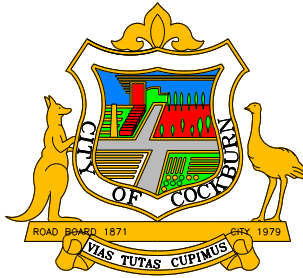


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 12 JANUARY 2006

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 JANUARY 2006 AT 7:00 PM

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 12 JANUARY 2006 AT 7:00 PM

- 1. DECLARATION OF MEETING**

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

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

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

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

- 5. APOLOGIES AND LEAVE OF ABSENCE**

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

- 7. PUBLIC QUESTION TIME**

8. CONFIRMATION OF MINUTES

8.1 (OCM - 12/1/2006) - ORDINARY COUNCIL MEETING - 08/12/2005

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 8 December 2005 be adopted as true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

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

13. COUNCIL MATTERS

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (OCM - 12/1/2006) - RECONSIDERATION OF APPROVAL CONDITION - OVERSIZED OUTBUILDING - LOT 19; 129 LORIMER ROAD, MUNSTER - OWNER/APPLICANT: L DAMJANOVIC (4411536) (VM) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to the oversized outbuilding on Lot 19; 129 Lorimer Road, Munster with a reduced side setback of 3 metres in accordance with the approved plan subject to the following

conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No activities causing noise and/or inconvenience to neighbours being carried out after 7:00pm or before 7:00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The shed shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.
6. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

SPECIAL CONDITIONS

7. The proposed shed walls and roof shall be constructed in Colorbond to complement the surroundings to the satisfaction of the Council.
8. Existing sheds being removed where these have been identified as such on the submitted plans.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a revised Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

COUNCIL DECISION**Background**

ZONING:	MRS:	Rural
	TPS3:	Rural
LAND USE:	Single Residential/ Rural	
LOT SIZE:	1.9728ha	
AREA:	390m ²	
USE CLASS:	Single House / Outbuilding – Permitted	

The background relevant to this proposal is:-

- Council at its Ordinary Meeting on 10 November 2005 resolved to grant its approval to the oversized Outbuilding on Lot 19; 129 Lorimer Road, Munster.
- The approval was subject to a number of conditions. The applicant is aggrieved and requests reconsideration of Condition 8 which reads as follows: *“The proposed shed being located at least 10 metres from the side boundary in accordance with clause 5.10.2(d) of the City of Cockburn Town Planning Scheme No. 3.”*

Submission

The applicant requests that the Council consider the following points when making a decision:-

- *“As can be seen from the aerial photography the existing shed that is directly in front of the proposed shed has a 3m setback. The intention is to reduce visibility of the new shed as much as possible from the residence. A 10m setback would defeat this purpose and would not be in line with the existing development on the site.*
- *As recently as last year, the owner of Lot 15; No. 17 Lorimer Road, Wattleup had development approval to construct a similar shed 3m from the boundary at that property. I sold that property before building the storage shed and bought the nearby property at 129 Lorimer Road, Munster, still with a requirement for the storage shed. If a 3m setback was approved for Lot 15 Lorimer Road with no adjacent buildings of a similar setback, then surely approval for the shed at 129 Lorimer Road, with a 3m setback, should be possible.*

- *The 3m setback was proposed because it complies with council's firebreak requirements.*
- *I have approached my neighbour on the adjoining property who has stated he has no objections to the construction of the shed at 3m from the boundary. The neighbour has sighted the plans and council has accepted his comments.*
- *I was told verbally that my proposal was recommended for approval. Although I received an invitation to attend the council meeting I had no reason to think that the 3m setback would not be supported as the council's recommendation against the 3m setback was not noted. If I had realised the 3m setback was to be rejected I would have presented my argument at the council meeting."*

A copy of the applicant's submission can be found in the Agenda Attachments.

Report

The outbuilding is proposed to be located 3 metres from the side boundary in lieu of the 10 metre scheme requirement. Notwithstanding this Scheme requirement, the City has previously supported applications with reduced setbacks provided a 3 metre firebreak around the perimeter of the property is maintained. In this case a 3 metre firebreak is proposed.

It is considered that the reduced setback will have no adverse impact on the adjoining property. The adjoining landowner has sighted the plans and has provided written support of the proposal. It is considered that the shed will be better screened from public view at the 3 metre setback.

Upon further consideration it is recommended that the reduced setback be supported in this instance.

Strategic Plan/Policy Implications

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

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

3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
4. Facilitating the needs of Your Community
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

The Planning Policies which apply to this item are:-

APD10	Discretion to Modify Development Standards
APD11	Aged or Dependant Persons Dwellings and Ancillary Accommodation on Rural and Resource Zone Lots
APD17	Standard Development Conditions and Footnotes
APD18	Outbuildings
APD33	Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3

Community Consultation

Adjoining owner provided no objection.

Attachment(s)

1. **Aerial Photograph**
2. Site Plan
3. Floor Plan
4. Elevation Plan
5. Applicant's Submission

Advice to Proponent(s)/Submissioners

The Proponent(s) have been advised that this matter is to be considered at the 12 January 2006 Council Meeting.

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

Nil.

14.2 (OCM - 12/1/2006) - CLOSURE OF PORTION OF BEENYUP ROAD, ATWELL (450018) (KJS) (ATTACH)**RECOMMENDATION**

That Council:

- (1) request that the Minister for Planning and Infrastructure close portion of Beenyup Road, Atwell pursuant to Section 58 of the Land Administration Act 1997; and
- (2) advise the owners of the adjoining land, Department of Education and Training of Council's decision.

COUNCIL DECISION**Background**

Beenyup Road between Brenchley Drive and Bartram Road has been closed to vehicles and alternative access afforded by Brenchley Drive and Bartram Road.

Submission

Whelans Consulting Surveyors, acting for the Department of Education and Training, have written to the City requesting the closure of this portion of Beenyup Road to facilitate the construction of a new school.

Report

Structure plans prepared for Atwell designated the high school location on land on both sides and over this section of Beenyup Road.

The Structure Plan indicated that Beenyup Road would close once alternative roads were constructed as part of associated residential development. The alternative roads have now been constructed. The Department of Education and Training and Landcorp have ownership of the land either side of the road. The Department of Education and Training will consolidate the land prior to the construction of the new school.

The proposal was advertised in the Herald newspaper and at the conclusion of the statutory period there were no objections.

Strategic Plan/Policy Implications

1. Managing Your City

- *“To deliver services and to manage resources in a way that is cost effective without compromising quality”*
- *“To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practises”.*
- *To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.”*

Budget/Financial Implications

N/A

Legal Implications

Section 58 of the Land Administration Act 1997 refers.

Community Consultation

The proposal was advertised in the Herald Newspaper.

Attachments

- (1) Site Map.

Advice to Proponent(s)/Submissioners

The Proponent(s) has been advised that this matter is to be considered at the 12 January 2006 Council Meeting.

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

Nil.

14.3 (OCM - 12/1/2006) - PEDESTRIAN ACCESSWAY CLOSURE REQUEST - HUXLEY PLACE TO MARVELL AVENUE, SPEARWOOD (450515) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) not support the closure of the pedestrian accessway (PAW) between Huxley Place and Marvell Avenue, Spearwood, given the strong local support reflected in two petitions against the closure and the pedestrian connectivity afforded by the PAW to the local school and other services; and

- (2) advise the petitioners and the four(4) adjoining owners of Council's decision.

COUNCIL DECISION

Background

The public accessway (PAW) Huxley Place to Marvell Avenue was created as part of the residential subdivision in the 1970's. The subdivision layout and the provision of the PAW was approved by the Western Australian Planning Commission.

Submission

An adjoining land owner to the PAW has written to the City seeking closure of the PAW.

Report

The Western Australian Planning Commission (WAPC) approved the original subdivision layout that included the provision of the PAW. PAW's were designed to encourage pedestrian access to various community facilities. In this instance they include a primary school, recreation area and public transport.

WAPC has set out a list of considerations that need to be addressed in any submission requesting PAW closures. The City's Policy APD21 drew on WAPC's list of considerations when it was formulated.

The proponent of the closure cites the following reasons for closure as:

- Vehicle damage by users of the PAW;
- Break ins which have been facilitated by access from the PAW;
- Graffiti on the PAW.

The owners of two of the adjoining properties have agreed to purchase the land if the closure proceeds. Two of the adjoining owners have not supported the PAW closure.

The closure will increase walking distances to the primary school, bus stop and public open space. For residents living in Huxley Place closure would mean that access to the primary school and bus stops would be increased beyond a 400 metre threshold for 20 properties.

Access to recreation areas would not be affected by the closure as there are two other recreation areas in close proximity. There are no aged person complexes in the subject area although it is unknown how many aged or disabled residents may be affected.

The shopping centre in Rockingham Road is beyond the 400 metre walkable catchment. The closure would increase an approximate 600 metres walk by 200 metres for 10 households. The likelihood of people walking to shops is low and this is unlikely to change with the closure of the PAW. The subject area is beyond the 800 metre walkable catchment from a town centre, rail station, arterial bus route, high/technical school and district open space.

The PAW is part of a localised pedestrian/cycle network or continuous access route to the local school and local parks. The alternative route to the school and bus stops is via Bishop Park, Buchan Close and the adjoining pedestrian access way and Stevenson Way.

Only one owner has reported crime and anti social behaviour in and from the PAW. Two petitions were received with a total of 76 households wanting to retain the PAW as a result of rumours of a closure rather than advertising. An analysis of the petitioners home address shows that there are no duplications of households and that all of the petitioners are from households that would be affected.

Alternative treatments that the Western Australian Planning Commission require the Council to consider include:

1. Temporary closure
2. Improved lighting
3. Longer term redevelopment of land adjoining PAW
4. More effective barriers (fencing)
5. Gates.

None of the above treatments are considered appropriate in this instance. Break-ins have been reported during the day time. The other options are considered too expensive or inappropriate.

Summary

Issues that favour the closure include:

- Reports of ongoing break-ins, property damage and anti-social behaviour in the PAW during day time hours.
- The alternative access to the primary school and bus stop is available via local streets.
- The PAW has a bend in the middle which means anyone considering walking from one end to the other cannot see around the bend and any danger that may be present.

Issues against the closure include:

- The overwhelming desire from residents surrounding the PAW for the PAW to be kept open as demonstrated by the two petitions.
- It increases the walking distance to around 570 metres. An arbitrary distance of 400 metres has been put forward as the distance people will walk beyond which they will look at alternative transport. 400 metres equates to 5 minutes. 570 metres would take 7 minutes.

Only two of the four adjoining owners have sought closure whilst the other two have signed petitions against the closure.

Upon consideration of all the issues raised by this matter it is recommended that the PAW remain open.

No other consultation has occurred to advertise this proposal with the public utility authorities, given the strong support in the petition against the closure of the PAW.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

APD21 Public Accessway Closures.

Budget/Financial Implications

Administrative costs are incurred by Council in the processing of the PAW closure request.

Legal Implications

N/A

Community Consultation

Feedback received from affected landowners by way of a request for closure and two petitions against the closure of the PAW.

Attachment(s)

- (1) Location Plan.
- (2) Copies of petitions.
- (3) Alternate Route Plan.
- (4) Plans identifying objectors/supporters of the proposal.

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 12 January 2006 Council Meeting.

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

Nil.

14.4 (OCM - 12/1/2006) - OFFER TO PURCHASE LOT 22 RUSSELL ROAD, HAMMOND PARK - HIGHRIDE PTY LTD (5517570) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept the offer to purchase Lot 22 Russell Road, Hammond Park at a purchase price of \$61,000 from Highride Pty Ltd, subject to there being no objection as a result of state wide advertising pursuant to Section 3.58 of the Local Government Act 1995;
- (2) transfer the proceeds of the sale to the Land Development Reserve Fund; and
- (3) advise Highride Pty Ltd that any development of the land must protect the conservation significance associated with the wetland to Council's satisfaction.

COUNCIL DECISION

Background

Lot 22 Russell Road was purchased in 1996 in conjunction with land purchases for Russell Road deviation and intersection with Kwinana Freeway.

Submission

Highride Pty Ltd have forwarded a written offer of \$61,000 to purchase Lot 22 Russell Road, Hammond Park.

Report

Highride Pty Ltd own Lot 75 which adjoins Lot 22 southern boundary. Highride and the City of Cockburn have jointly applied for and received Western Australian Planning Commission's approval to subdivide Lot 75 and Lot 22 into 4 lots.

The design leaves a substantial area of public open space designed to protect a multiple use EPA wetland.

Highride initially offered to purchase Lot 22 for \$48,260. A recent valuation report prepared by Licensed Valuer, Jeff Spencer assessed the value at \$61,000. Highride have now increased their offer to \$61,000.

Although Lot 22 has an area of 3,167 square metres, only 592 square metres is suitable for development. This 592 square metres can only be developed in conjunction with the adjoining Lot 75. There is no possibility for access onto Russell Road.

Section 3.58 of the Local Government Act requires state wide publication of any disposition of Council property sold by private treaty. The proposal will be advertised in the West Australian upon Council's acceptance of this offer to purchase Lot 22 Russell Road. Accordingly, the recommendation is subject to no objections being received, in which case the matter will be referred back to Council for final determination.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

Budget/Financial Implications

It is proposed the proceeds of the sale of the land be transferred to the Land Development Reserve Fund.

Legal Implications

Section 3.58 of the Local Government Act, 1995 refers.

Community Consultation

The proposal will be advertised for public comment in the West Australian newspaper as required by Section 3.58 of the Local Government Act, upon Council's acceptance for the purchase of Lot 22 Russell Road.

Attachments

- (1) Location Plan.

Advice to Proponent(s)/Stakeholders

The Proponent(s) of the proposal has been advised that this matter is to be considered at the January Council Meeting.

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

Nil.

14.5 (OCM - 12/1/2006) - UNAUTHORISED FREE STANDING GAMES ROOM - LOT 40, 12 BUCAT STREET, HAMILTON HILL - OWNER: K E PATERSON - APPLICANT: R COLLIS (2201865) (JW) (ATTACH)

RECOMMENDATION

That Council:

- (1) confirms that the freestanding games room at 12 Bucat Street, Hamilton Hill was not approved by the City of Cockburn and is therefore an illegal structure;
- (2) require Mr Collis to advise the City within 14 days if he will be submitting the required structural details to facilitate continuation of the current pending unauthorised building assessment process; and
- (3) address the matter with the current property owner, should Mr Collis choose not to proceed to finalise the current unauthorised building assessment process as commenced.

COUNCIL DECISION

Background

In February 2005 – Mr Ronald Collis the then owner of 12 Bucat Street, requested copies of all Building Licences and documents that pertain to the property. Mr Collis was offering the property for sale.

A search of Council records in the first instance revealed Building Licences for a carport in 1965 and a shed in 1969. This caused Mr Collis concern, as a Building Licence was not evident for the existing residence and a freestanding brick and flat metal roof games room.

Mr Collis was of the understanding that the City has previously experienced a fire and that fire may have destroyed some records including those relating to his property. A letter of enquiry was received from the Hon. Alan J. Carpenter – Member for Willagee on Mr Collis' behalf

As this was causing Mr Collis great concern, an extraordinary manual search of the City's microfiche records was undertaken. After many hours of searching a Building Licence for the residence was located, after discovering it had been misfiled.

A Building Licence for the freestanding games room was not evident in any of the City's records.

The Building Licence plans for the residence were delivered to Mr Collis at his home. At the same time the issue of the freestanding games room was discussed. Mr Collis was advised that the City couldn't issue a retrospective Building Licence for the games room due to the limitations of the current building legislation. The matter could be dealt with in two ways, one is that the City issue a notice requiring the removal of the games room, which would have given Mr Collis an opportunity to seek a review of the matter by the State Administrative Tribunal at that time. Alternatively the matter could be addressed by going through a standard unauthorised building process with the City, which would include submission of as constructed plans and engineer's certification of the existing structure for consideration. Mr Collis was advised that prior to an engineer visiting the site to inspect the games room he should ensure that preparations are made to ensure the engineer could inspect the structural aspects of the building including the roof frame (ie remove roof sheets or ceiling panels if required).

A letter confirming the City's requirements was sent to Mr Collis and the Hon. Mr Alan Carpenter on 24 March 2005.

Mr Collis chose to undertake the standard unauthorised building process and submitted documents to the City for consideration on 22 June 2005. An engineer's letter/report dated 14 June 2005 was submitted with the documents. The engineer's comments in the letter

advise access to certain structural members was not possible when the site inspection took place. The report only stated it appeared the roof was performing in a satisfactory manner. The engineer's letter is not conclusive enough due to limited access provided to properly assess and certify suitability.

A further letter was sent to Mr Collis on 5 July 2005, stating what is required from the engineer to resolve this problem. To date the information required has not been submitted to the City.

Numerous discussions have since ensued with Mr Collis or his agents, each time the same requirements as stated in the **City's** letter of 5 July have been reiterated; confirming that if these items are appropriately addressed the matter may be progressed.

Submission

Mr Collis' letter dated 5 December 2005 states that he has for many months made varied attempts to have the games room at 12 Bucat Street confirmed as being approved by the City of Cockburn and due to delays requests that this matter be brought before Council for their approval. (See attached letter)

Report

The issue of buildings that have been constructed without a Building Licence is becoming more and more of a problem, because when properties are offered for sale, more and more prospective purchasers are, as part of their offer, requiring proof in regard to local government approval of structures.

Should Council approvals not be found, this is clearly an issue for both the property owner and the prospective purchaser to resolve. They both have the choice of proceeding with a transaction or not.

Some owners/purchasers seek to have the City note the unauthorised structures and seek City's assistance to do so. The current legislation does not facilitate approval of unauthorised structures by allowing the issuance of retrospective Building Licences. The City can issue a notice requiring removal of the structure, thereby allowing the owner the right of appeal to the State Administrative Tribunal. Alternatively the City to assist owners could undertake a standard informal approach to note the structures on its records, subject to the applicant providing the information the City requires. There is however no obligation on the City to carry out either function if it chooses not to.

Mr Collis has chosen to undertake a standard informal process to have the City note the games room on the City's records. To resolve this matter however, the information to complete the process has not been provided to the City to date.

It is to be noted that Mr Collis is no longer the owner of the land and the City could choose not to deal with Mr Collis, as the City has no obligation to do so under legislation, but instead could deal with the current property owner.

This matter is technically one for the current property owner to resolve, however the City could continue the process with Mr Collis.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

Local Government (Miscellaneous Provisions) Act 1960.

The Council has previously endorsed an informal approach to assist owners/purchasers who seek to have the City note the existence of certain unauthorised structures. In doing so the City needs to be careful to ensure that it is satisfied with the various aspects of the unauthorised structure. In particular structural adequacy is very important. Should the City accept a structure as being structurally adequate when the engineer who checked it was not prepared to certify the structure or parts of the structure, the City may well find itself legally liable in the event of a structural failure, which could have financial consequences for Council.

Community Consultation

N/A

Attachments

- (1) Location plan.
- (2) City's letter to Mr Collis dated 24 March 2005.
- (3) City's letter to the Hon Mr Carpenter dated 24 March 2005.
- (4) City's letter to Mr Collis dated 5 July 2005.
- (5) Letter from Mr Collis dated 5 December 2005.

Advice to Proponent(s)/Submissioners

The Proponent(s) and owner have been advised that this matter is to be considered at the 12 January 2006 Council Meeting.

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

Nil.

14.6 (OCM - 12/1/2006) - PROPOSED SCHEME AMENDMENT - LOT 24 LYON ROAD, AUBIN GROVE - OWNER: WATER CORPORATION - APPLICANT: TAYLOR BURRELL BARNETT (93046) (MD) (ATTACH)

RECOMMENDATION

That Council:

(1) adopt the following amendment subject to the applicant modifying the Scheme Amendment Map as follows:-

1. Modify the legend by changing 'DA 16' to 'DA 11' and 'DCA 6' to 'DCA 7';
2. Modify the legend by changing 'Business' to 'Resource';

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME – DISTRICT ZONING SCHEME NO. 3

AMENDMENT NO. 46

Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928, amend the above Town Planning Scheme by:

1. rezoning Lot 24 Lyon Road, Aubin Grove from 'Public Purposes – Water Corporation' to 'Development' Zone; and
 2. amending the Scheme Map accordingly.
- (3) sign the amending documents, and advise the WAPC of Council's decision;
- (4) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act;
- (5) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;

- (6) notwithstanding (5) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
- (7) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS:	Local Reserve – Public Purposes – Water Corporation
LAND USE:	Vacant	
LOT SIZE:	2400m ²	

Bellcross Holdings Pty Ltd has purchased and is currently developing several landholdings located adjacent to Lot 24 and west of Lyon Road, between Gaebler and Rowley Roads in Aubin Grove. LWP Property Group is managing the process involved in the development of the land for a new residential estate called “The Walk”, including formulating the estates design and obtaining the necessary approvals for subdivision and development.

Council at its meeting held 17 August 2004 adopted a Structure Plan for Stage 1 of The Walk and a Structure Plan for Lot 27 Lyon Road (Stage 3 of The Walk) is subject to separate consideration by Council.

The Stage 2 Structure Plan for The Walk (further south) is currently on hold pending clarification and review of the Mandogalup Train Station. It is proposed to subdivide the 8 original parent titles acquired on Lyon Road into a total of 364 lots as outlined below:

- Subdivision approval (Stage 1) for 171 lots;
- Southern Structure Plan (Stage 2) proposes 136 lots;
- Lot 27 Structure Plan (Stage 3) proposes 57 lots.

The acquisition of the Water Corporation site represents a “rounding off” of the residential precinct.

Submission

Lot 24 Lyon Road, Aubin Grove is currently operated by the Water Corporation and has previously been used as a bore for the purposes of monitoring the groundwater levels for the Jandakot groundwater mound. Water Corporation no longer requires the site and Bellcross Holdings Pty Ltd has recently been successful in acquiring the site.

This submission is prepared on behalf of LWP Property Group, project managers for “The Walk” project, seeking Council’s support to include Lot 24 within the Development Zone in order to facilitate residential subdivision of the subject lot.

It is intended that the proposed rezoning will facilitate the creation of four residential lots comprising approximately 600m² each, based on a total site area of approximately 2,400m².

Report

The subject land is zoned ‘Urban’ under the MRS. The proposed rezoning of the subject land to ‘Development’ is in accordance with the MRS zoning.

The subject land is currently a Local Reserve zoned ‘Public Purpose’ for the purposes of the Water Corporation under the City’s Town Planning Scheme No. 3. It is proposed to rezone the land to ‘Development’ in order to facilitate future residential subdivision and development of the lot.

The subject land is located within the Special Control Areas – ‘Development Area 11’ and ‘Development Contribution Area 7’ and any development of the subject lot would be subject to the provisions of these Special Control Areas. The provisions for ‘Development Area 11’ provide for residential subdivision and development.

The landowner has requested that Lot 24 Lyon Road be included within the Structure Plan area prepared for Lot 27 Lyon Road, which is adjacent to the subject site. Lot 27 Lyon Road structure plan is subject to separate consideration by Council.

The subject land needs to be rezoned from ‘Public Purposes’ to ‘Development’ prior to residential subdivision being supported, in accordance with the City’s Scheme requirements.

The rezoning proposal is supported for the following reasons:

- The Water Corporation no longer requires the site for public purposes (production bore site);
- The proposed rezoning will facilitate development that complements the surrounding residential area and consolidates residential use within the immediate locality;
- The proposed rezoning will offer additional residential opportunities within an established urban area;
- The proposed rezoning will make use of presently under utilised urban land;
- The proposed rezoning will facilitate the removal of water corporation infrastructure that is no longer required, which will further enhance the amenity of the subject site and the locality.

It is recommended that Council initiate proposed Scheme Amendment No. 46 to rezone the subject land from 'Public Purposes' to 'Development Zone' for the purpose of advertising.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Normal administrative costs are associated with the Scheme Amendment documents being prepared by the City.

Legal Implications

Town Planning and Development Act
Town Planning Regulations.

Community Consultation

The proposed scheme amendment will be advertised to the community for a period of 42 days upon initiation of the amendment.

Attachment(s)

- (1) Site Plan

- (2) Proposed Scheme Amendment Map

Advice to Proponent(s)/Applicant

The applicant has been advised that Council is considering this item at its January 2006 meeting.

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

Nil.

14.7 (OCM - 12/1/2006) - FINAL ADOPTION OF SCHEME AMENDMENT NO. 35 - RESERVE 7756 HAMMOND ROAD, SUCCESS - OWNER: CITY OF COCKBURN (5500062) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the amendment without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (2) adopt the recommendations made in the Schedule of Submissions attached to the Agenda; and
- (3) advise those who made submissions of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban Deferred Regional Reserve – Other Regional Roads
	TPS3:	Development Development Area 8 Development Control Area 2 Local Reserve – Lakes and Drainage Local Reserve – Public Purposes – Western Power
LAND USE:		Drainage

LOT SIZE:	27.8 ha
AREA:	16.3 ha approx

Council at its meeting held 11 August 2005 resolved to adopt Amendment 35 for the purpose of advertising.

Submission

The application has been advertised to the community and referred to relevant government agencies for a period of 42 days. This report seeks Council support to final adoption of Amendment 35.

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*, however the EPA provided advice and recommendations with respect to the Conservation Category Wetland located on the site and with respect to acid sulphate soils. These are issues that can be addressed prior to development of the reserve and are not required to be addressed prior to the rezoning of the Reserve to ‘Parks and Recreation’.

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

Refer Schedule of submissions contained in the Agenda attachments, which addresses the EPA advice and recommendations and the submission received from the Water Corporation.

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

Conclusion

It is recommended that Council proceed to adopt the scheme amendment and refer it to the WA Planning Commission for final consideration.

Strategic Plan/Policy Implications

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

2. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
 - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

Budget/Financial Implications

N/A

Legal Implications

Town Planning and Development Act
Town Planning Regulations

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 35 concluded on 2 December 2005. At the close of the advertising period one submission was received from the Water Corporation.

Refer Schedule of submissions contained in the Agenda attachments.

Attachment(s)

- (1) Site Plan
- (2) Proposed zoning map
- (3) Schedule of submissions

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.8 (OCM - 12/1/2006) - PROPOSED STRUCTURE PLAN - LOT 10 BARFIELD ROAD, HAMMOND PARK - OWNER: FEYMORE PTY LTD & STARLINE BUILDING CO PTY LTD - APPLICANT: FEYMORE PTY LTD (9675) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the Structure Plan for Lot 10 Barfield Road, Hammond Park, subject to the following modifications:-
 1. the Structure Plan and Structure Plan Report being modified to ensure an average lot size of 500m² is achieved over the Residential 'R20' lots.
 2. the applicant negotiating with Western Power to secure a Dual Use Path (**DUP**) link over adjoining Lot 32 Barfield Road to link with the Kwinana Freeway DUP.
- (3) upon receipt of a revised Structure Plan compliant with clause (1) above, forward the Structure Plan documents to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No 3;
- (4) adopt the Schedule of Submissions contained in the Agenda attachments for Lot 10 Barfield Road, Hammond Park and forward to the WA Planning Commission for its consideration;
- (5) advise the applicant of the matters indicated in the summary of submissions as requiring advice to be provided to the applicant; and
- (6) advise those persons who made a submission of Council's decision.

COUNCIL DECISION



Background

ZONING:	MRS:	Urban
	TPS:	Development Development Area 9 Development Contribution Area 3
LAND USE:	Hobby farm	
LOT SIZE:	1.5713ha	

Submission

Site Context

Land to the immediate north is owned by Peet & Co Ltd and has been recently subdivided into group housing super lots in accordance with the R40 coding. Land to the immediate west of Barfield Road is owned by Gold Estates of Australia (1903) Ltd and an approved structure plan and subdivision approval applies to that land. At this time earthworks are being undertaken on the site. The Frankland Springs Estate developed by Australand is located to the north of the Gold Estates Land.

Land to the south of Lot 10 is being used as hobby farms and is not the subject of any detailed proposals at this time.

Proposal

It is proposed to subdivide the subject land into 23 lots ranging between 335m² and 600m² in size as shown on the Structure Plan. The predominant R-Code is R20 with four lots in proximity to the open space being R30. Lots within the development are accessed from a loop road which has access to Barfield Road. Barfield Road is the only access available to the site. The loop road has a reserve width of 15 metres, which is adequate given its function.

Public Open Space is proposed in the north east corner of the lot to provide a link to the pedestrian pathway constructed along the eastern boundary of the Peet & Co subdivision to the north. The pedestrian path links to open space provided within the Peet & Co development and ultimately to the principal shared path located down the western side of the Kwinana Freeway.

The pathway link will also provide access to the future Success railway station located to the north of Russell Road.

Public Open Space (POS) has been provided at the normal rate of 10% of the gross subdividable area with an additional area for the easement required for the sewer that is to be located along the eastern and southern boundaries of the POS.

Drainage

It is proposed to use baseless manholes to achieve local ground water recharge for 1 in 1 year events in accordance with Department of Environment guidelines with flows in excess of 1 in 10 being directed to a swale within the POS area.

In return for being able to discharge drainage into a swale within the open space it is proposed to undertake the following improvements to the open space:

- Power connection
- Bore pump
- Reticulation
- Grass cover (spray on)
- Maintenance for 2 years

Barfield Road Upgrading

It will be necessary to undertake works on Barfield Road to reduce its level to provide good access into the subject land and the Gold Estates subdivision.

In accordance with Council's requirements the applicant will be responsible for half the cost of upgrading that section of Barfield Road which abuts lot 10. It is proposed to coordinate the proposed levels with Gold Estates land to the west of Barfield Road.

Report

Zoning

The land is zoned 'Urban' under the Metropolitan Region Scheme.

The subject land is zoned "Development" (Development Area 9) and is within Development Contribution Area 3 under the City's Town Planning Scheme No. 3 (TPS 3).

Public Open Space (POS) & Drainage

The proposed Structure Plan provides 1620m² of land towards POS. This amount exceeds the 10% POS requirement being 1571m² by 48m². The additional 48m² is to allow for a sewer easement that will run along the southern and eastern boundaries of the POS.

The Structure Plan proposes to use baseless manholes to achieve local groundwater recharge for 1 in 1 year events and direct flows in excess of 1 in 10 being directed to a drainage swale located within the POS. This will ensure that drainage within the POS will receive full POS credits calculated in accordance with Council policy.

Residential Density

The Structure Plan proposes an average lot size of 465m² over the Residential 'R20' lots. The Residential Design Codes of WA requires an average lot size of 500m² being achieved for the R20 density. It is recommended that the Structure Plan and report be modified to ensure an average lot size of 500m² is achieved for the R20 lots.

Community Consultation

The application was advertised for a period of 21 days in accordance with Clause 6.2.8.1 of the City's Scheme.

Refer Schedule of submissions contained with the Agenda attachments.

Noise Attenuation

Main Roads raised the issue that traffic noise from the Freeway may be a problem and some consideration should be given to some form of noise attenuation i.e. sound barriers or house design amenities such as double glazing etc.

However, the subject site is some 120 metres from the edge of the Freeway reserve and it is considered that noise attenuation measures are not required in this instance.

Further, a conversation held with the applicant on the 13 December 2005 indicated that the applicant has not considered noise attenuation measures and did not consider noise attenuation to be necessary.

It should also be noted that the residential development to the north of the subject site was not required to provide noise attenuation.

Conclusion

It is recommended that Council adopt the Structure Plan as the basis for future subdivision and development of Lot 10 Barfield Road, Hammond Park.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*

The Planning Policies which apply to this item are:-

APD4 Public Open Space
 APD28 Public Open Space Credit Calculations

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3

Community Consultation

The draft Structure Plan was referred to nearby landowners, relevant government agencies and a notice was placed in 2 newspapers circulating within the City of Cockburn for a period of 21 days in accordance with the requirements of Clause 6.2.8.1 of Town Planning Scheme No. 3.

Submissions were received from Main Roads, Department of Environment, Department of Education and Training and Western Power.

Refer Schedule of submissions contained with the Agenda attachments.

Attachment(s)

- (1) Site Plan
- (2) Structure Plan
- (3) Schedule of submissions

Advice to Proponent(s)/Submissioner(s)

The Proponent and those who made a submission have been advised that this matter is to be considered at the 12 January 2006 Council Meeting.

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

Nil.

14.9 (OCM - 12/1/2006) - PROPOSED STRUCTURE PLAN - LOT 27 LYON ROAD, SUCCESS - OWNER: A ARAUJO - APPLICANT: TAYLOR BURRELL BARNETT (9645H) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the Structure Plan for Lot 27 Lyon Road, Success, subject to the following modifications to the structure plan and report, pursuant to clause 6.2.9 of the City of Cockburn Town Planning Scheme No. 3;
 1. Include Pedestrian Connectivity Plans (ped shed plans) within the structure plan and structure plan report;
 2. Include a section in the report that discusses the requirement for noise walls for those lots that abut the Freeway and this requirement to be shown on the structure plan;
 3. Amend section 2.1.2 of the structure plan report to include discussion that the subject land is located within Development Contribution Area No. 7 and will be subject to development contribution costs;
 4. Amend Figure No. 3 in the structure plan report to include a current zoning map that shows Development Contribution Area No. 7 boundaries; and
 5. Include Lot 24 Lyon Road (previous Water Corp site) within the Structure Plan area, shown as Residential R20, and modify the POS schedule and structure plan report accordingly.

- (3) adopt the officer's comments on the Schedule of Submissions contained in the Agenda attachments;
- (4) forward a copy of the Structure Plan and schedule of submissions to the Western Australian Planning Commission for its endorsement pursuant to clause 6.2.10 of Town Planning Scheme No. 3; and
- (5) advise the applicant and those who lodged a submission of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS:	Development Zone Development Area 11 Development Contribution Area 7
LAND USE:	Residential	
LOT SIZE:	4.498 ha	

It is proposed to include Lot 27 Lyon Road as part of an overall subdivision estate known as "The Walk". Lot 27 (the subject lot) was only recently purchased by the developer and as such did not form part of the original structure planning for stage 1 of The Walk. The Stage 1 structure plan was adopted by Council on 17 August 2004 and adopted by the WA Planning Commission on the 1 December 2004. Stage 1 of The Walk has already received subdivision approval.

The structure planning for Stage 2 of The Walk has been put on hold pending the WA Planning Commission investigating the need for a train station at the location known as Mandogalup, north of Rowley Road. Stage 2 of The Walk is in close proximity to the proposed train station location and as such the structure planning for this stage cannot be determined until the future of the Mandogalup station is determined.

Lot 27 is located in-between the lots that form part of Stage 1 of The Walk and is known as Stage 3 of The Walk. The planning of Lot 27 is not dependant on the location of the train station as it is located north of the land that has already received subdivision approval for stage 1 of The Walk.

Submission

Lot 27 Lyon Road has been purchased by Bellcross Pty Ltd and the site forms part of a larger subdivision that includes two lots to the north and 5 lots to the south. LWP Property Group is managing the process involved in the development of the estate.

Lot Yield

The proposed Structure Plan is likely to yield approximately 57 lots. A base coding of R20 is proposed for the structure plan area.

Public Open Space (POS)

Two areas of public open space have already been provided in the northern structure plan area. The subject lot proposes a small pocket park of 0.2778 ha, with four road frontages, that will provide passive recreation, with the potential for a small scale playground and kick-about area.

Drainage

Drainage from the Lot 27 Structure Plan area will infiltrate into the groundwater through the dry landscaped basins that will be constructed in the POS to the north and the south of Lot 27.

To comply with the Russell Road Arterial Drainage Scheme (RRADS), three separate basins will be provided within three of the four POS areas outside of the structure plan area. The combined basin areas total 7250m², of which 50% open space credit is sought. The area credit for open space represents less than 14% of the total open space required, which is within Council's open space credit policy requirements.

Report

The proposed Structure Plan is generally in accordance with Southern Suburbs District Structure Plan (DSP) Stage 2. The Structure Plan shows low density residential (R20) in accordance with the DSP. The proposed structure plan departs from the DSP in that the proposed structure plan shows a centrally located area of POS rather than POS being located in the north-eastern corner of the site, as indicated under the DSP. This departure is considered appropriate given that the detailed planning of The Walk has resulted in alternative POS locations and as a result the POS for the subject lot is not required in the location proposed by the DSP.

Modifications to Structure Plan

Lot 24 Lyon Road is located adjacent to the subject site and is zoned 'Public Purposes – Water Corporation' under the City's Town Planning Scheme. Lot 24 is no longer required by the Water Corporation as a production bore site and as such Water Corp have recently sold Lot 24 to Bellcross Holdings, who are developing the surrounding land to the north and south as part of "The Walk" estate.

The applicant has requested that the Structure Plan for Lot 27 be modified to include Lot 24, as the subdivision of Lot 24 will create four additional lots that will represent a logical extension of the subdivision layout to the immediate north and south.

The applicant has lodged a scheme amendment for Lot 24 which proposes to rezone Lot 24 from 'Public Purposes' to 'Development' zone. This amendment proposal is subject to separate consideration by Council. Lot 24 will not be able to be subdivided until it is rezoned to 'Development' and within an approved structure plan area, in accordance with the City's Scheme requirements.

It is recommended that the Structure Plan be modified to include Lot 24 and it is considered that the inclusion of Lot 24 is only a minor modification and does not warrant further advertising of the structure plan, as it will result in the creation of four additional lots that will fit in with the proposed road layout and will not have a significant impact on the intent of the structure plan.

Public Open Space (POS)

The Structure Plan proposes a 2773 m² area of POS within the structure plan area. This falls short of the required 10% POS required for the site, being 4738 m² (inclusive of Lot 24 area) by 1965 m². However, given that the structure plan area forms part of a larger subdivision, a surplus amount of approximately 4193 m² POS is available from Stage 1 of the subdivision, which offsets the shortfall proposed under this structure plan and a surplus of approximately 2228 m² POS will remain.

There will be further opportunity to secure areas of POS for Stage 2 of the subdivision, which is pending review of the requirement for the Mandogalup train station and requires the preparation and adoption of a structure plan for that stage prior to subdivision.

Conclusion

It is recommended that the Council adopt the Structure Plan as the basis for future subdivision and development of Lots 24 and 27 Lyon Road, Aubin Grove subject to modifications outlined in the recommendation section of the report and refer the plan to the Western Australian Planning Commission for final endorsement.

Strategic Plan/Policy Implications

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

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

The Planning Policies which apply to this item are:-

APD4 Public Open Space
APD28 Public Open Space Credit Calculations

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3

Community Consultation

The application was referred to nearby landowners, relevant government agencies and a notice was placed in 2 newspapers circulating within the City of Cockburn for a period of 21 days in accordance with the requirements of Clause 6.2.8.1 of Town Planning Scheme No. 3.

Submissions were received from the Department of Environment, Water Corporation, Western Power and the Department of Education and Training.

Refer Schedule of submissions contained with the Agenda attachments.

Attachment(s)

- (1) Site Plan;
- (2) Structure Plan;
- (3) Schedule of submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 12 January 2006 Council Meeting.

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

Nil.

14.10 (OCM - 12/1/2006) - PROPOSED 'A-CLASS' RESERVE CANCELLATION - RESERVE NO. 15741 (SOUTH COOGEE RESERVE), RUSSELL ROAD WEST, MUNSTER - OWNER: THE CROWN, MANAGED BY THE CITY OF COCKBURN - APPLICANT: THE PLANNING GROUP, ON BEHALF OF LANDCORP (R15741) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) agree to support and proceed with the process for the cancellation of the 'A' Class Reserve 15741 (South Coogee), subject to:
 1. The proponent providing 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) replacing 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;
 2. Amending the Structure Plan for the Marine Technology Precinct to accommodate a suitably located and dimensioned area of land to be ceded as "Reserve for Recreation" under Section 20A of the Town Planning and Development Act;
 3. The receipt of Ministerial approval for Amendment No.36 to Town Planning Scheme No.3;
- (2) upon completion of (1) 1., 2. and 3. above, forward a request to the Department of Planning and Infrastructure to formally initiate the cancellation of the 'A' Class South Coogee Reserve; and
- (3) advise the proponent of the Council resolution.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban, adjoining Primary Regional Road Reserve
	TPS:	Currently: Parks & Recreation Proposed (under Scheme Amendment No. 36): Development Zone, Development Area No.6, Special use Area No.9
LAND USE:		Oval, clubrooms, tennis court, carpark
LOT SIZE:		3.2479ha

Reserve No. 15741 (ie "South Coogee Reserve") is situated on Russell Road, west of the intersection with Rockingham Road in Munster, and comprises 3.2479ha in area (refer to the Locality Plan in the Agenda attachments).

The South Coogee Reserve was created in 1914 under the 1911 Roads Act, the control and management of which was subsequently transferred from the Fremantle Roads Board to the City of Cockburn. The reserve represents land that has been set aside generally for public purposes, under Part III of the 1933 Land Act (1933 LA) (now repealed) and the 1997 Land Administration Act (1997 LAA). Since the introduction of the 1997 LAA crown reserves are now created by Ministerial Order and all land reserved under the provisions of the 1933 LA is deemed land reserved under Section 41 of the LAA. The reserve has an "A" classification.

The reserve is adjoined to the east by the former South Coogee Primary School site, which is now vacant after the school was relocated to Ivankovich Road, Beeliar in 2002.

A Challenger TAFE has been approved for construction on land adjoining the reserve to the north within the proposed Marine Technology Precinct ("MTP") of the Australian Marine Complex ("AMC"), while a 'common user facility' is proposed to be developed in the MTP on land adjoining the reserve to the west.

Since the relocation of the South Coogee Primary School, the reserve is now only regularly used by a soccer club and two cricket clubs. The reserve comprises of a large cleared oval, cricket pitch, tennis court, club rooms and parking area. The tennis courts and open space of the

reserve are otherwise only used by some residents on an informal basis.

The reserve is currently zoned Parks & Recreation in the City's Town Planning Scheme, however, measures are underway to rezone the reserve and adjoining former school site and the nearby Agricultural Hall site to "Development Zone" to allow the land to be incorporated into the structure plan for the proposed MTP. The structure plan and rezoning initiatives were previously reported to the Ordinary Council Meetings on 15 February (Item 14:10) and 14 July 2005 (Item 14:14) respectively.

Submission

In addition to the rezoning of the land referred to above, it is necessary for the 'A Class' reserve classification for the South Coogee Reserve to be cancelled to enable the land to be incorporated within the structure plan for the proposed MTP to facilitate the development of research and development land uses.

It is intended for the reserve site to be purchased from the crown to facilitate development of the above land uses. It is proposed to replace the current 'A Class' reserve by creating a reserve of similar area under Section 20A of the Town Planning & Development Act in the north-eastern corner of the MTP structure plan, abutting the south side of Frobisher Avenue to the west of Rockingham Road (refer to the adopted MTP structure plan in the Agenda attachments).

In support of the reserve cancellation request, the Planning Group submission states:

- The 1933 LA Act enabled reserves to be classified as Class A, B or C. However, under the 1997 LA Act there is no longer provision to create new Class B or C reserves.
- Reserves classified as 'Class A' have the greatest degree of protection for reserve lands. An 'A Class' classification is solely used to protect areas of high conservation value.
- The Certificate of Title indicates the South Coogee Reserve (No. 15741) has been created for the purpose of recreation. Since the purpose of the reserve is for public use, the City of Cockburn has been nominated as the primary interest holder and in control and management of the reserve under a Management Order.
- Where the Minister proposes to cancel a reserve or its 'Class A' classification to change its purpose; to excise land for a road or to reduce the area by more than 5% permitted in specified circumstances, the Minister must:
 - Advertise the intention in a State newspaper; and
 - No sooner than 30 days later table the proposal before Parliament with an explanation;
 - After doing so, either House of Parliament then has 14 sitting days to pass notice of disallowance.

It is understood that as long as there is no objection from Parliament the cancellation may be implemented. The Department for Planning and Infrastructure will require a report on the proposal including location and dimensions of the proposed new reserve. The existing and proposed reserve will need to be valued by the Valuer general's Office.

Justification:

Justification provided for the cancellation of the South Coogee 'A Class' reserve is summarised as follows:

- An 'A' classification for a reserve is exceptionally powerful, guaranteeing that a reserve forever remains dedicated to the purpose declared, until amended by an Act of Parliament. An 'A' classification is spared for where there is a perceived need for the highest form of protection (eg. Kings Park or national parks). Given this and the following circumstances, the appropriateness of retaining an 'A' Classification for the South Coogee Reserve is considered inappropriate.
- The South Coogee Reserve originally created for public recreation is located relatively remote and isolated from the future residential areas to the north and north-east (i.e. in Development Areas 4 & 5) that could otherwise optimally benefit from using it for recreational purposes, for which the reserve was originally intended.
- The isolated location of the existing reserve at the southern boundary of the proposed MTP suggests the reserve is an under-utilised and inefficient asset because it does not rely on a large catchment of potential users in close proximity, indicating that potential users must travel unreasonably in order to use the site.
- The surrounding industrial, vacant and redeveloped land uses together with Rockingham Road (a Primary Regional Road) implies that the site generally suffers from a lack of passive surveillance, raising potential security concerns and adversely affecting usage levels. It is submitted that the attractiveness of the reserve for recreational use is therefore considered to be of a low standard.
- The reserve had been used previously by the former, adjacent, South Coogee Primary School to service their recreational needs. Since the school relocated, that need no longer exists.
- Considering the now redundant primary school and the proposed future use of the reserve (being incorporated within the MTP structure plan) there is no requirement or additional demand for the existing reserve.
- Development of the MTP and AMC does not incorporate any significant residential development, and does not therefore contribute to the reserves expositing or future usage catchment.
- The reserve cancellation will facilitate the development of the marine activity cluster through the AMC development, of which the Technology Precinct constitutes a part.
- In order to retain the quality and quantity of public open spaces in the vicinity, the MTP structure plan proposes to provide an equally

sized area of reserve in the north-eastern corner of the Precinct, adjoining Frobisher Avenue and Rockingham Road. The provision of open space in this area is considered to be a strategic location for a number of reasons, including:

- o Placement of the reserve in the north-eastern corner makes more efficient connections with the residential land uses that surround the technology precinct.
- o Improved efficiency of recreational land use because it will be located in better proximity to a greater number of local residents in the City.
- o Relocation away from less desirable land uses and closer to residential areas will enhance the potential for passive surveillance, reducing safety concerns, making residents more comfortable and inclined to use the open space for recreation.
- o The north-eastern corner location will help to provide a transition from the commercial land uses of the Technology Park and buffer the future residential areas to the north of Frobisher Avenue.
- o Connectivity advantages, linking numerous surrounding public open spaces, including Santich Park and Beeliar Regional Park, which are found in the general locality of the Marine Technology Precinct.
- o Improved levels of access for users to the relocated reserve location in the north-eastern corner of the precinct could expand the size of the reserves catchment.

Report

It is acknowledged that the adopted MTP Structure Plan and Scheme Amendment (No.36) currently under way anticipate the incorporation of the South Coogee Reserve into the AMC. This is reflected in the previous Council resolutions referred to above. Furthermore, the justification provided in support of the request for cancellation, described above, is considered valid.

The City's Community Services Department has indicated support of the proposed closure of the South Coogee Reserve on the basis that another reserve of equal size and infrastructure is provided at another location within the immediate area and north of the current reserve.

However, some basic requirements for the provision of a relocated active recreation reserve include:

1. The relocated reserve being of equivalent size to the current South Coogee Reserve.
2. The grassed playing field area dimensions for the relocated reserve are at a minimum 150m x 180m and of a rectangular configuration in order to potentially accommodate a range of sporting activities.
3. The minimum width of the reserve at any point is no less than 150m.

4. All other facilities on the reserve are, at a minimum, replicated, i.e. Clubrooms, tennis courts, infrastructure and sufficient parking.

The above specifications will require the MTP structure plan to be amended to reconfigure the proposed replacement reserve area.

Notwithstanding the above, a basic fact is that the City has a facility that it has expended money to establish a facility to service the sporting and recreational needs of the community. Therefore, before agreeing to seek cancellation the City should have written guarantees that replacement facilities and infrastructure will be provided on the replacement reserve.

From a recreational planning perspective, there would be a need to coordinate the development of infrastructure on reserve land in appropriate locations to facilitate the transfer of existing sporting groups from the South Coogee Reserve to other suitable venues.

A major concern is that there are no other facilities within the region where the clubs could be relocated to. This is of primary concern for the Soccer club as South Coogee Reserve is the home ground of the club where they train and host 'home' matches. If the field became unavailable there is no opportunity for the club to use another facility within Cockburn. Junior and Senior cricket fixtures for the region would be affected, however the relevant fixturing bodies should be able to accommodate the changes in the short term, given sufficient notice.

Given that there were no specific timeframes for the developments in the proposal and a sporting field takes approximately 1.5 – 2 years to develop, in order to maintain continuity for sporting clubs, it will probably be necessary to develop sporting facilities at another reserve in the locality, for example, Visko Park or Radonich Park. The benefits would be seen in a reduction of the assumed crossover period where there is no field available to the clubs currently using South Coogee Reserve.

Conclusion:

The proposal for the South Coogee Reserve 'A' classification to be cancelled to allow the land to be incorporated into the structure plan for the proposed Marine Technology Precinct is supported for the following reasons:

- The proposal is consistent with previous Council resolutions anticipating the land being incorporated into the MTP, in terms of the adoption of the Structure Plan and Scheme Amendments affecting the area;
- Justification provided in support of the request is considered valid;
- Subject to the proponent confirming agreement to item (1) (i) in the recommendation, the transitional implications for affected sporting groups should be able to be effectively managed.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*
 - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

The Council Policies which apply to this item are:-

SPD2 COMMUNITY FACILITIES INFRASTRUCTURE - 10 YEAR FORWARD PLAN

Budget/Financial Implications

The development of sporting facilities on another reserve in the locality will be necessary to provide continuity for clubs currently using the South Coogee Reserve.

Legal Implications

Land Administration Act, 1997 refers.

Community Consultation

Where the Minister proposes to cancel a reserve or its 'Class A' classification, the Minister must:

- Advertise the intention in a State newspaper; and
- No sooner than 30 days later table the proposal before Parliament with an explanation;
- After doing so, either House of Parliament then has 14 sitting days to pass notice of disallowance.

Attachment(s)

- (1) Locality plan
- (2) Marine Technology Structure Plan

Advice to Proponent(s)/Submissioners

The Proponent(s) has been advised that this matter is to be considered at the 12 January 2006 Council Meeting.

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

Nil.

14.11 (OCM - 12/1/2006) - FINAL DUST MANAGEMENT PLAN FOR INERT LANDFILL - LOTS 1, 410 AND 451 MIGUEL ROAD, BIBRA LAKE - OWNER/APPLICANT: MOLTONI CORPORATION PTY LTD (4129346; 4113473; 4413031) (CW)

RECOMMENDATION

That Council:

- (1) endorse the Final Dust Management Plan and Staging Plan dated 13 December 2005 to enable Class 3 Bulk Earthworks to occur during the moratorium period specified in Council Policy SPD7 for 3 years on Lots 1, 410 and 451 Miguel Road, Bibra Lake, subject to the following conditions:-
 1. Times of operation as indicated in section 2.10 of the Management Plan are to be limited to 7.00am to 7.00pm, Mondays to Saturdays inclusive. No works on site (other than dust suppression works) are permitted outside these hours without prior written approval of the City's Health Service.
 2. Bulk earthworks only being undertaken from 1st October to 31st March, subject to an ongoing program of stabilisation on all exposed land prior to the completion of works, to the satisfaction of the City's Health Services.
 3. The Developer shall maintain strict control of works with

dust-creating potential. Material which has been excavated for trenching or stockpiled shall be stabilised if it is to be left exposed for longer than 72 hours.

4. Sufficient wind fencing (sufficient to surround the site and also the area which is being worked) is to be available within 1 hour of being required by the City of Cockburn or the Developer.
5. The nominated wind fencing is to remain in position until the disturbed surface is stable. Where wind fencing becomes damaged it is to be repaired/replaced within 12 hours of the damage being reported.
6. Item 3.4 of the Management Plan indicates the use and volumes of water during fill operations for both dust suppression of the fill and road networks. A water truck of a minimum of 10,000 litres capacity must be available for use and allowance must be included to provide additional watering of the site and road network as necessary (especially during the April to September periods).
7. The Developer shall visit the site each non working day when adverse weather conditions are conducive for the production of dust (including when wind speeds exceed 28 knots) and commence dust suppression measures if necessary.
8. Results from dust monitoring on the site are to be provided to the City's Health Service within 48 hours of a request being made.
9. The City's Health Service reserves the right to direct the on-site manager to cease works should it be determined that ongoing works are exacerbating the dust emissions to a point that suppression measures are failing. This also includes directing the Developer to commence hydromulching/chemical stabilisation within 48 hours of being so directed.
10. Any complaint relating to dust, odour, noise or smoke lodged with Moltoni Corporation Pty Ltd or its contractors regarding this site is to be forwarded to the City's Health Service within 48 hours of receipt.
11. It is the responsibility of the Developer to maintain site stability until such time as the property changes ownership. Allowance must be made to ensure that the hydro-mulch (or similar) crust is maintained over

completed areas, especially over the summer months. The City's Health Service is aware that hydromulch (being a paper based product) may not be classed as "inert" therefore should hydromulch not be permitted on site, Moltoni Corporation Pty Ltd is to advise the City's Health Service of their preferred dust suppression chemical (ie substitute for Hydromulch).

12. After all siteworks are completed, and before the Developer has vacated the site, the Developer must ensure that the entire site is stable. The Developer then retains responsibility for site stability until change of ownership/control takes place. After the change of ownership/control has taken place, the new owner or controlling party will inherit responsibility for site stabilisation.
 13. The timing of the work and control of dust emissions as specified above is to be strictly adhered to. Failure to do so may result in the rescinding of the approval to operate during the moratorium and/or subject the Developer to possible legal action.
 14. Upon the expiration of this 3 year approval no further bulk earthworks may occur during the moratorium period unless with the prior consent of Council, whereby a fresh application must be lodged.
- (2) advise the applicant that Council will not take any further action in relation to ensuring compliance with Condition 9 of approval for inert landfill site with regard to adherence with the moratorium period in Council Policy SPD7.

COUNCIL DECISION

Background

Council at it's Ordinary Meeting on 8 December 2005 with regard to item 14.2, resolved to

"Grant temporary planning approval for a period of three years only for an inert landfill site and resource recovery centre on Lots 1, 410 and

451 Miguel Road, Bibra Lake, in accordance with Clause 10.6 of Town Planning Scheme No. 3, subject to the following conditions:

STANDARD CONDITIONS...

9. *The carrying on of the development must not cause a dust and smoke nuisance to neighbours. The Developer is required to submit a Dust Management Plan in accordance with the Council's Policy SP7 Prevention of Sand Drift from Subdivision and Development Sites within the City of Cockburn. The Plan is to be approved by the Council's Health Services prior to the commencement of earthworks and complied with during the life of the development... “*

Moltoni Corporation Pty Ltd (the Developer) have submitted a dust management plan to the City's Health Service as required by Standard Condition 9, including a request to conduct Class 3 bulk earthworks during the moratorium period, which does not comply with Council Policy.

Submission

Moltoni Corporation Pty Ltd included the following documents as part of its dust management plan application :-

1. Draft Dust Management Plan dated 22 November 2005
2. Management Plan for Landfill – Revised November 2005
3. Final Dust Management Plan letter dated 13 December 2005
4. Staging Plan – Revised 13 December 2005

Due to the nature of the works having a site classification of 3 as per the DEP document titled “*Land Development Sites and Impacts on Air Quality – A Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia*” (25 July 1996) and the filling on site being conducted year round, the applicant seeks permission to work during the moratorium period as specified in Policy SPD7.

Report

Policy SPD 7 entitled “Prevention of Sand Drift from Subdivision and Development Sites” was adopted by Council on 21 October 2003. The policy prohibits bulk earthworks during the period of 1 October and 31 March the following year where the development site has a site classification greater than 2. Site classifications are determined using the matrix provided in DEP document titled “*Land Development Sites and Impacts on Air Quality – A Guideline for the Prevention of Dust and Smoke Pollution from Land Development Sites in Western Australia*” (25 July 1996).

Though this site is being used primarily for inert landfill, the filling of the land for future development falls within Councils Policy. The premises has been approved to operate all year round, therefore would expect to operate continuously. This site has been determined to have a site classification of 3, therefore if approval was not granted to conduct bulk earthworks during the moratorium period, the proponent would have to cease to operate. Though the applicant may meet or exceed dust control requirements, the policy prevents the City's Health Service from approving this plan.

Having reviewed the documentation provided with the application, the City's Health Service supports the application to conduct class 3 bulk earthworks during the moratorium period, however would expect strict conditions to be imposed on the Developer to both minimise, control and monitor dust. Moltoni Corporation Pty Ltd within their dust management plan have addressed:-

- Dust emissions from the access road;
- Techniques for controlling dust during tipping operations;
- Techniques for controlling dust from stockpiles of dry waste;
- Techniques for stabilising windblown dust from cleared areas which have been filled; and
- Overall site planning to ensure that active and completed areas are stable and not prone to erosion by the action of wind and water.

Measures proposed to control dust at the site include:

1-Water Sprays and Sprinklers:

Water will be applied at the site throughout the year to suppress dust emissions. The frequency of watering and amount applied will respond to seasonal conditions. Water sprays will be installed on the site and activated as needed to suppress dust on the entry road and active work areas during the transport, tipping and compaction stages of each fill road at the site. Water may be sourced from groundwater bores to ensure there will be plenty of water available on site at all times.

2-Windbreak Vegetation and Fencing:

The establishment and maintenance of vegetation and fencing around the site and temporary windbreak fencing around active work areas will be carried out if found necessary. Additional fencing material will be held on site as a contingency measure for emergency as and when needed in specific locations at the site or in case of damage to the existing fencing on the site.

3-Temporary Cessation of Work (In Extreme Windy Conditions):

During periods of very high wind, i.e. in excess of 28 knots, it may be necessary to limit tipping and compaction activity on the site for a time until weather conditions are more manageable. The on-site manager will determine the suitability of continuing operations at the site based on:

- The safety of personnel at the site;
- The prevailing wind velocity and direction;
- The effectiveness of the dust suppression techniques being used at the site at the time; and
- The capacity to implement additional contingency measures for dust suppression in accordance with the procedures outlined above.

4-Use of Hydro mulching or Other Suitable Material to Stabilise the Fill Surface: Compacted areas of the site would have been previously covered with light mulch to minimise wind erosion and dust lift off from these areas. Coverage would need to be replenished with sprayed hydro mulch or similar material of sufficient depth to fully cover the ground underneath. All newly completed areas will be spread with mulch in a similar fashion within seven days of completion. All mulched areas will be routinely checked and replenished as needed to maintain an unbroken cover over the completed areas.

Subject to proper management and compliance with the recommended conditions by Moltoni Corporation Pty Ltd, bulk earthworks on this class 3 site are considered acceptable in this instance. The potential impact and possible risks of the proposed works in general are manageable from a compliance perspective. Accordingly the application is supported subject to compliance with a comprehensive set of conditions as specified above.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *“To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.”*

The Council Policies which apply to this item are:-

SPD7 PREVENTION OF SAND DRIFT FROM SUBDIVISION
AND DEVELOPMENT SITES

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Public consultation was carried out upon consideration of the development application for inert landfill.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

The Proponent(s) has been advised that this matter is to be considered at the 12 January 2006 Council Meeting.

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

Nil.

14.12 (OCM - 12/1/2006) - OVERHEIGHT GARAGE - LOT 216; 19 CONSTITUTION GARDENS, BIBRA LAKE - OWNER/APPLICANT: S J STODDART (1116905) (TW) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant approval for a 64m² outbuilding with a wall height of 2.7m on Lot 216 (No. 19) Constitution Gardens subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

SPECIAL CONDITIONS

6. The storage of cars within the shed shall be limited to

vehicles owned by the owner of Lot 216 (No. 19) Constitution Gardens, Bibra Lake and the use of the shed shall be restricted to domestic/hobby uses only.

7. The roof shall be constructed from a non-reflective material (not Zinalume) to the satisfaction of the Council.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. The proposed development must comply with the Environmental Protection (Noise) Regulations 1997.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the proponent and all submitters of Council's decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	729m ²	
AREA:	Outbuilding Size – 64m ²	
USE CLASS:	Single (R-Code) Dwelling	

Submission

The application proposes to build an outbuilding of 64m² with a wall height of 2.7m, setback 0.3m from the rear boundary and 0.3m from the left hand side boundary. The outbuilding is needed for the storage of a privately owned Toyota Land Cruiser and Rack.

Report

APD18 Outbuildings Policy

The proposed floor area of the outbuilding complies with Council's Outbuilding Policy of "10% of the lot area or 60m², whichever is the greater". The proposed wall height of 2.7m exceeds Council policy by 0.3m; and the ridge height of 4.2m complies with Council's policy.

Outbuilding Setbacks

The proposed outbuilding has a wall length/width of 8m and a setback of 0.3m from the rear and left hand side boundary. The Residential Design Codes ("Codes") specify that buildings setback less than 0.75m from the boundary are regarded as buildings on the boundary. Therefore the proposed outbuilding is deemed built up to the boundary. These setbacks comply with the requirements of the Codes, which allow outbuildings with nil setbacks up to two side boundaries.

From a planning viewpoint the height and location of the proposed outbuilding will not have a negative impact on the amenity of the adjoining properties.

The adjoining property owner objected for the following reasons:

1. The height of the outbuilding and the glare from the roof will create a visual impact. This will be intensified by the fact that the proponents ground level is higher than the applicants;
2. Gumtree leaves will clog the rear gutter and access to clean the gutter will be limited due to the reduced setback from the rear boundary.

Officer comments:

It is noted that the proposed outbuilding's wall height exceeds the Council's Outbuilding Policy (APD 18) height limit by 0.3m. However the proposed outbuilding's ridge height of 4.2m complies with Council's Outbuilding Policy. Because the ridgeline runs parallel to the proponent's boundary line, the effective visual impact of the outbuilding would be the same even if the wall height were reduced.

In regards to the glare produced from the roof, the impact of the glare would be increased if the wall height of the proposed outbuilding were reduced. This is because the angle of the roof would be reduced.

In response to the concern regarding leaves clogging up the gutters, for the purpose of cleaning, access to the gutters can be made from the roof.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

The Planning Policies which apply to this item are:-

APD18 Outbuildings

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Residential Design Codes 2002

Community Consultation

Application was advertised with adjoining properties for submissions with one objection being received (see attachments).

Attachment(s)

- (1) Site plan and 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 12 January 2006 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

**15.1 (OCM - 12/1/2006) - LIST OF CREDITORS PAID (5605) (KL)
(ATTACH)**

RECOMMENDATION

That Council receive the List of Creditors Paid for November 2005, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

N/A

Legal Implications

Section 13 of the Local Government (Financial Management) Regulations 1996.

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – November 2005.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM - 12/1/2006) - STATEMENT OF FINANCIAL ACTIVITY - NOVEMBER 2005 (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated documents for the period ended 30 November 2005, as attached to the Agenda.

COUNCIL DECISION

Background

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

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

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

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for November 2005.

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

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

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

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

Material Variance Threshold

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

For the 2005/06 financial year, Council has adopted a materiality threshold of 10% or \$10,000, whichever is the greater.

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

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

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports for November 2005.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM - 12/1/2006) - REMOVAL OF BOLLARDS AROUND RINALDO PARK, COOLBELLUP (5402; 1101398) (AC)

RECOMMENDATION

That Council:

- (1) receive the report outlining full details of the history of the removal of bollard fencing from Rinaldo Park, Coolbellup;
- (2) not place bollards around Rinaldo Park in Coolbellup at this point in time; and
- (3) endorse the general principle of not placing bollards around public open space nor replacing post and rail fencing or bollards that have reached the end of the serviceable life, unless specific conditions at individual sites warrant the installation as determined by the Director Engineering and Works.

COUNCIL DECISION

Background

At the Special Council Meeting held 20 July 2005, the Council resolved to:

- (1) allocate \$14,500 to place bollards around Rinaldo Park in Coolbellup;
- (2) reduce the transfer to the Community and Recreation Facilities Reserve Fund by \$14,500; and
- (3) prior to replacement of the bollards, be presented with a report at a future Council Meeting outlining full details of the history of the removal of the bollards.

The explanation provided in support of the resolution was that Bollards are required to prevent vehicle access to the park. Vehicles currently entering the park are a safety concern as well as a public nuisance to the park users, and cause damage to the grassed areas. Clr Limbert emphasised that for safety reasons and maintenance of the parks, it would be in the best interest of the community that these bollards are reinstalled.

Submission

N/A

Report

The Mirvac Fini Group, as part of the Coolbellup New Living Program, has undertaken an extensive upgrade of Rinaldo Park, which included the removal and / or replacement of park infrastructure asset that had reached the end of its serviceable life. At the time of preparing and submitting plans of the upgrades to the City for approval, the existing fence was identified as requiring removal or replacement, because of its dilapidated condition. Discussions took place between representatives of Mirvac Fini and the City's Manager of Parks regarding the requirement to replace the fence. The City's Manager of Parks authorised Mirvac Fini to remove the existing fence without any requirement for replacement. Approval was granted on the basis that:

- The existing fence was beyond repair and required removal;
- Other similar parks in Coolbellup are not fenced;

- The inconvenience to park visitors as a consequence of damage to grassed areas by cars is negligible;
- The cost of repairing damage to grassed areas caused by cars is insignificant when compared with the cost of routine maintenance of grass in and around fences;
- The potential for CCA treated pine to be banned for use in public places; and
- The escalating replacement costs of parks assets.

Existing Fence Beyond Repair

The existing fence at Rinaldo Park was, at a minimum, twenty years in age and had deteriorated to the point that it was beyond repair and required removal. The fence was shabby in appearance and required ongoing repair, which was difficult to undertake because of the poor condition of the pine timber posts and rails.

Other Similar Parks In Coolbellup Are Not Fenced

Hargreaves Park and Jarvis Park in Coolbellup, which are similar in size and characteristic as Rinaldo Park, have never at any time in their history been furnished with a fence. Adverse impacts on the amenity of these parks, as a consequence of them not being fenced, have not been apparent to officers of the City.

Hargreaves Park and Jarvis Park were both upgraded by Mirvac Fini Group, as part the Coolbellup New Living Program.

Inconvenience To Park Visitors As A Consequence Of Damage To Grassed Areas By Cars Is Negligible

Apart from sports fields, damage to grass on parks, by the inappropriate use of motor vehicles, causes little or no inconvenience to park users. The major effect is to reduce the aesthetic quality of the grass, which usually self-corrects within two weeks, or the next occasion that the grass is cut.

Cost Of Repairing Damage To Grassed Areas Caused By Cars Is Insignificant

The cost of repairing damage to grassed areas caused by cars is insignificant when compared with the cost of routine maintenance of grass in and around fences. Should any repairs to grass be required after damage by cars, it is typically limited to the spreading of sand, for which the average cost is approximately \$100. To the contrary, the cost of brush cutting grass in and around fences is approximately \$0.08 per lineal metre per time. The proposed bollard fence for Rinaldo Park is approximately 600 lineal metres in length, which translates to an annual ongoing maintenance cost of approximately \$1,248.

Notwithstanding the annual ongoing maintenance cost, there are also occupational health and safety considerations associated with employees manual handling brush cutters for extended periods of time. The City, on average, experiences one muscle strain injury incident per

year associated with the operation of brush cutters. Minimising the length of fencing minimises the time that employees are required to use brush cutters, which reduces the potential for injury.

Potential CCA Treated Pine To Be Banned For Use In Public Places

On 22 March 2005 The City, along with other local authorities, received a letter from the Executive Director Public Health Western Australia, advising:

"I am writing to you in relation to the Australian Pesticides and Veterinary Medicines Authority's (APVMA) Review of Arsenic Timber Treatment Products dated March 2005. In the review the APVMA recommends that it:

'prohibit the use of CCA on timber intended for structures such as garden furniture, picnic tables, exterior seating, children's play equipment, patio and domestic decking and handrails.'

Manufacturers of treated timber have been given till 11 March 2006 to comply with the APVMA conditions.

This decision is likely to affect your jurisdiction if you use or approve the use of CCA treated timber structures."

In the circumstances, it was considered prudent that the City should discontinue approving the use of CCA treated timber in public places.

Subsequent to the letter received on 22 March 2005, from the Executive Director Public Health Western Australia, on the 21 July 2005, The City, along with other local authorities, received a letter from the Acting Principal Toxicologist Department of Health, advising:

"Whilst the intentions of APVMA in eliminating a source of environmental contamination are acknowledged, there is no evidence that existing CCA treated timber structures in parks and throughout the community pose a risk to public health, or that replacement or removal of these existing structures is warranted."

By the time the City had received advice from the Acting Principal Toxicologist Department of Health, clearing the use of CCA treated timber, approvals had been issued to the Mirvac Fini Group and the fence removal completed.

Escalating Replacement Costs Of Parks Assets

The estimated total replacement cost of the Council's pine bollard type fencing around public open space is \$1,470,000.

The estimated annual replacement cost is \$73,500 per year.

These figures have been calculated from data provided by the City's Geographic Information Services, who advise that the combined estimated perimeter length of public open space in the City of Cockburn is 168 kilometres. This figure does not include the perimeter length of environmental reserves under the care, control and management of the Council.

Although the length of pine bollard type fencing has not been measured, the City's Manager of Parks estimates that one quarter of the combined estimated perimeter length of public open space in the City is furnished with pine bollard type fencing. This equates to 42 kilometres of pine bollard fencing, or 42,000 lineal metres. The current cost of pine bollard fencing is \$35 per lineal metre, providing an estimated replacement cost of \$1,470,000, for the Council's pine bollard type fencing around public open space.

The anticipated life expectancy of pine bollard type fencing is twenty years. Therefore, the estimated annual replacement cost is \$73,500 per year.

Should the Council agree that, at the majority of locations, fencing around public open space does not provide any particular advantage, consideration may be given to not replacing those that have reached the end of their serviceable life. In so doing, funds otherwise required to replace fencing can be redirected for other purposes.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*

5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*

Budget/Financial Implications

A saving of \$14,500 towards the replacement of bollards in the 2005/06 Budget Expenditure will be reallocated in the mid-year Budget review.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

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

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

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

23. CONFIDENTIAL BUSINESS

Nil

24. (OCM - 12/1/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

25. CLOSURE OF MEETING

Nil