are to be paid by the proponent.

**Legal Implications**

Section 58 of the *Land Administration Act 1997* refers.

**Community Consultation**

The proposal will be advertised in the West Australian in accordance with the requirements of the *Land Administration Act 1997*.

**Attachment(s)**

1. Structure Plan
2. Location Plan

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

The Proponent(s) have been advised that this matter is to be considered at the 14 May 2009 Council Meeting.

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

Nil.

**14.13 (MINUTE NO 3958) (OCM 14/5/2009) - PROPOSED NAMING OF PUBLIC OPEN SPACE RESERVE 49771 AS 'SOLTA PARK' - LOT 129 YERILLA GATE, MUNSTER - OWNER: CITY OF COCKBURN (1050) (A TROSIC) (ATTACH)**

**RECOMMENDATION**

That Council:-

- (1) request the Geographic Names Committee to name Reserve 49771 at Lot 129 Yerilla Gate, Munster as 'Solta Park';
- (2) subject to (1) being agreed to, Council requests the Manager of Parks to organise funding and installation of signage of the reserve as 'Solta Park', at the time the reserve is developed by the City (currently listed for budget consideration for the 2009/2010 financial year);
- (3) request the inclusion in the 2010/11 budget a sum of \$20,000, to fund the design and installation of an appropriate piece of public art in the vicinity of Lot 3 corner Rockingham Road and West Churchill Avenue, Munster;
- (4) subject to funding being made available pursuant to the (3),



Council requests the Manager of Parks to organise for the 2010/11 financial year the design and installation of the public art work in the vicinity of Lot 3 corner Rockingham Road and West Churchill Avenue, Munster. This is to acknowledge the Pavlovich family, who as pioneering landowners of adjoining land, have made a significant contribution to the local area. The public art is to be developed in conjunction with the Pavlovich family, and installed in an appropriate location considering both traffic and pedestrian safety issues;

- (5) advise members of the community who have been involved in the naming process of this decision.

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Cllr T Romano that Council adopt the recommendation with the following amendment to Item (4):

- (1) as recommended;
- (2) as recommended;
- (3) as recommended;
- (4) Council requests the Manager of Parks and Gardens to organise for the 2009/10 financial year the design and installation of the public artwork in the vicinity of Lot 3, corner Rockingham Road and West Churchill Avenue, Munster to acknowledge the Pavlovich family who, as pioneering landowners of adjoining land, have made a significant contribution to the local area. The public art is to be developed in conjunction with the Pavlovich family, and installed in an appropriate location considering both traffic and pedestrian safety issues; and
- (5) as recommended.

**CARRIED 9/1**

**Reason for Decision**

At its February 2009 meeting, Council resolved that a meeting between the community and those for or against the proposal be convened and a resolution sought. This meeting occurred on 14 April 2009 where an agreement was reached that the park be named Solta and funding be



made available in Council's next budget for public art or street-scaping to recognise the significant contribution the Pavlovich family have made to this area of Cockburn.

## **Background**

The City received a request for the naming of a public open space reserve (Reserve 49771 at Lot 129 Yerilla Gate) as 'Solta Park' on 20 August 2008. The reserve is located towards the eastern edge of the West Churchill development (refer Attachment 1 - Location Plan).

The request was made by the former landowner (Jakovcevic family), with the justification being to recognise a group of people who had made a contribution to the local area, mainly in the form of early settlement and establishing market gardens. In this respect, many of these people came from a village on the Island of Solta, and accordingly naming the reserve 'Solta Park' reflected some of the heritage of the early settlers.

In advertising the request, a number of objections were received, and a report was presented to Council on 12 February 2009. This recommended that Council not proceed with the requested name, due to the local community not being in total agreement. It was also recommended that Council name the reserve Yerilla Park, consistent with its location along Yerilla Gate and Council Policy OLCS11.

Council considered this recommendation and resolved to defer consideration of the name, in order to convene a meeting between Councillors and members of the community who had been involved in the naming process in order to discuss the issues regarding the proposed name. This meeting took place on 14 April 2009, the outcomes of which form the basis of this report back to Council.

## **Submission**

The City received the request for the naming of the public open space reserve from the former landowner (Jakovcevic family) (refer Attachment 2 - Naming Request).

The park is located along Yerilla Gate within the locality of Munster, and comprises a land area of 2,128m<sup>2</sup>. The park is yet to be formally developed by the City. Development of the park will be subject to future funding and as the surrounding locality approaches full development. In this respect the reserve's development is currently listed for budget consideration for the 2009/2010 financial year.

A petition has also been presented to Council from the Jakovcevic family, containing over 400 signatures from members of the community in support of the name 'Solta Park'. This has also been taken into



consideration as part of preparing this subsequent report back to Council.

## **Report**

The request was to name the reserve 'Solta Park', after the Island of Solta in the central Dalmatian archipelago of Croatia. The request was specifically justified to recognise a group of people who had made a contribution to the local area, mainly in the form of early settlement and establishing market gardens. Many of these people came from a village on the Island of Solta, and accordingly naming the reserve 'Solta Park' reflected some of the heritage of the early settlers. The Island of Solta is also located close to Split (the sister city to Cockburn), and was felt to be an appropriate choice also on this basis. The Jakovcevic family have provided additional information in support of their suggested name of 'Solta Park', as attached.

In terms of the procedural requirements relating to the naming of reserves under 1ha, the Geographic Names Committee requires strong evidence of community support, including evidence of consultation regarding any proposed name. In undertaking this consultation, two surrounding landowners wrote to the City outlining their objections to the proposed name (refer Attachment 3 - Submissions). Their objection was specifically that the proposed name did not adequately recognise the Pavlovich family, who owned (and initially developed) the land for many years before it was sold to the Jakovcevic family. It was also advised that most people in the community knew Mrs Pav and her shop which is still known as 'Pav's Deli'. Accordingly, a more suitable name was suggested as 'Pav's Park'.

### Council Workshop With Members Of The Community

As mentioned above, the staff recommendation was to not proceed with the requested name, due to the local community not being in total agreement. It was also recommended that Council name the reserve Yerilla Park, consistent with its location along Yerilla Gate and Council Policy OLCS11.

Council considered this recommendation and resolved to defer consideration of the name, in order to convene a meeting between Councillors and members of the community who had been involved in the naming process in order to discuss the issues regarding the proposed name. This meeting took place on 14 April 2009.

A variety of issues were discussed at this meeting, including the views of both the Jakovcevic and Pavlovich families. It was acknowledged by Councillors in attendance that both families had reasonable justification in terms of their suggested name for the reserve, and that the process of naming was not one which would 'elevate' one position above



another. The idea of a joint name was also discussed, however the Jakovcevic family were unsupportive of this.

In attempting to reach an equitable position for both families and the wider community, it was suggested by Councillors in attendance that Council proceed with the name 'Solta Park' for the reserve, but also install a piece of public art in the vicinity of Lot 3 corner Rockingham Road and West Churchill Avenue, Munster. This is to acknowledge the Pavlovich family, who as pioneering landowners of adjoining land, have made a significant contribution to the local area. The public art is to be developed in conjunction with the Pavlovich family, and installed in an appropriate location considering both traffic and pedestrian safety issues. This has formed the basis to the staff recommendation.

This can be viewed as an equitable outcome for the community, given the reserve name of 'Solta Park' can be supported while also facilitating recognition of the Pavlovich family via a significant public art instalment. While the Pavlovich family still remain opposed to the name of 'Solta Park', they are supportive and appreciative of Council's public art offer. A further submission has been provided from the Pavlovich family stating why they remain opposed to the name 'Solta Park', as attached.

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

#### **Lifestyle and Aspiration Achievement**

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

### **Budget/Financial Implications**

Council's public art funds for the 2009/10 financial year have already been allocated to various projects across the district. Accordingly, the staff recommendation is for Council to include a sum of \$20,000 in the 2010/11 budget, in order to fund the design and installation of the public artwork. \$20,000 is considered sufficient in this respect.

Council will also have to provide sufficient funds for signage to be installed on the reserve for the name 'Solta Park', at the time the reserve is developed. Signage alone will cost approximately \$5,000. The overall reserve development is currently listed for budget consideration for the 2009/2010 financial year, at a total amount of \$180,000.

Should funding take place in accordance with the above, then the constructed open space reserve and public art installation should occur within 12 months of one another, which is considered an equitable outcome.



### Legal Implications

N/A

### Community Consultation

Public consultation was undertaken as requested by the Geographic Names Committee.

### Attachment(s)

1. Location Plan
2. Naming Request
3. Schedule of Submissions
4. Additional submission from Pavlovich Family.
5. Additional submission from Jakovcevic Family.

### 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 14 May 2009 Council Meeting.

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

Nil.

**14.14 (MINUTE NO 3959) (OCM 14/5/2009) - MIXED USE DEVELOPMENT (15 MULTIPLE DWELLINGS & OFFICES) LOCATION: LOTS 1 - 5 (NO.'S 176 - 184) GAEBLER ROAD, AUBIN GROVE - OWNER: D J PIERCY - APPLICANT: A ZUBOWICZ (6006211) (R COLALILLO) (ATTACH)**

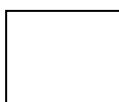
#### RECOMMENDATION

That Council:

- (1) approve the application for a Mixed Use Development (15 Multiple Dwellings & Offices) at Lots 1 – 5 (No. 176 - 184) Gaebler Road, Aubin Grove subject to the following conditions:-

#### CONDITIONS

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. This includes the use of the land and/or a tenancy. The approved development is for multiple dwelling and office purposes only.
2. Nothing in the approval or these conditions shall excuse



- compliance with all other relevant written laws in the commencement and carrying out of the development.
3. No retail or wholesale sales being permitted from the premises or site.
  4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
  5. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted to and approved by the City prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
  6. A landscaping and reticulation plan for the development site and associated verge areas shall be submitted and approved by the City prior to the issue of a building licence. The plan shall show by numerical code, the species and quantity of plant types to be planted.
  7. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use
  8. All stormwater being contained and disposed of on-site to the satisfaction of the City.
  9. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
  10. The parking area, driveways and points of ingress and egress to be designed, constructed, drained and marked in accordance with the plan certified by a suitably qualified practicing Engineer and thereafter maintained to the satisfaction of the City. These works are to be done as part of the building construction.
  11. The four (4) visitor parking bays shown on the approved plans are to be permanently marked and maintained at all times in perpetuity for use exclusively by visitors to the property.
  12. Clothes drying devices shall be erected or clothes dried outside any private courtyard, which is visible from a

street or public place.

13. No goods or materials are permitted to be stored either temporarily or permanently in the car parking, footpath, landscape areas or access driveways.

SPECIAL CONDITIONS

14. The amalgamation of the lots into one (1) lot on one (1) Certificate of Title to the City's satisfaction.
15. The ground floor office area of each unit must only be used for office purposes as defined by the City's Town Planning Scheme No.3 and is only permitted to be utilised by the occupier/s of the upper floor residence.
16. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the City and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a building licence. This notification is to be sufficient to alert prospective purchasers of the use and restrictions of the units as stipulated under Condition 15 of this approval. The notification should (at the full cost of the landowner) be prepared by the City's Solicitor and be executed by both the landowner and the City.
17. The use and occupancy of the fourteen (14) single bedroom dwellings must comply with the definition of a 'single bedroom dwelling' as defined by the Residential Design Codes of Western Australia at all times to the satisfaction of the City.
18. A waste management plan is to be developed and submitted to the City and approved, prior to the issue of a building licence.
19. Fixed obscure glass panels up to 1.6 metres above floor level being added to the rear balconies facing Queens Lane as shown on the approved plans to the satisfaction of the City.
20. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City as a separate application. The application (including detailed plans) and appropriate fee for a sign license must be submitted to the City prior to the erection of any signage on the site.
21. All mechanical plant and related hardware must be





screened from view of adjoining properties and the public realm. The details in respect of which are to be provided to the City's satisfaction prior to the release of the building licence. The location of plant equipment must also minimise the impact of noise on future occupants of the development and adjoining residents.

22. All service areas (clothes drying and bin store areas) are to be positioned in locations where they are not visible from adjoining properties and the public realm, or effectively screened.
23. All multiple dwelling units must include the installation of a clothes dryer within the laundry. No clothing can be dried on the balconies adjoining the living areas.
24. Outdoor lighting is required, particularly for illuminating the pedestrian laneways and internal driveway and must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.

(2) advise the applicant and submissioners of Council's decision accordingly.

#### **COUNCIL DECISION**

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

**CARRIED 10/0**

#### **Background**

Zoning:	MRS:	Urban
	TPS3	Development
Land use:	Mixed Use Development (15 Multiple Dwellings & Offices)	
Lot size:	2069 sqm	
Use class:	Multiple Dwellings 'P' Office 'D'	

The subject land is comprised of five separate (adjoining) land parcels located on the south west corner of Gaebler Road and Lyon Road, Aubin Grove. The land is bordered by Gaebler Road to the north, a 10 metre wide pedestrian laneway to the east, Queens Lane to the south



and Lyon Road to the west. The land is flat and void of any structures or vegetation.

The application is referred to Council for determination as the proposal represents a variation to the approved Detailed Area Plan (DAP) for the site. An objection was also received from a surrounding landowner following advertising of the proposal.

### **Submission**

The applicant proposes to construct a mixed use development comprising fifteen (15) units with associated residential and office floor spaces (shown in the attachments to this report). Fourteen (14) of the units are two storey and are provided with 60 sqm of residential upper floor space and 30 sqm of office ground floor space. The remaining unit is two-storey with a loft area and contains 95 sqm of residential upper floor space and 61 sqm of office ground floor space. Balconies and storerooms have been provided for each unit. The development is proposed to be constructed using a select mix of external finishes (brickwork, render, travertine etc).

Each of the units have been provided with two (2) car parking spaces and four (4) additional carparking bays have been provided in a communal area to be used by visitors to the site. Five on-street car parking bays within the Gaebler Road reserve are also located adjacent to the subject site. Vehicular access for the units has been provided via an internal one directional laneway from Queens Lane.

The applicant has stated that the development is proposed to provide affordable living accommodation for one or two people with an existing or future professional occupation (or similar). Examples of potential occupants include: accountants, web designers, and architects etc which operate independently and/or involve minimal consultation with clients/customers. The applicant advised that the development site was selected on the basis of its location opposite the neighbourhood retail centre as it will aid in fostering a vibrant and ultimately viable 'hub' of commercial and residential activity for the locality.

### **Report**

#### Gaebler Road Local Structure Plan

The subject site is within the approved Gaebler Road Local Structure Plan (GRLSP) area. The GRLSP identifies the site for 'Local Centre' purposes and allows for the development of:



*“Land uses permitted in accordance with the City of Cockburn Town Planning Scheme Land use Table, other than ‘shop’ or ‘convenience store’”.*

The GRLSP also requires:

*“Residential development to be in accordance with “R60” provisions of the Residential Design Codes.”*

The proposed development complies with the abovementioned objectives and requirements given that it involves a mixed use development comprising residential and office uses, both of which can be approved under the City’s Town Planning Scheme No. 3 (Scheme).

#### Detailed Area Plan

The approved DAP for the subject site(s) stipulates the general and specific design requirements for future developments. It should be noted that the DAP was prepared and approved on the assumption that the existing five (5) lots would be developed in their current form and potentially by different owners/developers (refer to DAP attachment to this report).

While the DAP encourages the construction of grouped, multiple and mixed use developments, the subject proposal’s design and configuration does not comply with the specific development requirements of the DAP such as setbacks, garage locations etc. In this regard the basis for assessment of the development is the relevant criteria of the Residential Design Codes of Western Australia (R Codes).

Despite the development’s non-compliance with the technical requirements of the associated DAP, the proposal can still be considered by Council if it can be demonstrated that the variations do not undermine the DAP’s intent and objectives.

#### Scheme Zoning and Development Requirements

The subject site is zoned ‘Development’ under the Scheme whereby land uses and associated development are controlled by its classification under an approved Structure Plan. As previously discussed, the site is classified with a ‘Local Centre’ zoning. The intent of a ‘Local Centre’ under the Scheme is to provide convenience retailing, local offices, health and community facilities which serve the local community. It is considered the proposal satisfies the aforementioned objectives.

In terms of land use permissibility, the proposal includes Multiple Dwelling and Office uses which is ‘P’ – permitted and ‘D’ – discretionary uses respectively within the Local Centre Zone under the



Scheme. Given that the residential element of the development is the primary land use and the office fulfils an ancillary function, it is considered that the proposal complies with the zoning requirements of the Scheme.

Given the mixed use nature of the development, assessment of the proposal requires the application of the relevant residential and commercial development controls of the Scheme. Given the absence of a specific residential density coding for the site, the residential component is assessed with an R60 density code in accordance with the Structure Plan. A detailed assessment of the residential element of the development has been undertaken and is discussed in the following section. It is considered that the design and layout of the proposal complies with the convenience and functionality requirements for residential uses stipulated under clause 5.8.2 of the Scheme.

As the office use of the site is largely secondary to the residential component and has been incorporated within the design of the development, only commercial use Scheme provisions relating to advertising signs and carparking are applicable. In this regard, the development demonstrates compliance with the relevant advertising sign provisions as all advertising signs are attached to the walls of the buildings and are integrated within the façade's design. Vehicle parking is also compliant. Office uses require 1 car parking bay per 50 sqm GLA, and 1 car parking bay has been provided per unit whereby the office component has an average floor area of 32 sqm.

#### Residential Design Codes Requirements

The proposed development is categorised as a mixed use development which is defined by R Codes as being: *"buildings that contain commercial and other non-residential uses in conjunction with residential dwellings in a multiple dwelling configuration."*

The size and configuration of the residential component of the units means that 14 of the 15 dwellings are classed as single bedroom dwellings which are defined by the R Codes as *"a dwelling that contains a living room and no more than one other habitable room that is capable of use as a bedroom"*.

The R Codes contains specific development requirements for mixed use developments and single bedroom dwellings. The following table summarises the relevant R Codes development criteria and outlines the proposal's compliance with the R Codes:



R Codes Design Element	R Codes Development Criteria	Proposed	Compliance/ Comment
Minimum street setbacks	Nil	1 m setback to ground floor and nil setback to upper floor balconies	Complies
Other Boundary Setbacks	<ul style="list-style-type: none"> <li>• Secondary street – 1.5 m</li> <li>• Side (east) – 1.55 m</li> <li>• Rear – 6.0 m</li> </ul>	0.2 m 0.63 m Nil	Variation Variation Variation
Boundary Walls	2/3 length of boundary under 6 m in height	N/A as rear building nil setback to street boundary only	Complies
Car Parking	1 bay per dwelling (15 total required) 2 visitor bays	2 bays per dwelling 4 visitor bays	Complies
Open Space	Nil	30% open space	Complies
Communal Open Space	Nil	No communal open space area provided	Complies
Outdoor Living Areas	4 sqm (balcony or ground floor area)	Balconies ranging in size from 12 – 18 sqm	Complies
Site Plot Ratio (Residential only)	0.70	0.67	Complies
Dwelling Plot Ratio Area	60 sqm max	60 sqm	Complies

As shown in the above table the proposal satisfies all but one of the design requirements for mixed use development prescribed by the R Codes. On face value the side and rear setbacks are technically variations, however, as the site is only bounded by road reserves and a pedestrian laneway the setbacks are considered acceptable.

#### Single Bedroom Dwellings Policy APD 56

The City's "Single Bedroom Dwellings" Policy APD 56 was developed to provide scope for an increased mix of housing types available within the City, with the distinct objective of achieving a greater number of smaller dwellings that serve smaller households (one or two persons). Given that the R Codes provides minimal guidance with regards to the development of single bedroom dwellings, the policy provides specific criteria for these forms of development.



The following table summarises the criteria outlined in the policy which specifically relates to the development of single bedroom dwellings in a 'multiple dwelling' configuration and outlines the proposal's compliance with the policy:

Policy Criteria	Policy Requirement	Proposed	Compliance/ Comment
Site Area (for non-residential zoned land)	• R60 – 110.6 sqm / dwelling	140.3 sqm / dwelling	Complies
	• Range of dwelling types	Three types of dwelling layouts	Complies
	• Development design and public interface	Two storey development with pitched roofs; varying facades; landmark corner feature Discussed in previous section	Complies. Development effectively addresses all boundaries
	• R Codes compliance		Discussed in previous section
Open Space	• As prescribed by R Codes (N/A for mixed use developments)	30% open space	Complies
Outdoor Living Area	Balcony with min. area of 6 sqm	Balconies ranging in size from 12 – 18 sqm	Complies
Setbacks	As prescribed by R Codes	Discussed in previous section	Discussed in previous section
Car Parking	• 1 bay per dwelling	1 bay per dwelling provided	Complies
	• Visitor bays in accordance with R Codes	Discussed in previous section	Discussed in previous section
Environmental Design Considerations	• North facing major openings	Main internal and external living areas face north Mainly minor openings to east/west provided	Complies
	• Minimal east/west openings		Complies

As demonstrated in the above table, the proposed development complies with the relevant development criteria prescribed by the City's Single Bedroom Dwellings Policy APD 56.



### Consultation

In view of the proposal's variation to the Detailed Area Plan for the site and its scale, the application was referred to neighbouring properties for comment (as shown on the attachment to this report) One submission was received objecting to the proposal on the following grounds:

- Increased traffic along Queens Lane
- Lack of privacy from proposed rear balconies; and
- Inappropriate for commercial development to occur on subject site

While the above concerns are noted, it is considered that only the second point which relates to lack of privacy is relevant to the proposed development. Points 1 and 3 are dismissed noting the site is identified as a 'Local Centre' under the approved Structure Plan and the applicable Detailed Area Plan recognises the mixed use potential for the site. The issue of traffic has also been suitably addressed by the applicant as the use of a one-directional internal driveway means that impacts associated with vehicle movements have been largely internalised.

The issue relating to overlooking is considered valid and a condition should be imposed on any approval requiring fixed obscure glass screening (up to a 1.6 metres in height) to be added to the middle six balconies facing Queens Lane. The rear balconies on the units on the east and west of the rear building are not required to have screening in order to maintain sufficient activation and surveillance of the laneway. Although the DAP for the site permitted rear balconies to face Queens Lane, given the potential impact on the two properties to the south of the subject site, a screening condition is justified in this case.

### Conclusion

As outlined in the report, the proposed development represents a variation to the development and design requirements of the City's DAP for the site. Despite this, the proposal is largely consistent with the structure plan, Scheme, policy and R Code requirements which apply to the subject land and proposed development.

In addition to complying with the technical requirements of the City, it is considered that the proposal represents a unique development and one which has the potential to add to the existing range of living accommodation and business opportunities within the Aubin Grove locality. It will also lead to increased activity within the Aubin Grove neighbourhood centre and provide additional surveillance and vibrancy within an environment which wouldn't normally benefit from such urban village elements.



As such, the proposal is supported subject to standard conditions and special conditions which are required to ensure the development is both constructed and managed to the City's satisfaction.

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

#### **Demographic Planning**

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

#### **Employment and Economic Development**

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.

### **Budget/Financial Implications**

Nil

### **Legal Implications**

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

### **Community Consultation**

Six (6) surrounding owners were consulted regarding the proposal. One (1) submission objecting to the proposal was received.

### **Attachment(s)**

1. Location Plan
2. Ground Floor Plan
3. Upper Floor Plan
4. Elevations x 2
5. Colour Perspective
6. Detailed Area Plan
7. Consultation Plan





### Advice to Proponent(s)/Applicant

The proponent and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 May 2009 Council Meeting.

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

Nil

#### 14.15 **(MINUTE NO 3960) (OCM 14/5/2009) - LEAD SHIPMENTS BY RAIL THROUGH THE CITY - LOCATION: RAIL LINE FROM EAST TO FREMANTLE PORT (9105) (N JONES) (ATTACH)**

##### **RECOMMENDATION**

That Council receive the report and provide copies of the report and attachments to all residents' associations in the City of Cockburn, including the Spearwood, Beeliar, Bibra Lake and Yangebup residents' groups, and on the City's web site and in its libraries.

##### **COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

### Background

At the Ordinary Meeting of Council on 12 March 2009 Mayor Howlett requested that a report be prepared on the matter of lead transportation through the City of Cockburn to Fremantle Port, with a view to Council initiating a community information and engagement process.

### Submission

N/A

### Report

In October, 2007 the EPA advertised a proposal by Magellan Metals Pty Ltd to transport lead carbonate from the mine site at Wiluna by truck to Leonora, and then by rail to Fremantle Port for export by ship. The trains will use the rail line passing through the City of Cockburn.



Council officers reviewed the proposal and determined that the City did not need to lodge a submission because they were satisfied that the proposal did not pose a significant risk to human health or the natural environment. The attached information sheet was provided to Councillors on 11 December 2007 (attachment 1).

Following a request by former Mayor Stephen Lee and several Councilors, on 19 December 2007 the City lodged a submission to the EPA (attachment 2) with a copy to seven ministers including the Minister for the Environment. The City's position is that the proposal is acceptable with several additional safeguards including:-

1. That soil samples be taken adjacent to the railway line within the residential areas of South Lake, Spearwood, Yangebup and North Coogee in the months of September, January and May each year and if lead is detected at higher than ambient concentrations, that shipments cease immediately and permanently.
2. That the sampling sites be selected in consultation with the City.
3. That the sampling analysis results be provided to the City within 28 days of sampling. Results are to clearly indicate whether lead levels exceed ambient concentrations.
4. That the City be consulted on the detailed Emergency Response Plan, to be endorsed by FESA.

The Councilors' wished to highlight the need to rebuild the diminished community confidence in the regulatory system in these situations. All of the City's requests have been incorporated into Magellan's final proposal.

### Esperance

It should be noted that in Esperance the lead carbonate was transported to the port over 21 months in open wagons covered by tarps. Sampling of soil next to the rail line only detected lead in the railway yard where the lead was transferred from truck to train, and within 100m of the port rail terminal where lead dust fell off the empty wagons. This means that the dust did not fall off the open wagons while it was in transit similar to the train line in Cockburn. The lead dust was released during the loading/unloading process and was wind blown across sections of Esperance town killing large numbers of birds and causing elevated levels of lead in the blood of several residents.

### Dangerous Goods Issue

Lead carbonate is classified as dangerous goods of Class 6 (toxic substances) and is assigned a Packing Group III. Most dangerous



goods are assigned a packing group commensurate with their level of hazard - Packing Group I (high hazard), Packing Group II (medium hazard), Packing Group III (low hazard). It is important to note that lead carbonate is assigned Packing Group III, it is not explosive or flammable nor does it form a vapour or toxic fume cloud. The impacts on the Esperance community was a result of chronic exposure to atmospheric dust arising from the handling of lead carbonate in loose bulk form in open conveyor systems at the port. The proposal approved for Fremantle involves the packing of the damp lead carbonate in double lined bags inside sealed freight containers which eliminates this as a credible risk.

#### Method of storage during transport is best practice

The current proposal represents best practice for the transport of this type of material. Attachment 3 is a report provided to the City of Canning by an independent Environmental Health expert that concludes that there is little justification on technical grounds for the City of Canning to object to the proposal. A copy of this report was provided to Cockburn Councillors in April 2008.

The lead dust is damp before it will be put into double laminated wall bulka bags (UN and State Govt approved) which are cleaned and vacuumed before they are placed within steel sea containers. This all takes place at the mine site where each bag and each container will be checked by an independent inspector to ensure that the outer surfaces are free of dust before they can leave the site. The sea containers are secured with a steel bolt which will remain in place until reaching the final destination overseas. Given that the bags and sea containers are designed to withstand being dropped and toppled, the dust is unlikely to escape in the event of a train crash incident. Nevertheless there is a comprehensive Emergency Response Plan, a draft copy of which is available on Magellan's web site and which will be activated in the event of an incident involving the lead trains.

In the unlikely event of a rail accident that causes a sea container to split open and a bulka bag to split open and the damp lead carbonate to be allowed to spill out onto the ground, the response involves covering and/or wetting the material to prevent it from drying out and blowing away until it can be collected in bags. A hazard zone would be created to exclude non emergency personnel, and post clean up monitoring would confirm that all of the material has been collected. The Response Plan is typical of any similar hazardous material transported by rail.

#### Health Hygiene and Environmental Monitoring Plan

One of the Minister's conditions (attachment 4) is the development of a Health Hygiene and Environmental Monitoring Plan which will be available on Magellan's web site once it is finalised in the near future.



Soil samples will be taken next to the rail line about every 500m and Magellan have agreed to the City's request to include an additional sampling point in Yangebup noting that they had experienced problems gaining access to this section of the track. There is a map showing 20 sampling points in the City (attachment 5) and this number is adequate. Samples are currently being taken along the entire route to establish background levels of lead before shipments commence. Some lead has been detected from past activities not associated with Magellan's shipments, and the results of the sampling will be made public via Magellan's web site in the coming weeks. Once shipments commence, sampling will take place at 3, 6, and 12 months and annually thereafter.

There is no credible likelihood that all of the cleaning and storage safety systems will fail and the lead will leak from the sea containers during transit by rail. Therefore annual testing along the train track is an adequate safeguard for the community to ensure that processes are not allowed to change over time and an Esperance type failure is not repeated.

If elevated lead levels are recorded along the transport route, the first step will be to determine, using isotope testing, whether the lead originates from Magellan. If the lead is shown to originate from Magellan, all transport of lead concentrate will cease. A detailed investigation of the extent of the contamination and a review of the packaging and transport process would be undertaken in consultation with Government.

### Summary

The current proposal to transport lead carbonate in sealed containers is very different from the use of open topped rail wagons with loose fitting tarps in Esperance. The proposal has been exhaustively assessed and approved by all of the relevant State Government Experts and has been approved by the Minister for the Environment with stringent conditions. Each of the plans is in the process of being finally approved by the relevant State Government Experts. The current proposal represents best practice for the transport of this type of material.

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

#### **Governance Excellence**

- To provide effective monitoring and regulatory services that administers relevant legislation and local laws in a fair and impartial way.

### **Budget/Financial Implications**

Nil



**Legal Implications**

Nil

**Community Consultation**

Several stakeholders, concerned residents and representatives of local residents groups (Spearwood, Beeliar, and Yangebup) have raised concerns about potential exposure to lead dust as a result of an accident or train derailment. The City is not a decision making agency in relation to the proposal and all of the public consultation stages have been completed. Nevertheless the city has ensured that a copy of the draft Emergency Response Plan (ERP) is available via a link from the City's web site to Magellan's web site. Copies of the ERP will be provided to the Spearwood, Beeliar, and Yangebup Residents groups and on the City's web site and in its libraries. Other important planning documents and results of monitoring will be available on Magellan's web site.

**Attachment(s)**

1. Councillors information sheet
2. City's submission to EPA and State Govt Ministers
3. Report to City of Canning by independent Env. Health expert
4. Minister for the Env. conditional approval
5. Map showing soil sampling locations

**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 3961) (OCM 14/5/2009) - LIST OF CREDITORS PAID - MARCH 2009 (5605) (K LAPHAM) (ATTACH)****RECOMMENDATION**

That Council receive the List of Creditors Paid for March 2009, as attached to the Agenda.



**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen 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 March 2009 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**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – March 2009.

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

N/A



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

Nil.

#### 15.2 **(MINUTE NO 3962)** (OCM 14/5/2009) - STATEMENT OF FINANCIAL ACTIVITY - MARCH 2009 (5505) (N MAURICIO) (ATTACH)

##### **RECOMMENDATION**

That Council receive the Statements of Financial Activity and associated reports for March 2009, as attached to the Agenda.

##### **COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

### **Background**

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

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

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

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

### **Submission**

N/A



## Report

Attached to the Agenda is the Statement of Financial Activity for March 2009. These include explanations for material variances within operating revenue and expenditure, as well as for capital works & project expenditure.

Note 1 shows the program split for grants and contributions received towards asset purchase and development.

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

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

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

### Material Variance Threshold

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

The materiality threshold adopted by Council for the 2008/09 financial year is \$50,000 or 10% (whichever is the greater). In applying the threshold, officers give due regard to the nature of the data and how it is best consolidated (e.g. at an individual project level, specific works program, distinct activity, nature and type level etc).

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

#### **Governance Excellence**

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





**Budget/Financial Implications**

Where variances reported are of a permanent nature (i.e. not due to timing issues), they will impact Council's end of year surplus/deficit position.

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports - March 2009.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 3963) (OCM 14/5/2009) - DRAFT BIBRA LAKE LANDSCAPE, RECREATIONAL AND ENVIRONMENTAL MANAGEMENT PLAN - LOCATION: BIBRA LAKE - OWNER: CITY OF COCKBURN AND VARIOUS - APPLICANT: CITY OF COCKBURN (6143) (J SMITH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Bibra Lake Landscape, Recreational and Environmental Management Plan as previously considered by Council on the 13<sup>th</sup> of November 2008 subject to inclusion of the recommended amendments and updated information as per *Attachments 1 and 2*;
- (2) list for consideration in future Council budgets, staged capital works and operational funding for the Bibra Lake Landscape, Recreational and Environmental Management Plan.



**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

**Background**

This report pertains to various lots in public and private ownership, making up Bibra Lake and its immediate surrounds. The draft landscape, recreational and environmental management plan (MP) was previously considered by Council for release for public comment at the meeting of 13<sup>th</sup> November 2008, when it was resolved to:

- (1) *Advertise the draft Bibra Lake Landscape, Recreational and Environmental Management Plan for public consultation for a period closing sixty (60) days from the date of advertisement [amended by Council to 90 days to allow additional time for public consultation over the Christmas/New year period],*
- (2) *Refer the draft Bibra Lake Landscape, Recreational and Environmental Management Plan to the relevant stakeholder agencies and groups for their review and comment; and*
- (3) *Receive a further report to consider amongst other things*
  1. *Community and Stakeholder Agency Feedback*
  2. *Prioritisation of recommendations*
  3. *Timeframes for implementation*
  4. *Costs of recommendations, potential sources of funds and potential impact on Councils Municipal Budget prior to amendment and adoption of the Bibra Lake Landscape, Recreational and Environmental Management Plan.*

The draft MP report was issued to the City's public libraries, relevant stakeholders and public interest groups, and advertised for public comment for an extended period ending March 2009.

**Submission**

This report considers comments received and makes recommendations for final amendment, endorsement and adoption of the MP as policy for ongoing coordinated treatment of the Bibra Lake reserve and environs. Consideration is given in particular to prioritising works and expenditure.



## Report

Appended to this report are three tables analysing public comment received:

1. A table of public comments received and recommended responses is appended as *Attachment 1*.
2. Officers reviewed all comments against a table of recommendations and tallied support and objection for prioritising actions and amending the MP. The table in *Attachment 2* shows total numbers for and against and then prioritises draft report recommendations from 1 to 3.
3. The prioritised recommendations were then reflected in the capital works program for high, intermediate and low priority, as *Attachment 3*. Please note that this schedule of projects is indicative only and subject to ongoing review and amendment by the proposed Reference Group.

### High priority

These fundamental matters relate to actions that need to be addressed in the short term to preserve the current status or redress a current issue, or that are required to inform future decisions of high cost or high impact:

#### *Natural Environment and Water Quality Management*

All respondents overwhelmingly support natural environment protection and enhancement recommendations. Many respondents commented on the need to prioritise natural area initiatives over recreational and especially over commercial initiatives.

The City allocates operational funds to weed control, water quality monitoring and bushland restoration. These current programs assist with maintaining the status quo. However, further targeted capital works are required to rehabilitate and enhance identified ecosystems.

#### *Bibra Lake Reference Group*

Given the quantity and quality of responses to the draft MP, it is essential that a representative reference group be supported by the City for the ongoing management of the park, implementation of and review of the MP.

An important role of the group is to monitor and review the efficient execution of MP recommendations; and to identify funding initiatives.

#### *Access Network*

There is strong community support for upgrading existing facilities and in particular a comprehensive pathway system. Upgrading the existing and installing a second boardwalk and bird hide to the eastern side of the lake will support community education and recreation activities.



### *Sustainability Precinct*

Officers and community members are unanimous in their support for this important community managed resource. Every endeavour to promote, enhance and jointly implement initiatives in this precinct should be carefully considered with a view to facilitating an exponential beneficial effect in the community.

There is an existing strategic management and development planning process administered at officer level with a defined group of precinct stakeholders. This project is reported separately to Council. It is recommended that the concept plan for the precinct be deleted from the MP as it does not represent a current known outcome and will only cause to confuse expectations.

### *Lots 14 and 22 Progress Drive*

Strong community sentiment was received for retaining a biodiversity link, revegetating the site between South Lake and Bibra Lake and resisting commercial development. Development proposals for these two lots are currently undergoing a separate planning process for consideration by Council.

### Intermediate and Low Priority

Intermediate priority recommendations represent needs that require further detailed consideration, planning and consultation. They are considered essential to bringing Bibra Lake to the status of a regionally significant destination point.

Low priority actions and recommendations are those that the City is currently undertaking, were not unanimously supported by members of the community, or are prioritised for a later action, or may not be required until such time that the demand is evident, eg. park user numbers, or traffic has increased. These were considered as wants, or 'nice to have'.

### *Cultural Heritage*

Quality submissions were received from representative groups and the *Heritage Council of Western Australia*, providing clarification and support for identifying and interpreting significant natural, European and Aboriginal heritage sites. Interpretive signage and entry statements are essential to humans relating to such a significant location.

Further concept development and Aboriginal consultation is required to finalise detailed planning for the western side recreational facilities. Officers anticipate that this planning and consultation will be undertaken ready for works to commence in the 2009/2010 financial year.

### *Recreational Facilities*

A mixed response to developing new facilities was received. The separate retirement village groups objected to recreational



development at the southern end of Bibra Lake. They were largely concerned for access and circulation and for preservation of the natural passive recreation of the area.

Across all submissions received there was general support for initiatives such as an outdoor function centre for hire, a formalised dog exercise area, fitness exercise equipment and the visitor's centre/café. Further community consultation and detailed planning is required to determine the appropriate locations and functions of such facilities.

#### *Vehicle Access Network*

Given the nature of issues raised regarding car parking and road traffic, Officers have identified the need to undertake a traffic and parking study for the location. This will inform how best to address access, parking facilities, road upgrades and pedestrian and cyclist integration.

#### *Roe Highway Extension*

Respondents other than one individual, were unanimous in their objections and concerns for the State Government proposed Roe Highway extension. An advice received from the MRWA confirmed that:

*The government is committed to extending the Roe Highway to Stock Road and construction will start within this term of Government.*

*Please be aware that the highest levels of community engagement will be adopted on this sensitive and very important project to ensure that sustainable outcomes will be achieved through strong collaborative relationships.*

#### *Commercial Revenue*

There was a little confusion about the role of the City in facilitating commercial activities that may be in competition with local businesses. The MP objectives were aimed at leasing opportunities for businesses that would contribute revenue for management of the parklands whilst enhancing recreational experiences.

Given concerns for the total implementation costs of the MP proposals, it is necessary for any opportunity for gaining capital and/or recurrent revenue to manage Bibra Lake to have a well thought out business case presented for Council consideration.

#### Timing and Implementation

Appended as *Attachment 3* is a draft program of works arranged into high, intermediate and low priority actions, reflecting public comments and Officer response. It is presented as an indication of the order of costs and priorities only and is subject to further refinement over time and in keeping with the objectives of the MP.



## Strategic Plan/Policy Implications

### Infrastructure Development

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

### Natural Environmental Management

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

## Budget/Financial Implications

In the current capital works program the following projects have funds allocated to this project area:

- CW 5565 Bibra Lake re-contour south bank \$20,000
- CW 5182 Bibra Lake Master Plan Stage 1 \$400,000
- CW 5549 Bibra Lake Picnic Area \$25,000
- CW 5200 Bibra Lake Management Plan \$623,000

The \$623,000 shown in CW 5200 was allocated from the Federal *Regional and Local Community Infrastructure Program* and is to be expended prior to October 2009.

Prioritising and refining future budget allocations from Municipal and other sources, will be the subject of the Reference Group and Officer recommendations for Council consideration.

## Legal Implications

N/A

## Community Consultation

The draft *Bibra Lake Landscape, Recreational and Environmental Management Plan* was issued for public comment from November 2008 to March 2009. Letters of invitation to comment including 43 printed copies of the draft document were issued to 6 authorities and 9 community representative groups. Printed copies of the draft MP document are currently available in the City Libraries and an electronic version is posted on the City's website.

Twenty (20) submissions were received from various community groups and individuals. *Attachment 1* sets out in table format all comments received during public consultation, provides responses for



changes to the draft MP document. *Attachment 2* provides a summary table of *Attachment 1*, related to the draft MP recommendations. Officers in conjunction with the project consultants *Strategen*, have reviewed and amended responses to these comments in keeping with Council policy and current initiatives.

Respondents largely supported the objectives of the plan, with comments primarily in order of priority:

- High priority to the protection and enhancement of bushland and heritage features,
- Restoring and enhancing recreation facilities,
- Managing and improving water quality,
- Supporting the Sustainability Precinct and its activities,
- Upgrading the pathway network.

Comments of objection or amendment were directed to:

- The total cost of \$22million being too high,
- Roe Highway extension on the northern edge of the study area,
- Refining the location and form of some proposals.

#### **Attachment(s)**

1. Public Comments and Responses
2. Summary of Public Consultation Comments and Responses
3. Bibra lake Development Priorities

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

The Applicants and those who have lodged a submission regarding the proposal were advised that this matter was to be considered by Council after the public comment period closed in March 2009.

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

Nil.

## **17. COMMUNITY SERVICES DIVISION ISSUES**

### **17.1 (MINUTE NO 3964) (OCM 14/5/2009) - TENDER NO.RFT03/2009 - BUILDING CONSTRUCTION SERVICES - AUBIN GROVE SPORTING AND COMMUNITY FACILITY, AUBIN GROVE (RFT03/2009) (S HARRIS) (ATTACH)**

#### **RECOMMENDATION**

That Council accept the tender submitted by Duwal Constructions, for Tender No.RFT03/2009 - Building Construction Services - Aubin Grove Sporting and Community Facility, Aubin Grove, for the lump-sum price of \$2,001,082.55 (GST exclusive) and \$2,201,190.81 (GST inclusive).

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 10/0**

**Background**

Holton Connor Architects were appointed in January 2008 to design a suitable sporting and community facility for the Aubin Grove Reserve. The facility will play a key role in sporting provision on the eastern side of the City as well as provide local community facilities to the suburb of Aubin Grove.

The Aubin Grove Community AND Sporting facilities are on the City of Cockburn's forward plan, with Council allocating \$1,552,800 in the 2008/09 financial year for the project.

The City has received a grant of up to \$807,000 from the Community Sport and Recreation Facility Fund (CSRFF) for the building construction works. Additional funds for the development of the reserve and car parking have been received via approval for the expenditure of cash-in-lieu by the Western Australian Planning Commission.

**Submission**

Tenders closed at 2.00 p.m. (AWDT) on Thursday 26 March 2009 and tender submissions were received from:

1. Firm Construction Ltd
2. Eclipse Developments
3. Unifine Pty Ltd T/A Merit Projects
4. Duwal Constructions
5. Niche Construction WA Pty Ltd
6. Niche Construction WA Pty Ltd (Alternative Tender)
7. Thomas & Coffey Ltd
8. D.B.M. Contractors Pty Ltd
9. Esslemont Building and Civil
10. Badge Construction WA Pty Ltd
11. Tooltime Construction Pty Ltd
12. WA Commercial Constructions - T/A KMC Group
13. Laneway Construction
14. Classic Contractors
15. Robinson Buildtech
16. Palace Holmes and Construction Pty Ltd
17. Myers Constructions (1995) Pty Ltd





18. Gavin Construction
19. Dalcon Construction Pty Ltd

## Report

### Compliant Tenderers

There were twenty-one(21) tender submissions received, two(2) of which from

1. Orixon; and
2. Arccron (WA) Pty Ltd

were received late and were not evaluated. Also included was an alternative tender from Niche Construction WA Pty Ltd.

Unifine Pty Ltd T/A Merit Projects failed to comply with the insurance requirements of the tender.

Consequently, Firm Construction Ltd. Eclipse Developments, Duwal Constructions, Niche Construction WA Pty Ltd, Niche Construction WA Pty Ltd (Alternative Tender), Thomas & Coffey Ltd, D.B.M. Contractors Pty Ltd, Esslemont Building and Civil, Badge Construction WA Pty Ltd, Tooltime Construction Pty Ltd, WA Commercial Constructions - T/A KMC Group, Laneway Construction, Classic Contractors, Robinson Buildtech, Palace Holmes and Construction Pty Ltd, Myers Constructions (1995) Pty Ltd, Gavin Construction, Dalcon Construction Pty Ltd were further assessed.

### Elevation Criteria

<b>Evaluation Criteria</b>	<b>Weighted Percentage</b>
Relevant Experience	15%
Financial Position	10%
Key Personnel Skills & Experience	10%
Tenderer's Resources	5%
Tendered Price	60%
<b>Total</b>	<b>100%</b>

### Tender Intent/Requirements

The City of Cockburn is seeking the services of a suitably qualified and experienced Building Construction Contractor for the construction of Sporting and Community Facility at lot 473 Camden Boulevard, Aubin Grove.

The scope of works include the construction of a sporting and recreation complex comprising of a multi-purpose hall, kitchen,



community program room, changerooms, toilets, car parking and lighting.

The tender submissions were evaluated by:

Shane Harris – Recreation and Cultural Services Manager  
 Doug Vickery – Manager Infrastructure Services  
 Adrian Lacquiere – Recreation Services Coordinator  
 Terry Holton – Holton Connor Architects & Planners

### Scoring Table

<b>Tenderer's Name</b>	<b>Non-Cost Evaluation Score 40%</b>	<b>Cost Criteria Evaluation Score 60%</b>	<b>Total Score 100%</b>
Duwal Constructions	34.41%	58.03%	92.44%
Gavin Construction	30.71%	57.50%	88.21%
Badge Construction WA Pty Ltd	30.61%	59.72%	90.33%
Esslemont Building and Civil	29.76%	54.55%	84.31%
Niche Construction WA Pty Ltd	25.63%	55.04%	80.66%
Niche Construction WA Pty Ltd (Alternative Tender)	25.62%	55.79%	81.41%
D.B.M. Contractors Pty Ltd	23.19%	56.17%	79.36%
Eclipse developments	21.99%	60.00%	81.99%
Thomas & Coffey Ltd	20.15%	47.13%	67.28%
Laneway Construction	16.86%	49.49%	66.35%
WA Commercial Constructions - T/A KMC Group	16.76%	56.01%	72.77%
Tooltime Construction Pty Ltd	16.68%	49.02%	65.69%
Robinson Buildtech	13.93%	54.42%	68.35%
Dalcon Construction Pty Ltd	13.83%	46.13%	59.95%
Myers Constructions (1995) Pty Ltd	13.30%	58.88%	72.18%
Palace Holmes and Construction Pty Ltd	13.03%	56.00%	69.03%
Classic Contractors	11.48%	55.79%	67.26%
Firm Construction Ltd	9.97%	43.46%	53.43%

### Evaluation Criteria Assessment

Tenders were required to provide adequate information in their tender submissions to allow for the scoring of each evaluation criteria.

### Summary

Independent evaluation was undertaken by three internal staff members, and the City's architectural consultant, Holton Connor Architects & Planners. The combined officer's assessment supports awarding the tender to Duwal Constructions and consequently officers recommend that Council accept their tender submission for the lump-



sum price of \$2,0001,082.55(GST exclusive) and \$2,201,190.81 (GST inclusive).

### Strategic Plan/Policy Implications

#### Infrastructure Development

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

### Budget/Financial Implications

A pre-tender construction estimate by the Quantity Surveyor estimated that the building construction would be \$2,514,000 (GST exclusive). The recommended tender is within the Quantity Surveyor's estimate for the building works portion of the project.

The City received a CSRFF grant of up to \$807,000 (GST exclusive) for construction of a Sporting and Community Facility. The City also received approval for the expenditure of cash-in-lieu for the Aubin Grove Reserve, of which \$119,500 (GST exclusive) has been approved for the construction of the car parks which is included in this contract.

<b>Funds</b>	<b>Excludes GST</b>
Municipal budget	\$1,710,175
Community Sporting Recreation Facilities Fund	\$650,000
Cash in Lieu	\$466,000
<b>Total</b>	<b>\$2,826,175</b>
<b>Costs</b>	
Active reserve	\$354,000
Fees	\$220,000
External Building works	\$30,000
Construction contract	\$2,001,083
Contingency	\$200,000
Fit out	\$50,000
<b>Total</b>	<b>\$2,855,083</b>

### Legal Implications

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



### **Community Consultation**

Tender No.RFT03/2009 Building Construction Services – Building Construction Services - Aubin Grove Sporting and Community Facility, Aubin Grove was advertised on Saturday, 7 March 2009 in the Local Government Tenders section of the “The West Australian” newspaper. It was also listed on the City’s website between 6 March and 26 March 2009.

### **Attachment(s)**

1. Compliance Criteria Checklist
2. Tendered Prices –‘Confidential’
3. Tender Evaluation Sheet – ‘Confidential’

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

Those companies which submitted a tender have been advised that this matter is to be considered at the 14 May 2009 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 14/5/2009) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

**22.1 Clr Tony Romano** – requested a report be prepared as to Council’s position on the upgrade of the Spearwood Bowling Club greens. Council has received a request for funding for the upgrade.

**22.2 Clr Tony Romano** – requested a report be prepared on a Policy to address the issue of multiple dwellings for the purposes of lodging houses.

**23. CONFIDENTIAL BUSINESS**

Nil

**24 (MINUTE NO 3965) OCM 14/5/2009 - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 10/0**



**25 (OCM 14/5/2009) - CLOSURE OF MEETING**

MEETING CLOSED AT 9.28PM.

**CONFIRMATION OF MINUTES**

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

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

