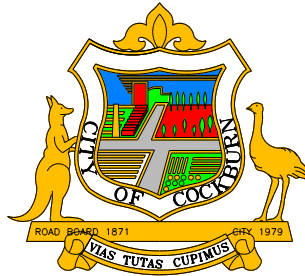


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**TUESDAY, 19 NOVEMBER 2002**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 NOVEMBER 2002 AT 7:30 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 19 NOVEMBER 2002 AT 7:30 PM**

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**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 (by Presiding Member)**

Nil

**5. APOLOGIES AND LEAVE ABSENCE**

Nil

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

Nil

**7. PUBLIC QUESTION TIME**

Nil

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 19/11/2002) - ORDINARY COUNCIL MEETING - 15/10/2002**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 15 October 2002 be adopted as a true and accurate record.

**COUNCIL DECISION**

**9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE**

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

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

Nil

**13. COUNCIL MATTERS**

**13.1 (OCM 19/11/2002) - ANNUAL REPORT 2001/2002 (1712) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the Draft Annual Report for the 2001/2002 Financial Year, as attached to the Agenda; and
- (2) defer accepting the Report, including the Financial Statements, until the December 2002 Council Meeting, in accordance with the provisions of the Local Government Act, 1995.



**COUNCIL DECISION****Background**

Council is required to accept the 2001/2002 Annual Report to enable it to be available for the Annual Electors Meeting, scheduled to be held on Monday 3 February, 2003. The Act requires Council to accept the Report no later than 31 December, 2002.

**Submission**

N/A

**Report**

The Draft Annual Report for the 2000/2001 Financial Year is in conformity with the following requirements of the Act and contains:

- (1) Mayoral Report
- (2) Chief Executive Officer's Report
- (3) 2001/02 Principal Activities Report and assessment against performance.
- (4) Legislative Review Report / Competitive Neutrality Statement.
- (5) Overview of Principal Activities proposed during the 2002/03 Financial Year.

The Financial Statements and Auditor's Report were not available for inclusion at this stage. However, it is considered appropriate for Elected Members to familiarise themselves with the format of the Report at this time, and formally adopt the consolidated document at the December 2002 Council Meeting.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" and Council Policy AES1 refers.

**Budget/Financial Implications**

The cost of producing 300 copies of the Report (estimated \$7,425 GST inclusive) is provided for in Council's Governance Budget.

**Legal Implications**

Council required to accept Report by 31 December, 2002.

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

Nil.

**13.2 (OCM 19/11/2002) - PROPOSED AMENDMENT TO POSITION STATEMENT PSES7 - REPORTS TO COUNCIL (1054) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council adopt amended Position Statement PSES7 "Reports to Council", as attached to the Agenda.

**COUNCIL DECISION**

**Background**

As a result of the recent Customer Satisfaction Survey undertaken by Council, there are indications that Council's consultation processes are not held in high regard in the Community. It is possible this may be the case because community consultation is not given specific consideration in Officer Reports to Council and could be overlooked at that stage.

**Submission**

To include "Community Consultation" in the Report format used by officers when drafting reports for consideration by Council.

**Report**

Council undertook a Community Satisfaction Survey to measure its performance against the services provided and identified in Council's Principal Activities Plan (PAP) for the year ended 30 June, 2002.

The results of the entire Survey are reported on the Annual Report for the corresponding period and are, in general, reasonable and acceptable.

One area which appeared to be an opportunity for Council to improve on was in its method of consultation. Council achieved a satisfaction rating (satisfied and extremely satisfied responses) of 31.7%, against a

target of 70%, with a dissatisfaction score (dissatisfied and extremely dissatisfied responses) 29.8%. 38.5% of respondents were neither dissatisfied nor satisfied with a method of consultation.

The following quotations mentioned in the survey would indicate that Council's consultation mechanisms require some attention.

*"You tend to get told about something after the event."*

"We need to know how do you (as an individual) make suggestions, who do you talk to, who do you contact at the Council?"

"It is intimidating to go into the *Council* offices or to a Council meeting. Need to put up the information where people can see it and invite changes."

Such comments give the impression that the public feel "disengaged" from decisions in which they feel they have an opinion.

It could be that there are many more issues dealt with through the Council process that could be subject to some community feedback before they are presented to Council.

It is suggested that, in the short term, an additional heading in the Agenda format titled "Community Consultation" would act as a prompt to Officers (and ultimately Elected Members) in considering whether the issues being reported should be subject to community opinion.

Accordingly, an amendment to Position Statement PSES7 – "Reports to Council" is proposed, as per the attachment.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

Funds for known community consultation processes to be undertaken are provided within Council's Municipal Budget.

### **Legal Implications**

Nil.

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

Nil.

**13.3 (OCM 19/11/2002) - COUNCIL CHAMBERS AND AUXILIARY FACILITIES PROVISION (4602) (RA)**

**RECOMMENDATION**

That:

- (1) Council, pursuant to section 5.8 of the Local Government Act 1995, establish a Council Chambers Review Committee to explore the scope for the council Chambers reception area, dining room and meeting rooms to be established in the Civic Centre Hall;
- (2) Council appoint three (3) Elected Members, namely \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ and the Chief Executive Officer or his delegate to the committee;
- (3) the committee be given the power to act as Council in respect to the refurbishment works of the Civic Centre Hall on the adoption of the concept plan by Council;
- (4) Council withhold the works on the refurbishment on the current Council Chambers area until such time as it has considered the alternative proposal; and
- (5) on the completion of the works the Council Chambers Refurbishment Committee be dissolved.

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

**COUNCIL DECISION**

**Background**

Council has in recent times made a number of decisions, which will impact on the future Council, Civic and Administrative accommodation requirements for the City. These matters include:-

- the refurbishment of the Council Chambers area;
- review to upgrade the Civic Centre Hall;
- refurbishment of Memorial Hall; and
- the decision not to relocate the Administrative Centre to Cockburn Central.

**Submission**

N/A

**Report**

Council at its October 2002 meeting resolved to amongst other matters investigate the creation of a stage area within the Civic Centre Hall and the creation of some smaller meeting rooms and a function hall. There has also been a decision made to investigate the upgrading and refurbishment of the Memorial Hall. It is acknowledged that both the Memorial Hall and the Civic Centre Hall are under utilised. These facilities are to some extent in competition to each other. It would be appropriate to give consideration to the best means by which these two resources can be best utilised to complement each other rather than compete against each other.

The decisions to retain the Council and Administrative Centre of the City in Spearwood requires that Council gives consideration to the accommodation needs of administration on the Civic Centre site. The office accommodation within the administrative building is at its maximum with some areas such as a significant portion of the staff room already being taken up for purchasing services and for staff training. Within the existing building there is little to no space available for additional staff. The question of where future staff will be accommodated needs to be addressed as it is anticipated that there will be a requirement for at least 180m<sup>2</sup> of additional office space within the next 5 years.

Council placed on its 2002/03 budget the sum of \$100,000 for the refurbishment of the Council Chambers area. A further \$70,000 was placed on the budget to carry out works to improve disabled access to the building including the installation of a lift into the Council area. This work was to allow for disabled access mainly for after hours.

In broad terms it is proposed that Council give consideration to the total upgrade of the Civic Centre Hall to provide for a Council Chambers, quality reception centre, dining room and meeting rooms. Council could then decide that these meeting rooms could be made available to the public on a hire basis. The funds intended for the disability access issues in the Council Chamber upgrade could then be added to the funds required for the refurbishment of the Civic Centre Hall to Council Chambers. This alternative would have the added advantage of permitting the Council business to proceed without interruption while building works proceeded on the Civic Centre Hall. It would appear justified then for the Memorial Hall to be upgraded as a historical building and the premier large community hall with a stage and large hall space. It would be an ideal location for events such as the Cultural Council Annual Art Show and the Pioneers Function and public performances that require a stage.

If the recommendation is accepted it is proposed that Architect Bernard Seeber be commissioned to develop some preliminary concept designs and cost schedules to refurbish the Civic Centre Hall into a quality Council area that includes Council Chambers, reception room, dining room and meeting rooms, with the funds being drawn from the funds allocated for the Council Chamber area refurbishment.

Section of 5.8 of the Act allows Council to form Committees of 3 or more persons to act on its behalf. It is proposed that a committee be established comprising of three Elected Members and the Chief Executive Officer or his delegate to oversee the development of a concept plan for the Civic Centre to be refurbished into a Council Chambers with associated infrastructure for consideration by Council. The Committee could then be empowered to act as Council in respect to the upgrading of the Civic Centre Hall building in accordance with the concept plan adopted by Council.

Should Council decide to continue with the refurbishment of the existing Council Chambers Area it is proposed that the following resolution be considered:

1. Council pursuant to Section 5.8 of the Local Government Act 1995, establish a Council Chambers Refurbishment Committee with the power to act as Council in respect to the refurbishment works;
2. Council appoint three (3) Elected Members, namely \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_;
3. on the completion of the works the Council Chambers Refurbishment Committee be dissolved.

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

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

\$100,000 is available on the 2002/03 Municipal budgets for the refurbishment of the Council Chambers area and a further \$70,000 for the provision of disability access facilities.

**Legal Implications**

Nil.

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM 19/11/2002) - OFFER TO LEASE PORTION OF FORMER BARTRAM ROAD, SUCCESS, TO GOLD ESTATES (450052; 5514390) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) request that the Department of Land Administration revest that portion of Bartram Road, as shown in the Agenda attachments, as a reserve for community purposes with power to lease; and
- (2) offer to Gold Estates Pty Ltd a 6 year lease on portion of the land in (1) above for the purpose of Entry Statement structure for 6 years at \$1,000 pa, subject to the statutory requirements of section 3.58 of the Local Government Act 1995.

**COUNCIL DECISION**

**Background**

Gold Estates (Richard Noble & Co) are continuing to subdivide land in Success in accordance with approved structure plans.

**Submission**

Gold Estates have lodged drawings of the proposed Entry Statement.

**Report**

This portion of Bartram Road has never been used for the road formation. The section of the road reserve would better serve the future requirements of the City if it was identified as a reserve for community purposes rather than remain as road reserve.

In time it is proposed that a flyover be constructed over the Freeway. The centreline of this flyover is shown as a dotted line on the attached plan. When the footprint of the future flyover is known then the proposed community purposes reserve can be enlarged.

Gold Estates will be developing Stage 1 Lot 24 of their residential subdivision in the near future and is currently undertaking earthworks on the site. They have submitted drawings of a low masonry wall with associated landscaping. The masonry wall will be lit at night and will identify the development with an estate name "Magnolia Gardens". They have sought a 6 year lease of the western portion of the land as shown. An agreement would need to be entered into so as to ensure that the masonry structures are removed at the conclusion of the lease period and that prospective purchasers are notified accordingly within the Estate.

A rent of \$1,000 pa has been offered which will need to be verified as being a market rent by a licensed valuer. The proposal will need to be advertised pursuant to section 3.58 of the Local Government Act.

It is anticipated that once the flyover has been completed and all the houses within the residential subdivision established, a clearer understanding of the best use to be made of the community purposes site will evolve.

At the conclusion of the lease period Council give further consideration for the use of the site.

### **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**

N/A

### **Legal Implications**

Nil

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

Nil.



**14.2 (OCM 19/11/2002) - CLOSURE OF PORTION OF LYON ROAD, ATWELL PURSUANT TO SECTION 58 OF THE LAND ADMINISTRATION ACT 1997 (450016; 119478) (KJS) (ATTACH)****RECOMMENDATION**

That Council request the Department of Land Administration to close those portions of Lyon Road, Atwell, south of Bartram Road, as shown on the Plan attached to the Agenda.

**COUNCIL DECISION****Background**

Landcorp has commenced the construction of the subdivision at Atwell (Harvest Lakes) and portion of Lyon Road is not required.

**Submission**

A request to close portions of Lyon Road attached to the subdivisional layout was received from Robert Day Group Planners acting for LandCorp.

**Report**

LandCorp have sought approval from the Western Australian Planning Commission to subdivide land on either side of Lyon Road. The subdivisional layout as proposed utilises most of Lyon Road, but the new subdivisional road is approximately 2 metres narrower. LandCorp wish to purchase from the Department of Land Administration the land not required for road reserve.

These portions of road reserve need to be closed to allow these transfers to proceed.

The proposal was advertised in the Herald on 14 September 2002 and at the conclusion of 35 days there had been no objections.

**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**

All associated costs are to be met by the applicant.

**Legal Implications**

Nil.

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

Nil.

**14.3 (OCM 19/11/2002) - DEDICATION OF PORTIONS OF LAND THE SUBJECT OF CROWN PLANS 19352, 19862 AND DP 219352, NORTH LAKE ROAD, JANDAKOT AND SOUTH LAKE (4500024) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) request that the Department of Land Administration (DOLA) dedicate the land the subject of Crown Plans 19352 and 19862 and Deposited Plan 219352 as road reserve pursuant to Section 56(1)(a) of the Land Administration Act 1997; and
- (2) if (1) above is approved by DOLA, indemnify the Minister for all reasonable costs and expenses incurred by the Minister in considering and granting the request.

**COUNCIL DECISION**

**Background**

Council has over the years gradually rationalised the MRS road reservation on North Lake Road into road and drainage reserves in the interests of control and maintenance.

**Submission**

A Council initiated action.

**Report**

Section 56(1)(a) of the Land Administration Act states that if certain conditions are met then the Local Government may request the Minister to dedicate land as a road.

The land the subject of the nominated plans is reserved for use by the public as a road under the Metropolitan Region Scheme. The land is occupied by the current and future North Lake Road. The land once dedicated as road reserve will enhance the City's ability to manage the land.

The land is Crown land controlled by the Department of Land Administration. Formerly it was a railway reserve. The Department of Land Administration has not indicated whether there will be any cost to Council.

The indemnity requirement required by DOLA is only to cover out of pocket expenses incurred by DOLA to do with the conveyancing. These costs have in the past been minor and accommodated within the Land Administration budget.

**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**

Funds for a project such as this are available in the current Budget, in Account 872461, Land Acquisitions/Disposal Costs, which had a balance of \$8,153 as at October 2002.

**Legal Implications**

Nil.

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

Nil.

**14.4 (OCM 19/11/2002) - PROPOSED FREMANTLE TO JANDAKOT RAIL LINK - MR BRUCE POWER, THORNLIE (9336) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the submission from Mr Bruce Power of Thornlie promoting a rail link between Fremantle and Cannington with connections at Jandakot to Rockingham/Mandurah and Perth;
- (2) support the proposal, for the purpose of further investigation by the Department for Planning and Infrastructure and Perth Urban Rail;
- (3) forward a copy of the proposal to Department for Planning and Infrastructure and Perth Urban Rail for investigation; and
- (4) advise Mr Power, Professor Peter Newman of the Office of the Premier and the Future Perth Office and the City of Fremantle of the Council's decision.

**COUNCIL DECISION**

**Background**

Since the proposal to establish a passenger rail link between Perth and Mandurah, there has been discussion about the possibility of connecting Thomsons Lake (Cockburn Central) to Fremantle at some time in the future.

Proposals to date have been to connect Thomsons Lake Regional Centre to Fremantle by following the disused rail reserve along North Lake Road to Bibra Lake to follow the coast along the existing line to Fremantle.

Another proposal was to follow the Roe Highway Reserve (Stage 8) to the coast and then along the existing line to Fremantle.

None of these proposals have progressed.

## **Submission**

Attached to the Agenda, is a suggested proposal that was sent by Mr Bruce Power of Thornlie to Professor Peter Newman, and the CEO's of Fremantle and Cockburn.

The proposal is self explanatory.

## **Report**

The proposal has merit, and would provide a rail service to South Beach, Port Catherine, Spearwood, Bibra Lake, Yangebup, South Lake and Jandakot.

The proposal suggests a rail interchange being established where the existing freight rail line and the Perth to Mandurah line intersect on the Kwinana Freeway.

Such a rail system would improve public transport options and level of service within the City of Cockburn.

Given this, it is recommended that the proposal be supported to enable further investigation by the transport planning agencies.

## **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."*

## **Budget/Financial Implications**

N/A

## **Legal Implications**

Nil.

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

Nil.

**14.5 (OCM 19/11/2002) - PACKHAM NORTH STRUCTURE PLAN - WATSONS FOODS (WA), SPEARWOOD (9654) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the Packham North Structure Plan as the basis for receiving public comment;
- (3) advertise the Packham North Structure Plan in accordance with Clause 8.2.9 of District Zoning Scheme No. 2;
- (4) following receipt of any public submissions together with the assessment undertaken by the Planning and Development Division, re-consider the Packham North Structure Plan as the basis of an amendment to Town Planning Scheme No. 3 to rezone the land from "Rural" to "Mixed Business Zone (Restricted Use)", Development Area (DA) and Development Contribution Area (DCA); and
- (5) advise Watsons Foods (WA) and the consultants of the Council's decision and that they be provided with a copy of the Division Report.

**COUNCIL DECISION**

**Background**

Council at its meeting held on 17 September 2002, considered a report by the Director of Planning and Development, which advised that the finalisation of the Structure Plan for the land around Watsons had been protracted. Based on the report, the Council required Watsons to submit the plan by 25 September 2002.

In response to this, Watsons advised that as the Director's letter had been incorrectly addressed as 1/60 instead of 1/160, the consultant was unaware of the original date for completion (This is not an uncommon error). Given this, Watsons requested an extension to 11 October 2002. A copy of this letter was circulated to Elected members in Councillors Info.

The Director of Planning and Development agreed to the extension, with a view to putting the item to the Council in November.

### **Submission**

On 11 October the revised Structure Plan was received.

The Executive Summary was as follows:-

*"The following report presents a Structure Plan for land in Spearwood and Coogee currently zoned "Urban" under the Perth Metropolitan Region Scheme (MRS) and "Rural" under the City of Cockburn District Zoning Scheme No. 2 (DZS No.2), referred to in the Report as the 'Structure Plan Area'. The objective of the Structure Plan Report is to establish a planning framework that will enable the Structure Plan Area to be developed in the most orderly and integrated manner, meeting sound planning principles, and promoting high quality development solutions.*

*Under the provisions of the City of Cockburn District Zoning Scheme No.2 the preparation and adoption of a Structure Plan is a prerequisite to the rezoning, subdivision and development of the Structure Plan Area.*

*To demonstrate how planning for the Structure Plan Area is to be integrated with the surrounding land, this report considers the relevant features of a defined area in the surrounding district, referred to as the 'Study Area'.*

*The Structure Plan Report was prepared by a Project Team including:*

- *Planning Solutions (Aust) Pty Ltd;*
- *Ecoscape (Aust) Pty Ltd;*
- *van der Meer Consulting; and*
- *John Consulting Services.*

*The Report details and analyses the Town Planning, Environmental and Engineering issues. Additionally, the Project Team has relied upon advices received from the relevant regulatory agencies and consultations with both those agencies and landowners prior to finalising the proposed Structure Plan and this Report and submitting it to the City of Cockburn for its consideration.*

*The Structure Plan, as submitted, is generally consistent with the provisions of DZS No.2 requirements.*

*The implementation process for the formal adoption of the Structure Plan shall be consistent with that detailed by the Western Australian Planning Commission in its "Guidelines for the Preparation of Local Structure Plans for Urban Release Areas" and the procedures outlined in DZS No.3.*

*The findings and conclusions detailed in the following Report recommend the rezoning of the Structure Plan Area to allow for the development of a combination of mixed business commercial and residential uses."*

The design philosophy to the Structure Plan lead to the adoption of a "Restricted Mixed Business" option for the area. The zone is based on that contained in DZS No.2 and proposed in TPS No. 3.

The zone is based on there being no residential development within the 5OU and 6OU Contour (odour contour).

The definition of "Restricted Mixed Business" zone as proposed by the consultant is:-

*"A zone which provides for a limited range of light and service industrial, wholesaling, storage, trade and professional research land uses (based predominantly on Agricultural, Bio-technology and Aquaculture services), which by reason of scale, design, character, operation or land requirements, are not likely to be adversely affected by existing special industrial land uses, and which do not involve attendance by the general public for extended periods."*

The report goes on to say:-

*"Such uses may include, but not be limited to, the following:-*

- *Storage;*
- *Transportation;*
- *Agricultural Research;*
- *Industry;*
- *Aquaculture; and,*
- *Biotechnology and Horticultural Research.*

*It is considered appropriate that a town planning scheme amendment would be prepared, advertised, and gazetted to introduce the appropriate zoning into DZS No.3 given the progress of DZS No.3.*

*It is recognised that there are a number of existing residences, which are associated with market gardens that may not be adversely affected by the activities within the Structure Plan Area. Existing residential*



*development in the Structure Plan is proposed to be treated as a non-conforming use and market garden as a permissible use. This approach recognises that there are a number of existing residences, which are associated with market gardens and that may not be adversely affected by the activities within the Structure Plan Area, but that those activities may not necessarily be appropriate in close proximity to residential areas in the long term, and upon their conclusion the land should be used consistently with the Restricted Mixed Business zoning proposed."*

The consultant considered 3 options for the Structure Plan Area, namely:-

- *"Rural Option. Retain the rural zoning in the local scheme as an odour separation distance and amend the Metropolitan Region Scheme to reflect the designation – as a consequence consolidate horticulture and other approved rural uses in the odour separation distance but exclude new residential;*
- *Recreational Option. Transfer the vacant land into recreational reserves and use the land as a landscape buffer around the special industry facilities on Hamilton Road; and,*
- *Restricted Mixed Business Option. Designate the odour separation area as a mixed commercial and industrial area where industries compatible with the special industry facilities on Hamilton Road can co-exist with the surrounding residential uses located beyond the defined odour separation area. The option would develop the highest and best use of the Structure Plan based on "the development of compatible higher-value land uses" consistent with the Western Australian Planning Commission Statement of Planning Policy No.4 – State Industrial Buffer Policy gazetted on 5 May 1997."*

The consultant concluded:-

*"The "Restricted Mixed Business" option is recommended as the preferred Structure Plan development scenario. This option is likely to be a realistic development scenario within an acceptable time. If considered appropriate, it may be that a development agency is required to become involved in the development co-ordination of the land should the co-ordination of services be excessively arduous for individuals, and private co-ordination does not occur.*

*The success of the Structure Plan will depend upon a combination of the technical merit of the proposals presented and the support of the local community. It will be essential that the aspirations of the local community are respected throughout the planning process. It is also important to note that the technical requirements of the relevant*

*planning considerations are met for development to proceed in a timely manner.*

*The implementation process will need to ensure the local community is consulted and recognises the planning constraints associated with the existing pattern of land use within the Study Area.*

*It is considered appropriate that the Council of the City of Cockburn consider the proposed Structure Plan and seek public comment on the proposals prior to proceeding to amending DZS No.2 and/or 3."*

The non-residential uses appropriate within the Restricted Mixed Business Zone would be, ie generally inside the 5-6OU contour:-

- Light Industry;
- Commercial / Office/ Research;
- Recreation; and
- Horticulture and Horticultural Research.

Outside the 5-6OU contour residential development could be permitted together with other compatible uses such as:-

- Mixed Use Residential/ Office/ Research;
- Low Density Residential R12.5;
- Medium Density Residential R20-30.

The consultant acknowledges that it is proposed that Council adopt the Plan for advertising, and following widespread consultation with landowners and relevant government agencies, reconsider the Plan for finalisation.

The implementation of the plan would need to include cost sharing by utilising Development Contribution Areas as provided for in DZS No. 2 and TPS No.3.

## **Report**

The report by the consultant does not include a copy of the DEP advice about the acceptability of the odour separation distance to the Watsons Plant or the land use restrictions.

Following enquiries with the DEP a copy of its letter to Watsons dated 21 May 2001 was provided.

This information is fundamental to the preparation and acceptability of the proposed Structure Plan.

The DEWCP confirmed that the use of the 5OU/m<sup>3</sup> and 6OU/m<sup>3</sup> contours in defining areas of likely acceptable odour impact could represent a compromise that the DEWCP is comfortable with.

It is not clear how the 5-6OU/m<sup>3</sup> is applied given that they are separate lines that have a variable distance between them. Presumably, residential development can occur up to the 6OU.

In April 2002, following a meeting with the planning consultant and the solicitor for Watsons, the Director of Planning and Development provided a comprehensive response on the draft document.

The revised Structure Plan contains a number of the amendments suggested.

In essence the first 5 chapters contain information that is generally known to the Council and does not greatly assist in the understanding of the Structure Plan proposal. This information would be primarily for the benefit of the client.

Given this, the assessment contained in this report will largely be confined to Chapter 6 – "Structure Plan – The Preferred Strategy".

The design philosophy strives to produce an "efficient, economically viable, and environmentally superior community, which provides for a combination of modern technology and traditional land uses." This is based on 7 points number 6 to 12, and it is not clear if there is supposed to be points 1 – 5. Despite this, there is no evidence as to how this approach or these points have been reflected in the plan. In essence the Structure Plan is in response to the limitations of the odour contour generated by the Watsons Plant. This has driven the land use proposal rather than economic diversity, employment opportunities, innovation or demand for commercial lot sizes.

The constraints that have determined the plan have been "vegetation, odours, noise and vehicle movements". There are also existing development, wetland and slope constraints.

According to the report, the plan will be subject to further engineering analysis.

The proposal is to zone the majority of the land "Mixed Business (Restricted Use)" and restrict the uses to:-

- Light Industrial;
- Service Industrial;
- Wholesaling;
- Storage;
- Trade;
- Professional Research (Agriculture, bio-technology, aquaculture).

Of the uses identified only 3 are defined under proposed TPS No.3. Only defined uses should be referred to, otherwise new definitions will need to be introduced into the Scheme. This should be avoided.

Also the proposal suggested that the area be occupied by land uses "which do not involve attendance by the general public for extended periods", is something that would be difficult to police and may even be contrary to the provisions of the Fair Trading Act. This should be deleted from the definition. The issue is more to do with limiting residential development within the 6OU rather than limiting the impact on short term visitors.

Moreover, it is understood that the Odour Buffer is not officially recognised by the EPA and therefore it does not approve or refuse development, but only provides guidance. Should the plan proceed to a scheme amendment, the amendment must be referred to the EPA for assessment prior to advertising. It will be at this point in the process that odour and other environmental constraints will be evaluated.

The existing residences excluding the rural activities (ie market gardens) within the Structure Plan Area are proposed to be retained as non-conforming uses. This would mean that the residences could continue to exist, but when redeveloped would need to conform with the zone. It also means that no additional residences could be established in the area. Given the intent of the Odour Buffer to the Watsons Plant this is a reasonable approach.

Immediately north and east of Mell Road the land is proposed to be residential. The plan does not indicate the density. The report suggests that a "matrix" be established in consultation with the DEWCP to assess applications. This approach has the potential to be unnecessarily complicated. If a residence is located outside the 6OU contour it should be acceptable under the R-Code provisions.

The report suggests that the Development Contribution Area (DCA) should be used to ensure that development costs are shared equitably. This is supported, subject to the proponent preparing the necessary scheme provisions and schedules.

The report advises that no odour sensitive land uses are to be established between 5OU – 6OU odour contours. This is not clear. This implies that no residential development can occur inside the 5OU contour. This seems to be at odds with the DEWCP position and will need to be clarified.

The State Industrial Buffer Policy 1997, has 5 principles. It is not sure what principles 3 to 6 refer to. Never-the-less they reflect an acceptable approach.

Of the 3 land use options tested the Mixed Business Zone (Restricted Use) appears to be the most appropriate. However, the restricted uses would need to be determined by the closer examination of the Mixed Business Zone provisions in Table 1 – Zoning Table in proposed TPS No. 3 and the restrictions provided for in Schedule 3. Over this base zoning, a Development Area (DA) and a Development Contribution Area (DCA) will need to be applied.

The spatial allocation of the areas for residential, restricted mixed business, POS and road reserve is confusing. Firstly, it only refers to allocations 3 to 6, with no reference to 1 or 2. The areas add to 69.4805 ha but in section 2.4 the Structure Plan Area comprises 79.9251 ha a discrepancy of around 10.5 ha. This needs to be clarified.

The suggested uses considered appropriate in the buffer area are different from those specified in the definition of Restricted Mixed Business Zone, and this needs to be co-ordinated.

The fundamental reason for preferring the Mixed Business option does not appear to be for philosophical reasons, but simply based on the acceptability of the proposal to the planning authorities, particularly the EPA.

Because the Council was instructed to delete the subject area from DA1 in proposed TPS No.3, which applies to Packham, there will be a need for the Council to initiate an amendment to TPS No. 3 prior to it formally adopting the Structure Plan. This will cause a delay in processing and adopting the plan.

The proposal to introduce specific cost sharing provisions into TPS No.3 for the Packham North Structure Plan is not supported, as there should be sufficient scope to deal with this under the DCA arrangements.

In respect to the proposed plan referred to as the "Spearwood Structure Plan – Restricted Mixed Business Option", Figure 13, dated October 2002, the following points are made:-

- The land use patterns generally reflects the limits of the 5OU-6OU contours. However, the boundary between the Mixed Business Zone (Restricted Use) and the Residential Zone on the north-east corner of Mell Road and Hamilton Road will need to be reviewed together with the western side of Mell Road.
- The Residential Zoning and proposed subdivision pattern east of Mell Road and south of Rigby Avenue should be deleted from the Structure Plan as this land is already within Development Area (DA1) under both DZS No.2 and TPS No.3, and the subject of amendments to DZS No.2, namely 205 and 214 and subdivision

applications 112550 and 114492 respectively. It is therefore, inappropriate to include this land in the Structure Plan.

- The areas of proposed POS reflect the wetland areas and therefore appear acceptable in general terms. These areas will need to be paid for by the landowners under the DCA equalisation arrangement.
- The plan provides for a connection of Ocean Road east to Rockingham Road. This is an important inclusion, because it will be one of only two roads that may provide direct access from the east to the Port Catherine Marina. It becomes even more important if Spearwood Avenue is not constructed from Hamilton Road, west to the Fremantle to Rockingham Highway (Cockburn Road).
- No regard appears to have been had for the steeply sloping land in the south-west sector of the Structure Plan Area adjoining the region open space. Because of the strong physiographic connection between this land and the spur that projects behind Cedron Rise and Sumich Gardens, it may be that this land would be more suited for inclusion in the region reserve than developed as industrial / commercial sites.
- For land fronting Rockingham Road and along the Ocean Road extension, consideration should be given to commercial uses that can take advantage of the prime road frontage.
- Provision needs to be made for stormwater drainage sites.
- Given the likely importance of the Ocean Road extension the traffic roundabouts west of Hamilton Road should be deleted, and the road connections reconsidered.
- A traffic study needs to be undertaken to determine if a signalised intersection is required at the junction of Hamilton Road and the Ocean Road extension. Similarly at the junction of Rockingham Road and the Ocean Road extension.

It is important that to progress the development of the Structure Plan, it be advertised for public comment prior to Council proceeding to initiate an amendment to TPS No. 3.

In addition, the assessment made by the Planning and Development Division can be combined with the public comments for advice to the proponent, should changes be required following consideration of any submissions.

**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."*
- 3. Conserving and Improving Your Environment
  - *"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."*

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

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

Nil.

**14.6 (OCM 19/11/2002) - DELEGATED AUTHORITY - SECTION 374(1B) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960 (3108) (JW)**

**RECOMMENDATION**

That Council delegate its authority to approve or to refuse to approve plans and specifications under Section 374(1b) of the Local Government (Miscellaneous Provisions) Act 1960, to Council's Building Surveyor, Keith Brameld.

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

**COUNCIL DECISION**

### **Background**

Mr K Brameld is due to commence casual employment with the City of Cockburn on 11 November 2002 and part of his agreed duties is to approve or refuse building plans and specifications under delegated authority of Council.

Mr Brameld's casual short term appointment is an interim measure to address the current heavy workload until vacant permanent staff positions in Building Services are filled.

### **Submission**

N/A

### **Report**

Mr Brameld has the necessary Local Government Qualifications to accept this delegation.

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

N/A

### **Budget/Financial Implications**

The casual appointment will add costs to the Building Service Salaries Budget, this will be addressed as part of the forthcoming Budget Review.

### **Legal Implications**

Nil

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

Nil.

## **14.7 (OCM 19/11/2002) - ADDITIONAL BUILDING SERVICE AND STATUTORY PLANNING SERVICE STAFF (2801) (MR/JW/SH)**

### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) support the employment of additional staff within the Council's Building Service and Statutory Planning Service in accordance with the recommendations contained in the Planning and



Development Division report;

- (3) amend the Municipal Budget by increasing Accounts 730102 (Building Licences) and Account 730200 (Building Service Salaries) by \$30,000, and Account 500102 (Development Application Fees) and Account 500200 (Planning Service Salaries) by \$29,000; and
- (4) amend the Municipal Budget by reallocating \$6,000 from Account 500474 (Town Planning Scheme No. 3 Public Consultation Account) to a new Account "Statutory Planning Furniture and Equipment".

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

### **COUNCIL DECISION**

### **Background**

Due to the difficulty in finding suitably qualified staff, a significant increase in workload and recent and pending changes in legislation requiring additional processing of applications, there is a very real need to increase the Building Service and Statutory Planning Service staff.

Until recently, the City of Cockburn had an excellent reputation in respect to its Building and Statutory Planning Services. The current turn around time for issuing building licences and planning approvals has become unacceptable, which is not in the best interests of either the Council or applicants.

### **Submission**

The submission by the Planning and Development Division is to: -

- (1) reinstate the Building Surveyor's position previously provided for in 1998/99;
- (2) add an additional Planning Officer to the Statutory Planning Service; and to
- (3) increase the hours of the Clerical Officer (Statutory Planning) by an additional 6 hours per week.

## **Report**

The City of Cockburn is one of the fastest growing municipalities in the Perth Metropolitan Area, and this trend is likely to continue at least until 2015 to 2017.

Commensurate with the increase in population growth is the increase in building and development applications. This in turn generates the income to fund the additional staff proposed in this report.

Reports prepared by the Building Service and the Statutory Planning Service in support of the request for additional staff are as follows.

### **Building Service**

The purpose of this report is to advise Council of the current situation in the Building Service in regard to workload and resources and to consider current needs.

Since the financial year 1997/98 until 2001/02 the Building Service has experienced a 16.5% increase in building applications. In 1999/00 the applications spiked to a high of 33% above the 1997/98 level.

In 1997/98, 2099 building applications were received. In 2001/02 this increased to 2445 with applications reaching a high of 2795 in 1999/00.

The Service's professional staff includes the Principal Building Surveyor, Senior Building Surveyor and two Building Surveyors, a total of four. Currently a consultant Building Surveyor has been engaged, as one of the permanent Building Surveyor positions remains vacant.

The turn around times for building applications at the moment is 4-6 weeks. Recent staff changes and the use of temporary consultant staff have in part contributed to the delays in issuing building licences. The target turn around time for licences is 10 working days.

Staff are currently working overtime (including Saturday mornings) in an effort to address the situation. Of more concern is a number of long term underlying issues and future changes that will affect the sustainability of the Service, issues such as:

- ***Proclaim Computer System***

The Senior Building Surveyor has been advised that 1 to 1.5 days per week is to be made available to development and preparation of the new system. Currently about 5-6 hours per week is being committed due to workload. When the system goes live on 2 December it is likely substantial time will be required to carry out trouble shooting sessions to resolve the inevitable problems that will arise.

During November staff will need to attend the various training modules. Although a short-term issue, this has had major repercussions for resourcing Building Services.

- *Residential Design Codes Implemented on 4 October 2002*  
The Codes are already substantially increasing workload due in a small part to staff unfamiliarity with the new Codes, but primarily because of the more stringent requirements of the Codes and the more complex assessment procedures. Single House plans are now taking longer to process.
- *Amendment 12 of the Building Code of Australia (BCA)*  
It is proposed the amendment be implemented on 1 January 2003. This will be a major amendment as for the first time the BCA will address energy efficiency of residential buildings. Issues for assessment will include climates zones, insulation, orientation, solar access/shading, window/wall ratios, hot water installations and air tightness of buildings. The Regulatory Document and Impact Statement produced by the Australian Buildings Code Board has advised that this amendment may have a major impact on local authorities in regard to time and resources.
- *Expansion within the City*  
There are about 900 lots that are in various stages of approval, to become available to the market in the next one or two years. Although it is likely there may be a slow down in building activity it is unlikely that this would have a major or lasting effect on the City as the City's Strategic Plan confirms that we are expecting a growth in population from 74,000 now to 78,500 by 2006. Building applications and licences will increase over this period.

The above issues will definitely have a cost. To address these issues funds need to be made available for the Service to achieve target service standards. Alternately the level of service offered would need to be reduced. It is likely the later option would result in customer dissatisfaction and higher turnover of staff due to the less satisfying work environment, caused largely by increased complaints to deal with.

The building licence approval function is a major one for the Service however, there are also a number of other functions that are carried out. These other functions include enforcement action under building legislation, site inspections, advice, correspondence, notices and attendance to legal matters. There has been an increase in investigation of building complaints such as retaining walls and fences, neighbourhood disputes in regard to building setbacks, privacy and overshadowing and provision of advice to prospective applicants.

The Building Service has fallen below critical mass in regard to the necessary staff resource to quantitatively and qualitatively carryout the functions required. The current situation will in a minor way be

addressed by the implementation of the new computer system. There will however, be a need for more professional/technical staff as the computer can only assist in processing and recording.

A brief survey of similar Local Governments was carried out to determine the workload and resources provided by other Councils to carry out the provision of building services to their ratepayers and customers. It was revealed that Cockburn's Building Service has low staff numbers when compared to other similar Councils. Statistics received from Construction Research Australia for the month of September 2002 confirm Cockburn ranked third in regard to the number of building permits issued by all Local Governments within Western Australia.

According to the latest L.A. Activity Report issued for September 2002, based on the issue of Building Licences, Cockburn is ranked 3<sup>rd</sup> most active.

	<b>Local Govt.</b>	<b>Permits</b>	<b>No. Building Surveyors</b>	<b>Permit/Building Surveyor</b>
1.	Wanneroo	314	8	39 permits/Surveyor
2.	Stirling	190	11	17 permits/Surveyor
3.	Cockburn *	162	4	40 permits/Surveyor
4.	Rockingham	157	7	22 permits/Surveyor

By comparison with other similar local governments, the workload over the past 12 months has been:

	<b>Local Govt.</b>	<b>Permits</b>	<b>No. Building Surveyors</b>	<b>Permit/Building Surveyor</b>
1.	Joondalup	4500	11	409 permits/surv./year
2.	Wanneroo	4200	8	525 " " "
3.	Rockingham	3500	7	500 " " "
4.	Gosnells	3000	6	500 " " "
5.	Cockburn*	2450	4	612 " " "
6.	Armadale	1130	5	226 " " "

In respect to population the following ratios apply:

	<b>Local Govt.</b>	<b>Population</b>	<b>No. Building Surveyors</b>	<b>Ratio</b>
1.	Joondalup	157,000 people	11	1:14,272
2.	Gosnells	84,000 people	6	1:14,000
3.	Rockingham	76,000 people	7	1:10,857
4.	Wanneroo	75,000 people	8	1:9,375
5.	Cockburn*	74,000 people	4	1:18,500
6.	Armadale	54,500 people	5	1:10,900

It can be seen from the foregoing that the City of Cockburn using the above measures is well below the accepted level of Building Surveyors

required for a local government of the size and level of activity found in Cockburn.

It is recommended that professional technical staff numbers within the Building Service be reinstated to the 1998/99 level, that is 5 permanent Building Surveyors in total, as a start to addressing the current situation. This would require the reinstatement of one full time Building Surveyor position.

The cost of employing an additional Building Surveyor is \$51,000 per year. It is proposed that an additional amount of \$30,000 be allocated to the Building Services Salaries Account (A/c No.730200). The increase in the number of building licences is generating a higher than anticipated revenue and it is therefore proposed that the Building Licences income account (A/c No. 730102) be increased by \$30,000 to offset the additional cost.

### **Statutory Planning Service**

- *Responsibilities*

The key responsibilities of the Planning Officer position are: -

- Development assessment;
- Scheme Amendment recommendations;
- Subdivision recommendations; and
- Compliance

The City has several statutory obligations to fulfil under the Metropolitan Region Scheme Act, Town Planning and Development Act and the City of Cockburn District Zoning Scheme No 2. Within this statute the Council is required to ensure that development complies. In addition there is a requirement to comply with statutory time limits on approvals and recommendations.

The key responsibilities of the Planning Clerk position are: -

- Preparation of Zoning Statements (used by settlement agents)
- Administration of applications
- Assist with public enquiries

- *Purpose*

The purpose of this report is to seek the Council's consent to creating a new Planning Officer position (Level 4/5) within Statutory Planning Services, and increasing the hours of the Planning Clerk by 6 additional hours per fortnight.

The Planning Clerk position is currently shared with the Senior Planning Clerk to equal 1.5 of a full time position. The Planning

Clerk currently works for 48 hours a fortnight and the Senior Planning Clerk works 64 hours a fortnight.

- *Justification*

The following reasons are provided to justify the proposed staff changes: -

- There has been an overall increase in the number of development applications processed this year in comparison to previous years;
- The complexity of subdivision applications has increased but has not been possible to statistically measure;
- Changes to legislation have significantly increased the number of new applications being assessed for conformity with the new Residential Design Codes 2002;
- A 63% increase in Zoning Statements from 1998 to 2002 with no comparative increase in Council resources.

- *Development Applications*

Development Applications Statistics 2002 - 1997

Year	January – June	July – December	Total
2002	214		
2001	138	156	294
2000	146	143	289
1999	136	139	275
1998	155	157	313
1997	129	111	240

From January to June 2002 there has been a 36% increase in the number of development applications lodged with the City in comparison with the previous year. There are currently over 100 development applications being assessed by 3 Planning Officers where in previous years on average 30 applications would remain outstanding. The increase in number of development applications is partially due to: -

- retrospective applications for rural pursuits from owners in Banjup and Jandakot;
- The recent gazettal of the Residential Design Codes and the need for new referrals to Statutory Planning for applications that do not comply with the acceptable development requirements. The actual number of new referrals is on average 16 per week or over 800 applications per annum;
- Additional Council resources have also been required to build a new operating system using Proclaim which has reduced the availability of Officers to carry out “day to day” work; and

On current trends the number of applications are expected to increase and this will only reduce the capacity of the unit to achieve

desired processing times for applications. Without additional resources being available there is expected to be significant delays in the processing of approvals. Other Metropolitan Council's faced with this dilemma have responded by increasing the resources of their Approvals Business Units.

- *Subdivision Applications*  
Subdivision Application Statistics 1999 - 2002

Year	January – June	July – December	Total
2002	52		
2001	48	42	90
2000	48	49	97
1999	36	43	79
1998	32	30	62
1997	38	50	88

The above table shows that the number of subdivision applications processed annually has not changed significantly but this is not reflective of the increased complexity of applications, nor does it take into account the number of lots proposed in each application.

- *Statements*  
Zoning Statement Income

The number of Zoning Statements has increased from 686 in 1998-99 to 1813 in 2001-02 representing an increase of 63% over a period of 4 years. The significant increase in workload on a Planning Clerk position is clearly evident. There has been no change in working hours during this period to keep in pace with the marked increase in Zoning Statements. The increase of 6 hours per week is justified and this is financially sustainable in the long term.

- *Financial Considerations*

The salary of a Planning Officer Level 4/5 is \$38,466 to \$45,746. The salary of a Planning Clerk Level 2 full time position is \$30,192 to \$33,126. The current position is less than an equivalent full time position being 48 working hours per fortnight, instead of 76 hrs (63% of a full time position). The current salary is \$21,000 pa and this would increase to 79% of an equivalent full time position or an increase of around \$5,000 per annum.

The cost of employing a new Planning Officer and extending the hours of the existing Planning Clerk would be about \$50,000 for a full year. It is proposed that an additional amount of \$29,000 be allocated to the Planning Services Salaries Account (A/c No.500200). The increase in the number of development applications is generating a higher than anticipated revenue and it

is therefore proposed that the Development Application Fees income account (A/c No. 500102) be increased by \$29,000 to offset the additional cost.

In addition \$6,000 will be required for a work station for the new Planning Officer and the monies for this could be transferred from the Town Planning Scheme No. 3 Public Consultation Account (A/C 500474) which currently has a balance of \$25,000, given the Scheme is almost finalised.

### **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 competitive without compromising quality."*

### **Budget/Financial Implications**

The cost of employing the additional staff as outlined in the above reports will be offset by additional income. The cost of the workstation will be funded by transferring funds from an existing budget allocation.

### **Legal Implications**

Nil.

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

Nil.

## **14.8 (OCM 19/11/2002) - PROPOSED SHEDS, OFFICE AND HANDSTAND AREA ADDITION TO EXISTING SOIL BLENDING FACILITY - PT LOT 186; 203 ACOURT ROAD, JANDAKOT (5513304) (VM) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) approve the application for sheds, office and hardstand area addition to the existing soil blending facility at Pt Lot 186; 203 Acourt Road, Jandakot, subject to the following conditions:-

#### Standard Conditions

1. The sheds must be used for storage and production purposes associated with soil blending.



2. No retail sales being carried out from the premises unless the sales are incidental and ancillary to the approved use of the premises and the retail area is confined to an area of 720m<sup>2</sup> marked in "red" on the approved plan.
3. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
4. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.
5. The extension and/or alterations shall be in the same materials, colour and design as the existing building.
7. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
8. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
9. Access onto the site shall be restricted to that shown on the plan approved by the Council.

#### Special Conditions

1. The proposed structures must be screened from view from the Jandakot Botanic Park Reserve by a vegetation buffer to the satisfaction of Council.
2. All proposed buildings being setback 10 metres from the side boundary.

#### Footnotes

1. A landscape plan being submitted to the City and approved, prior to applying for a Building Licence and shall include a provision for the effective vegetation screening of the proposed buildings. The vegetation screen of no less than 5 metres wide to be along the

eastern and southern boundaries of the property between the 3 metre firebreak and the proposed buildings.

2. Any increase in the scale of operations by the expansion of the use or buildings will not be supported by the Council as the operation is a non-conforming use in the Resource Zone.
  3. Prior to the dewatering for the dam construction the applicant is required to contact the Department of Environmental Protection regarding dewatering requirements in the Jandakot Water Mound Area.2.
  4. The approval of the FAC in accordance with the Perth and Jandakot Airports - Air Navigation (Building Control) Regulations is to be received prior to the issue of a Building Licence.
  5. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, is to be submitted in conjunction with the Building Licence application. Written approval from the City's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
  6. Until the City has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
  7. The development is to comply with the requirements of the Building Code of Australia.
  8. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
  9. The operations should comply with all environmental standards as specified in any works approvals, licence, conditions of approval applied under the *Environmental Protection Act 1986*; and
- (2) issue a Form 2 Notice of Approval for the above.

<b>COUNCIL DECISION</b>
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### Background

ZONING:	MRS:	Rural – Water Protection Zone
	DZS2:	Resource Zone
LAND USE:	Existing Soil Blending Facility	
APPLICANT:	Geoff Richards (Richgro)	
OWNER:	A Richards Pty Ltd	
LOT SIZE:	41.5 ha	
AREA:	2 ha	
USE CLASS:	Use Not Listed – Soil Blending Facility Approved 11/2/1986. Therefore Non-Conforming Use	

Lot 186 is a large Resource Zone lot previously used for the extraction of sand. An approved soil blending plant has been operated by Richgro since 1986 on a fenced two hectare hardstand portion of the site.

A separate soil blending operation on the western portion of the land, outside the hardstand area, has been operating without approval for about 5 years and is subject of various legal action from Council, which is not related to this proposal.

An application by Richgro to construct three additional storage sheds on the hardstand area was approved by the Council at its meeting on 5 November 1996. One of the sheds was constructed and the approval has lapsed.

On 24 June 2002 the City approved a storage pond on the property located within the 2 ha Richgro facility.

### Submission

The current application seeks approval to construct two storage sheds of 720m<sup>2</sup> and 1980m<sup>2</sup>, an office addition of 181m<sup>2</sup> and a proposed hardstand area addition of 5940m<sup>2</sup>. The applicant has provided a letter in support of the application dated 28 October 2002, together with a Department of Environmental Protection (DEP) letter dated 21 October 2002 (attached to the Agenda).

As the availability of woodchips has been reduced, the applicant intends to modify the business to replace sawdust and fine woodchips

with fully composted screened greenwaste which requires a large hardstand area.

## **Report**

Richgro's soil blending facility operates by virtue of non-conforming use rights under District Zoning Scheme No. 2. The site is within the Jandakot Groundwater Protection Policy and subject to the Western Australian Planning Commission Statement of Planning Policy No. 6 (SPP), gazetted in June 1998.

In SPP No. 6 the land use definitions do not include a soil blending facility. The use is therefore not permitted as stated by the Policy. Given that the facility was first approved in 1986, the use has non-conforming use rights under the Scheme. The Council has the discretion to approve of an extension as provided for by clause 4.4 of the scheme as follows:-

### **"4.4 Extension of Non-Conforming Use**

*A person shall not erect alter or extend any Building used or to be used in conjunction with a Non-Conforming Use without first having applied for and obtained the Planning Consent of the Council and then only in conformity with any other provisions and requirements contained in the Scheme or in any statute or by-law."*

The hardstand area has been checked by DEP and the Department had no objections to the increase in production. The capacity of composting materials is not increased.

The applicant proposed improvements to the site management which also produce a spin-off environmental benefit with the construction of hardstand surface areas. The proposed change in operations is less detrimental to the amenity of the locality, as the site will be better managed and the construction of storage sheds for composting should result in increased odour attenuation.

The proposed operational changes are also closer to the intended use of the Resource Zone as the proposal will have less impacts on the groundwater by way of constructing larger hardstand areas.

The proposed addition to the office area is considered to be incidental to the operation and use and is to create a better office working environment. There are no objections to the office extension.

There are some required amendments to the plan to ensure compliance with the scheme requirements such as the proposed shed of 1980m<sup>2</sup> will be required to be setback 10 metres from the boundary

in accordance with the Resource Zone requirements. These will be addressed as a condition of the planning approval.

The application submitted included plans illustrating further developments on site. These do not form part of this application. Recommendations to the applicant are that the Council would not support any further expansion of the use or buildings as the operation is a non-conforming use under the scheme. The only justification for the approval of this proposal is on the basis that the area affected by new buildings is already occupied and used for storage purposes. There are also environmental benefits with the proposal.

Soil blending on the Jandakot Water Mound is recognised as a potential source of groundwater contamination. The Water and Rivers Commission and Council have actually encouraged the relocation of other non-approved soil blending operations from the mound. Richgro have occupied the site for over 10 years and it is unlikely that such an operation will relocate given the substantial development of the site.

To date Richgro has been co-operative with government agencies in their endeavours to minimise adverse impacts from soil blending activity. Richgro has gained the necessary licence from the Department of Environmental Protection and the approval of the Water and Rivers Commission for this operation.

It is recommended that the application be approved subject to conditions.

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

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

3. Conserving and Improving Your Environment
  - *"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."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

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

Nil

**14.9 (OCM 19/11/2002) - BUS ROUTE PLANNING - BAYVIEW HEIGHTS YANGETUP AND CLOSURE OF YANGETUP ROAD AT THE FREIGHT LINE (115265) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the following strategy for the provision of bus services in the Yangetup locality and modifications to the road network;
  1. Spinnaker Heights between Yangetup Road and Beeliar Drive should be designated as the bus route servicing the Bayview Heights area in Yangetup, in accordance with bus route Option 2;
  2. Following the closure of Yangetup Road at the freight line and subject to a design check of the Birchley Road/Beeliar Drive intersection for traffic safety an interim bus route be used until Spinnaker Heights is constructed through to Beeliar Drive in accordance with interim Option 3;
  3. To facilitate bus route Option 1, changes to the bus route intersection of Beeliar Drive/ Birchley Road as an interim solution, to allow a temporary right turn movement and closure of Yangetup Road at the freight line, should be undertaken to coincide with the opening of Spearwood Avenue between Yangetup and Barrington Roads; and
- (3) advise Transperth and the Western Australian Planning Commission accordingly.

**COUNCIL DECISION**

**Background**

Transperth's 10 Year Better Transport Plan published in 1998 provided for three east west bus routes between Cockburn Central and the Fremantle Rockingham Transitway (Rockingham Road). These were a direct service along Beeliar Drive, one to the north along Yangetup Road and one to the south through Beeliar. The 10 Year Better

Transport Plan identifies the strategic intentions which are to be reflected and refined through the normal planning process. A copy of the relevant portion of the 10 Year Plan is included in the Agenda attachments.

This report concerns the route definition for the northern service.

### **Submission**

N/A

### **Report**

Existing Yangebup bus services (136 & 137) run along Yangebup Road. When the Perth Mandurah railway is constructed the route will be linked to the Cockburn Central transit interchange in accordance with the 10 Year Better Transport Plan. This will be subsequently supplemented with services along Beelias Drive and to the south through Beelias.

Planning for the Yangebup area has been based on the construction of Beelias Drive as the major east-west arterial road with a grade separated crossing of the freight line and for existing Yangebup Road to be closed to vehicular traffic at the freight line. The closure of Yangebup Road will affect the Yangebup Road bus service. Transperth has recently considered this matter in response to an application for approval to subdivide land in the Bayview Heights area east of the freight line and concluded that the Yangebup Road bus service should link to Beelias Drive east of the freight line through the Bayview Heights area rather than cross the freight line in a bus only link for the following reasons;

- there is little or no benefit in a bus only crossing given that the triangular piece of land bounded by the railway lines is no longer going to be developed for residential purposes as envisaged at the time of preparing the 10 Year Plan.
- extending the Yangebup Road bus service westwards through the Shallcross Street area would result in considerable time penalties for passengers due to the longer distances and higher operating costs for Transperth with little benefit in the extent of the walkable catchment.
- the cost of installing, the operational difficulties of maintaining and particularly the ongoing costs of policing a bus only link.

The Western Australian Planning Commission has accordingly approved the subdivision of the land east of the freight line with conditions requiring the closure of Yangebup Road at the freight line and the provision of a pedestrian only crossing.

In light of the recent decision it is necessary for Transperth and Council to now determine the most appropriate route for the bus between Yangebup Road and Beeliar Drive to ensure its provision is properly planned for. This report evaluates options for the bus route between Yangebup Road and Beeliar Drive east of the freight line and recommends a preferred option.

A structure plan and plan of subdivision has been approved for the subject area which is bounded by Yangebup Road, the freight line, Beeliar Drive and Spearwood Avenue (cell 9). The plans include three north-south links between Beeliar Drive and Yangebup Road which are potentially suitable bus routes. Plans of the route options are included in the Agenda attachments and the relative merits are set out hereunder.

*Bus Route - Option 1 Birchley Road.*

*Advantages*

- Existing road is of adequate width (7.4m) and can be implemented immediately.
- Provides good coverage of the residential area within 400 metres of the bus route.
- Has few existing residents although some recently created lots fronting Birchley Road have been sold and will be developed in the near future.
- No modifications required to the existing road and future roundabouts can be designed to Transperth requirements.
- Access is generally across the grade which is easier for the aged and people with young children and disabilities.
- Shortest route (marginal) and hence the lowest operating costs to Transperth.

*Disadvantages*

- Minimal sight distances for right hand turns onto Beeliar Drive which cannot be improved due to the vertical alignment (currently there is no right hand turn at Beeliar Drive). This will be a more significant safety issue as traffic volumes on Beeliar Drive increase.
- Will require modification of the existing intersection at Beeliar Drive which currently restricts right hand turn movements into Beeliar Drive.
- Potential for significant time delays for west bound buses turning right onto Beeliar Drive as traffic volumes increase in the medium to long term.
- Is opposed by Councils Engineering Department on safety grounds.



Bus Route - Option 2 Spinnaker Heights*Advantages*

- Road has been designed as the major north – south link within the subdivision area.
- Is central to the major portion of the bus catchment and is within 400 metres walking distance of most residents.
- Is proposed as a full access intersection at Beeliar Drive with traffic lights providing safe and timely right hand turns for west bound buses.
- Bus can stop at the local shopping centre proposed at the Beeliar Drive end of Spinnaker Heights providing increased accessibility to shopping facilities and enhanced safety through increased activity.
- The road pavement in the existing section of the road is of adequate width (7.4m).
- Pedestrian access is generally across the grade which is easier for the aged and people with young children and disabilities.

*Disadvantages*

- Currently only the northern portion from Yangebup road has been constructed and hence can not be implemented immediately.
- May be seen by some existing residents whose houses front the road as having a negative impact.
- The existing roundabout with Mainsail Terrace may require modification.
- A small number of houses (21) in the north west corner of the development area adjacent to the freight line are outside the desirable 400 metre walkable catchment.

Bus Route - Option 3 Spearwood Avenue*Advantages*

- Existing road is of adequate width and could be implemented immediately with the construction of bus bays.
- Minimal impacts.
- Future traffic lights at Beeliar Drive will provide for safe and timely right hand turns for west bound buses.
- Minimum cost.

*Disadvantages*

- A large number of houses (97) in the north west corner of the development area adjacent to the freight line are outside the desirable 400 metre walkable catchment.
- Notwithstanding the extent of the walkable catchment, there are only limited opportunities to access Spearwood Ave due to the

grade difference between the road and the adjoining residential area and that in the main residential development backs onto Spearwood Ave preventing access.

- Steep grades to both Spearwood Avenue and Beeliar Drive will make pedestrian access difficult for the aged and people with young children and disabilities.
- Reduced pedestrian and vehicular safety having to crossing Spearwood Avenue and Beeliar Drive which will carry a significant proportion of trucks and potentially will be 4 lanes with a speed limit of 70 kph.
- A reduction in potential bus patronage is not consistent with Councils objectives of reducing reliance on private motor vehicles and increased use of public transport.
- Potential for rear end crashes unless bus stop bays are constructed off the through carriageways.
- Longest route (marginally) and hence additional operating costs to Transperth.

Having considered the above, it is considered that Bus Route - Option 2 Spinnaker Heights should be adopted for the following reasons;

- Consistent with the 'Liveable Neighbourhoods' principles that are supported by Council.
- Provides the most desirable walkable catchment with only a small area outside the 400 metre zone.
- Uses a road that is suitable for the purpose albeit that minor modifications may be required to the existing roundabout with Mainsail Terrace.
- Provides a safe traffic environment and in particular the right turn movement westbound onto Beeliar Drive via future traffic lights.
- Is the only solution supported by the both the Engineering and Strategic Planning sections.

As noted above, only the northern portion of the Spinnaker Heights link is constructed at this time with the southern connection to Beeliar Drive to be constructed as part of future development and the existing intersection of Birchley Road with Beeliar Drive is left in left out only with no westbound right turns permitted. It could be some 3-5 years before Spinnaker Heights is completed given that the road is the subject of subdivision proposals by several different owners. Accordingly the closure of Yangebup Road at the freight line is unlikely to be implemented in the short term unless a temporary solution is adopted for rerouting the Yangebup Road bus service to Beeliar Drive.

Possible interim options for the bus route that would allow Yangebup Road to be closed at the freight line before Spinnaker Heights is constructed are as follows:

Interim - Option 1 Closure of Yangebup Road with no modification to the Birchley Road/Beeliar Drive intersection.

- West bound bus service would use Spearwood Ave and Beeliar Drive whilst the east bound service would use Birchley Road and Yangebup Road. This would result in a significantly reduced level of service for west bound passengers with increased walking distances to a bus stop for many people. However this could be minimised if bus stops were located close to the intersection of Spearwood Avenue and Yangebup Rd on the east side of the catchment and at the intersection of the Beeliar Drive and Yangebup Road on the west side of the freight line which would enable people in the western portion of the catchments to access west bound buses via the proposed pedestrian crossing across the freight line.
- Whilst bus movements could be accommodated in a reasonable manner, residents in the area would be required to make a long detour via Spearwood Avenue for all west bound journeys. As well as being a significant inconvenience, it will most likely result in an increase in illegal right hand turns at Birchley Road as currently occurs.
- Has the potential to lose bus patronage from the existing residential area bounded by Yangebup Road, future alignment of Spearwood Avenue and the freight line.

Interim - Option 2 Closure of Yangebup Road and modification of the Birchley Road/Beeliar Drive intersection to allow a temporary right turn lane from Birchley Road into Beeliar Drive.

- As previously noted, sight distances to the west of the intersection are limited by the vertical geometry of the road and hence can not be improved. However at this time there are relatively low traffic volumes on Beeliar Drive and a temporary right turn movement could be supported if the speed of east bound traffic on Beeliar Drive was reduced from 70 to 60 kph between the existing roundabout west of the freight line and Birchley Drive (450 metres) whilst the right turn requirement was operating.
- Provision of the right turn capability at Birchley Road/Beeliar Drive would accommodate bus and resident movements.

Interim - Option 3 As for Option 2 but implemented to coincide with the opening of Spearwood Avenue north of Yangebup Road and closure of Miguel Road in mid 2004.

- Being part of a package of road network changes has better potential to reduce traffic volumes on the Yangebup-Birchley Road link by the rerouting of through district and regional traffic and hence the number of vehicles likely to turn right at the Birchley Road/Beeliar Drive intersection.

- Would need to be supplemented by reducing the speed limit on Yangebup Road from 60 to 50 (as is already the case east of its intersection with Miguel Road) to reduce its appeal as an alternative rat run to Spearwood Avenue/Beeliar Drive, route advisory signs in Yangebup Road east of Spearwood Avenue and in Spearwood Ave north of Yangebup Road encouraging through traffic to use Spearwood Avenue and Beeliar Drive, a local traffic sign in Yangebup Road west of Spearwood Avenue and a sign at Birchley Road advising that the right turn facility is temporary until Spinnaker Heights is constructed.
- Provision of the right turn capability at Birchley Road/Beeliar Drive would accommodate bus and resident movements.
- Reduces the time that the temporary right turn from Birchley Road into Beeliar Drive would be required.

Interim - Option 4 Construction of a temporary roundabout at the intersection of Birchley Road and Beeliar Drive.

- Large cost involved for temporary works.
- Potential pressure from residents in Spinnaker Heights and/or other road users for Birchley Road to retained as a permanent connection and Spinnaker Heights not connected to Beeliar Drive as planned.

Interim - Option 5 Council negotiate with the owners of the unsubdivided land between the end of Spinnaker Heights and Beeliar Drive for Council to prefund the extension of Spinnaker Heights (380 metres).

- Cost could be in the order of \$ 350,000 which is not justified given the availability of other cost effective solutions.

Interim - Option 6 Retain the Yangebup Road crossing for general traffic until Spinnaker Heights is constructed.

- Could be required for some 5 years or so (there is no firm proposal for the development of the land that would provide the balance of Spinnaker Heights).
- Residents in Yangebup Road have an expectation that the road will be a cul de sac at the freight line in the short term in accordance with approved structure plans and subdivision approvals.
- Misses the opportunity of maximising the diversion of traffic to Spearwood Ave and Beeliar Drive when Spearwood Ave is linked to Barrington Street by continuing to allow regional and district traffic through the residential area.

Interim - Option 3 is the preferred strategy in that it provides the best overall balance between maintaining a good level of bus service, vehicle safety, closure of Yangebup Road within a reasonable and defined time frame and with minimal throw away temporary works and meeting community expectations.

## 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."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

The Planning Policies which apply to this item are:-

SPD4 'Liveable Neighbourhoods'

## Budget/Financial Implications

The Development Contribution Plan for Yangebup East (DCA 5) is collecting funds for the closure of Yangebup Road at the freight line and provision of a pedestrian only crossing at that point.

The cost to modify the intersection of Beelias Drive/Birchley Rd and the roundabout in Spinnaker Heights have not been determined. These would be included on future budgets as appropriate.

## Legal Implications

Nil

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

Nil.

**14.10 (OCM 19/11/2002) - LAND EXCHANGE LOT 1824 THE GRANGE, BEELIAR, WITH PORTION OF COCKBURN SOUND LOCATION 710 - HOMESWEST (4413890; 4413889) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) accept: in exchange for Lot 1824:
  1. a fully serviced freehold lot being proposed CSL 710 – Community Centre shown in the attachments subject to the area being earthworked to a level of 29.00 AHD and having an area of not less than 2,614 m<sup>2</sup>.
  2. a right of carriageway and reciprocal car parking access to the lot to the north of the Community Centre lot referred to in (1) above which is shown in the attachments as portion of CSL 710 Parking which has an area of 2,340 m<sup>2</sup>; and
- (2) on completion of (1) and (2) above, transfer to Homeswest 4213 square metres of Lot 1824 The Grange, Beeliar; subject to:-
  1. the provisions of 3.58 of the Local Government Act;
  2. Homeswest paying all legal costs;
  3. a Licensed Valuer's report that determines the exchange of land parcels to be of equal value.

**COUNCIL DECISION**

**Background**

Lot 1824 is a freehold lot transferred for drainage purposes to the City by Homeswest as part of the original residential development by Homeswest at Beeliar. The lot is undeveloped.

The drainage area (Lot 1824) was designed to cater for a larger catchment within the Panorama Gardens project area. To date only a portion of the development has occurred and accordingly the drainage area has not been fully developed. It is positioned at the low point, is

not formed up in any way and there was an intention to allow flexibility in the design for the future stages of the project.

### **Submission**

N/A

### **Report**

The final stages of the development of "Panorama Gardens" have now been agreed and subdivisional approval granted. The drainage function envisaged for Lot 1824 has been accommodated by a landscape swale within Reserve 45286 with a 100 year storm event into an artificial lake to be constructed within part of Lot 1824 and Homeswest Pt Lot 4.

Homeswest has negotiated an exchange of part of Recreational Reserve 45286 for new recreation reserves throughout the final stage of Homewest's Beeliar holdings, with the Department of Land Administration. Homeswest total POS contribution for the original subdivision plus the final stage will be as per Planning Commission requirement.

As part of the exchange with DOLA, Homeswest will gain freehold title to a portion of Reserve 45286. This land along with Pt Lot 4 is to be subdivided into roads and land parcels for a shopping precinct, community centre and housing lots.

The lot to be transferred to the City will house the proposed Beeliar community centre. The adjoining lot will house car parking and access to the community centre and sporting facilities on Reserve 45286. This lot will also service overflow car parking requirements of a neighbourhood shopping centre.

Future development approvals for the shopping centre will ensure that adequate parking is available within the precinct.

Section 3.58 of the Local Government Act (relating to the sale of land) designates in the Regulations that a disposition to a department, agency, or instrumentality of the Crown in sight of the State or Commonwealth is an exempt disposition and is excluded from the application to Section 3.58 of the Act.

Although the developer of the final stages of Beeliar is a partnership between Homeswest and Prodec, Homeswest remains as the Registered Proprietor of the land.

### **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."*

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil

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

Nil.

**14.11 (OCM 19/11/2002) - UNAPPROVED LAND USE - LOC 254, 255 JAA (LOT 30) 42 HOWSON WAY, BIBRA LAKE - OWNER: EASTCOURT PROPERTIES PTY LTD (4309104) (DB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) withdraw legal proceedings against the occupier of the property, at 42 Howson Way, Bibra Lake for unapproved land use; and
- (3) authorise the Director of Planning and Development to recommence legal action if the issue is not resolved to his satisfaction within 9 months of the Council decision.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Grain storage and handling	



LOT SIZE:	3.032ha
AREA:	
USE CLASS:	"SA" – Discretionary approval in accordance with clause 6.2

Council at its ordinary meeting of the 18<sup>th</sup> of June 2002 (item 14.2) resolved to initiate legal proceedings against Mortons Grain Handlers for carrying on with a land use without the prior planning approval of the Council.

The use is being carried out on the above property and has been the subject of numerous complaints over the past 12 to 18 months regarding off site dust impacts from grain handling operations.

As protracted negotiations have been continuing over this issue, and because of this instructions to initiate legal proceedings have not been issued.

On 25 June 2002 the Council decision was conveyed to the owners consultants, following which a meeting was convened to discuss the matter. The consultant challenged the veracity of the Council's records relating to the approval of the land for grain handling.

In August 2002 the consultant requested advice as to where Morton Grain Handlers could relocate to within the district. This advice was given and the owners commenced negotiations with Landcorp, to identify opportunities of establishing the business in the Hope Valley – Wattleup Redevelopment Area.

As at 9 October 2002, the consultants advised that a site had been selected in the Town of Kwinana and the outcome was to be known in the next 3 – 4 weeks.

### **Submission**

The owners of the property, through their town planning consultant, have advised that they have located an appropriately zoned lot in the Hope Valley/Wattleup Redevelopment Area and are preparing to apply for planning approval.

### **Report**

A submission from the town planning consultant, Peter D. Webb & Associates, is attached and is self explanatory.

Once the owners have the necessary approvals in place from the Planning Commission, it is expected that the use currently being undertaken at the Howson Way premises will cease. The consultant anticipates that this process will take 3-4 weeks, however 2-3 months is a more realistic time frame considering the proposal must receive the

approval of the Planning Commission under the provisions of the Hope Valley/Wattleup Redevelopment Act.

As the proponents are actively pursuing and working towards a resolution of the issue, it would be reasonable for the Council to withdraw legal proceedings. However authorisation should be given to the Director of Planning & Development to resume legal action if the relocation efforts are discontinued.

### **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 development will enhance the levels of amenity currently enjoyed by the community."*

The Planning Policies which apply to this item are:-

APD29 Development Compliance Process

### **Budget/Financial Implications**

Costs only incurred if legal action is to be taken in the future by authority by Director, Planning and Development.

### **Legal Implications**

Nil.

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

Nil.

## **14.12 (OCM 19/11/2002) - MODIFICATIONS REQUESTED BY THE MINISTER - AMENDMENT 231 PROPOSED TEXT AMENDMENT TO DISTRICT ZONING SCHEME NO. 2 (92231) (MR) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) grant final adoption to the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME CITY OF COCKBURN - DISTRICT ZONING SCHEME NO. 2.

AMENDMENT NO. 231

Resolved that Council, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended) to amend the above Town Planning Scheme by:-

Amending the Scheme Text as underlined below:-

*"5.1.3 (b) the erection on a Lot of a single house, two grouped dwellings, including ancillary outbuildings which comply with the provisions of the Residential Planning Codes or Detailed Area Plan, in a zone where the proposed use is designated with the symbol "P" in the cross-reference to that zone in the zoning table, provided the Place is not included in the Heritage List referred to in Clause 5.8.1;"*

*"Clause 5.3.5 Special Application of the Residential Planning Codes:-*

*Add new clause (2)*

*Notwithstanding the Codes, on land in the Development Zone, Council may vary the minimum open space provisions of the R25 to R60 Code to a maximum of 5% below the Code requirements. The land must be the subject of an approved Detailed Area Plan situated adjacent to a parks and recreation reserve or within commercial or railway precincts and always demonstrate good solar orientation in building design. (this clause has been added to comply with the direction given by the Minister)*

*"8.2.16.1 Notwithstanding clause 5.3, where it is considered desirable to enhance, elaborate or expand the details or provisions contained in a structure plan for a particular lot or lots, a detailed area plan may be prepared by:-" etc.*

*"8.2.16.2 Where the Council has discretion under the Residential Planning Codes a detailed area plan may include variations to the provisions of the Codes and include details as to:- " etc.*

(2) adopt the amended document and forward the signed and

- sealed copies of the amendment to the Western Australian Planning Commission seeking endorsement from the Minister;
- (3) adopt a final modification to the revised draft version of Town Planning Scheme No 3 by:-
1. Replacing Clause 5.4.1 which states as follows:-

“5.4.1 Except for development within a Development Zone where a detailed area plan is approved, there are no exclusions or variation to the Residential Planning Codes which apply to the Scheme.”

with a new Clause 5.4.1, 5.4.2 and 5.4.3 as follows:-

*“5.4.1 The exclusions and variations to the acceptable standards of the Residential Planning Codes relates to land where a detailed area plan has been approved by the Local Government.*

*5.4.2 Notwithstanding 5.4.1;*

    - (a) the requirements of Table 1 in respect to the minimum site area per dwelling and the minimum site area/rear battleaxe of the Codes cannot be varied; and*
    - (b) the minimum requirements of Table 1 in respect to the total percentage of open space of the R25 to R60 Code can be reduced by a maximum of 5% below the Code requirement, subject to:-*
      - (i) the land being either located adjacent to a parks and recreation reserve or within a commercial or railway precinct; and*
      - (ii) the development providing for solar orientated design.*

*5.4.3 The Local Government may vary the minimum site area per dwelling and the minimum site area/rear battleaxe of the Codes on land in the Residential Zone, to approve two grouped dwellings where the lot area is 900m<sup>2</sup> or greater, but in all other respects the development shall conform with the requirements of the R20 Code.”*
  2. advising the Western Australian Planning Commission of the Council’s decision, and request that this modification be included in proposed Town Planning Scheme No. 3 prior to

finalisation by the Hon. Minister for Planning and Infrastructure.

## **COUNCIL DECISION**

### **Background**

Council at its Ordinary Meeting held in December 2001, decided to grant final adoption to Amendment 231 to the City of Cockburn Town Planning Scheme – District Zoning Scheme No 2 (“DZS2”). For further background refer to OCM21/8/01 item 14.12.

### **Submission**

The Minister for Planning and Infrastructure has determined the amendment requiring several modifications prior to final approval. The Minister is prepared to allow the amendment to introduce discretion to further reduce the open space requirements of the Residential Design Codes for the medium density Codes, R30 to R60 only and to a maximum of 5% below the minimum standard. This would allow a minimum open space of 40% for single and grouped dwellings.

Furthermore this discretion must be linked to special circumstances, such as applying to land adjacent to open space reserves, within commercial or railway precincts, and with good solar orientation.

### **Report**

It is recommended that the Council adopt the Scheme Amendment generally in accordance with the Minister’s requirements and forward the completed documents to the Commission requesting the final endorsement of the Minister for Planning and Infrastructure without delay.

The scope of the Scheme Amendment should be extended to include the R25 Code. A major reason why the amendment was initiated by Council was to apply to Atwell South which is partially covered by an R25 Code and detailed area plan. There is an expectation from purchasers of lots created by Peet & Co. that variations to open space will apply. Accordingly the range in Codes would be from R25 to R60 instead of R30 to R60 referred to by the Minister.

The revised draft version of Town Planning Scheme No 3 already provides for scope to vary open space requirements but will need to be

brought into line with the Minister's requirements. Accordingly it is recommended that the Council further request the necessary amendments to TPS3 in conjunction with this Scheme Amendment, which will supersede DZS2 in the near future.

### **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."*

### **Budget/Financial Implications**

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

### **Legal Implications**

Nil

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

Nil.

## **14.13 (OCM 19/11/2002) - AMENDMENTS TO RESIDENTIAL DESIGN CODES POLICY APD32 (9003) (MR) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) adopt the amended version of Administrative Policy APD32 - "Residential Design Codes" as attached to the Agenda, for inclusion in the Councils' Policy Manual;
- (2) adopt the amended Delegated Authority "Residential Design Codes" APD58, as attached to the Agenda, for inclusion in the Council's Delegated Authority Register; and
- (3) delete the Delegation APD37 – Residential Design Codes.

**COUNCIL DECISION****Background**

Council at its Ordinary Meeting on 15 October 2002 resolved to adopt the Administrative Policy APD32 - "Residential Design Codes", and Delegated Authority "Residential Design Codes" APD58, for inclusion in the Council's Delegated Authority Register.

**Submission**

The proposed amendments to the Policy are outlined below:-

1. Delegate authority to the Principal Planner to approve applications for Codes Approval that comply with the performance objectives of the Codes;
2. Apply parameters to the performance criteria of the Codes, being not less than 10% of the acceptable development standard and where objectives can still be achieved, or the requirement is unreasonable or other alternatives exist that achieve the performance criteria that in all cases are determined by the Principal Planner;
3. Neighbour objections received regarding applications for Codes Approval are to be referred to an Ordinary Meeting of the Council for determination;
4. Within the delegated statement replace the ability to impose "conditions" with the ability to impose "footnotes" on building licences related to the carrying out of an R-Code requirement (ie incidental works – placement of satellite dish etc.);
5. Clarify that applications lodged before the 4 October 2002 will be assessed for conformity with the new Residential Design Codes but where applications fail to comply consideration will be given to approving proposals that comply with the 1991 Codes.

**Report**

Since the adoption of the Residential Design Code Council staff have had the opportunity to apply the Policy. After working with the Policy it was realised there are some changes that are needed to clarify the approach to assist staff in processing applications and provide greater certainty to applicants.

The performance based applications need parameters from the Council if the approval function is delegated to Council Officers. These applications will invariably include advertising of the application where required, referring all applications with neighbour objections to Council for determination. A simple 10% variation rule could also apply to standards like setbacks from boundaries and ensuring that the Principal Planner determines these Codes Approvals. These changes should assist in achieving the shortest possible processing times and manage the increased administration.

The above changes are self-explanatory and are reflected in the amended version of the Council Policy and Delegated Authority.

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

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

#### 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."*

#### Conserving and Improving Your Environment

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

#### Facilitating the needs of Your Community

- *"To facilitate and provide an optimum range of community services."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

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

Nil.



**14.14 (OCM 19/11/2002) - TELECOMMUNICATIONS FACILITY - LOT 51 (67) BUCKLEY STREET, JANDAKOT - OWNER: DALLA RIVA (AUST) PTY LTD - APPLICANT: PLANNING SOLUTIONS (AUST) PTY LTD (5513461) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grants approval to establish and operate a telecommunications facility on Lot 51 (67) Buckley Street, Jandakot, subject to compliance with 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. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. Vegetation is to be retained on the site, as shown on the attached approved plan.
6. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

Special Conditions:

1. The telecommunication facility complying with Australian Standard AS/NZS 2772.1, that establishes exposure limits to Electromagnetic Energy ("EME") which is based on providing protection from thermal effects of human exposure to EME.
2. Radio frequency emission ("EME") levels shall be monitored by an appropriately qualified person for a period of not less than 3 months after the commissioning of the facility and a report shall be submitted to the **City** outlining the monitoring results, together with any

adverse findings and proposal for mediation and compliance with the AS/NZS 2772.1 (Int):1998. If a breach of these standards occurs immediate remedial work must be carried out to bring EME levels into compliance.

3. The mast and equipment container shall be finished in a colour to the satisfaction of the Council.
4. The facility shall be operated in such a manner that it does not interfere in any way with the operation of any other radio/television equipment.
5. The facility shall be designed to be able to accommodate the co-location of other authorised telecommunication providers in the future.

Footnotes:

The owners are advised that:

1. This approval is issued by the Council under Town Planning Scheme No. 2, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice is provided to the Council.
  2. The development is to comply with the requirements of the Building Code of Australia.
  3. The applicant/landowner is to comply with the Environmental Protection Act 1986 which contains penalties where the noise limits prescribed by the Environmental Protection (Noise) Regulations 1997 are exceeded.
- (2) issue an MRS Form 2 Notice of Approval; and
- (3) advise those who made submissions of the Council decision accordingly.

**COUNCIL DECISION**

## Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Metal Fabrication Industry	
LOT SIZE:	4249m <sup>2</sup>	
USE CLASS:	Use Not Listed	

## Submission

Approval has been sought on behalf of Hutchison 3G (Aust) Pty Ltd (Hutchison) for the establishment and operation of a mobile telephone telecommunications facility on the property at Lot 51 (67) Buckley Street, Jandakot.

The facility consists of the following components:

- A 30 metre high steel mono-pole mast;
- 3 panel antenna located at 29 m height;
- 2 parabolic antenna located at 27 m height;
- equipment container and associated cabling within a 1.8m security fence.

The facility has been designed to allow for the co-location of other telecommunication providers facilities, should the need arise. This application however, is only for the facilities described above.

In addition, it is noted:

- the proposed site is located in the south eastern corner of the subject property, adjoining Spencer Street;
- the nearest residential zoned land is located 280 metres to the south of the subject site;
- the Radiofrequency (RF) Electromagnetic Emissions (EME) Predictions Report submitted with the application indicates the facility will operate well within the levels specified in the Radiocommunications (Electromagnetic Radiation – Human Exposure) Standard 2001, administered by the Australian Communications Authority (ACA).

A site plan, elevations and application documents are contained in the agenda attachments.

## Report

Thirty-eight submissions were received during the 21-day advertising period, of which 29 opposed the application while 9 were in support. A further five late submissions were received.

The opposing submissions raised concerns including:

- potential adverse effects of RF emissions on peoples health;
- adverse impacts on property values;
- visual effects of the facility;
- adverse impacts on peoples businesses;
- potential for the facility to limit legitimate activities on other properties;
- “not in my back yard”;
- potential for interference with the operation of other equipment.

#### Health Effects:

In so far as the health effects are concerned, the RF report states the maximum level of exposure at 1.5 metres above ground level is estimated to be 0.029 microwatts per cm<sup>2</sup>. This equates to a level 6,897 times lower than the general public exposure limit of 200 microwatts per cm<sup>2</sup>.

Notwithstanding this, it is noted that based on current information provided by the world scientific community, including the World Health Organisation (WHO), exposure to levels below the general public exposure limits specified above has not been proven to cause any adverse health effects.

It is further noted that the exposure limits specified by the ACA are conservative compared to other countries in the western world, whereby a large safety factor is provided (a factor of 50 times below the level where effects have been observed) to ensure the general public is not exposed to levels where effects have been observed.

#### Property Values

Impacts of the proposed facility on property values is a matter that has been determined by the Courts and is not a planning consideration.

#### Visual Effects:

The facility consists of a 30m high monopole mast, located on a site surrounded by industrial buildings. The top of the mast would be visible from further afield.

Potential visual effects of the proposed structure would be significantly mitigated due to:

- the facility being located in an established industrial area;
- existing high voltage power pylons dominating views from the north and east towards the site;
- intervening buildings would substantially screen the mast from views from the west and south;

- the industrial character of the area means that any amenity impacts of the facility will be minimised;
- the form of structure proposed incorporates a single slender pole as opposed to a more obtrusive structure (eg, lattice tower);
- the nearest residential zone is located approximately 280 metres to the south.

#### Impacts on Businesses:

No evidence has been presented to demonstrate the proposal will have any adverse impacts on the economic operation of other businesses in the area. Like the issue of property values, this is not considered to be a matter of planning concern.

#### Limitation of Activities on other Properties:

Operation of the facility will not limit activities on adjoining or nearby sites due to the location of the mast and antenna height in relation to adjoining boundaries and buildings.

#### Interference with other Equipment:

In the unlikely event of interference occurring with radios or televisions, it would be the applicant's responsibility to ensure the facility is modified to resolve any such problems.

#### Council Policy:

Council Policy APD13 "Telecommunications Policy – High Impact Facilities", defines the proposal to be a 'high impact' facility that requires Council approval.

Under this policy, matters requiring consideration include: suitability of the location; co-locating facilities where the possibility exists and the degree of visual impact. Clause 2.4 of the policy states "*no new telecommunications towers are to be located within 500 metres of any existing residence*". The proposal complies with these provisions except Clause 2.4 as the nearest residence is approximately 280 metres away. In this regard and for the reasons explained above, there is no planning justification for a 500 metre exclusion zone to be maintained in this instance as the effects of the proposed facility are considered to be minor.

#### **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."*
3. Conserving and Improving Your Environment
  - *"To conserve the character and historic value of the human and built environment."*

The Planning Policies which apply to this item are:-

- APD13 Telecommunications Policy - High Impact Facilities
- APD17 Standard Development Conditions and Footnotes

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

N/A

#### **Legal Implications**

Nil

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

Nil.

#### **14.15 (OCM 19/11/2002) - UNAUTHORISED STRUCTURE - LOT 60 (3) WINCHESTER ROAD, BIBRA LAKE - OWNER: SUPERB CEILINGS PTY LTD (4309805) (DB) (ATTACH)**

##### **RECOMMENDATION**

That Council:

- (1) receive the report, and;
- (2) authorise the Director, Planning & Development to instruct Council's solicitor to commence legal proceedings against LRC Pty Ltd (A.C.N. 008 807 690) for:-
  1. Constructing a building on Lot 60 Winchester Road, Bibra Lake, without the issuance of a building licence in contravention of the Local Government (Miscellaneous

Provisions) Act 1962;

2. Commencing a development without the issuance of planning approval in contravention of the Town Planning & Development Act 1928 and the City of Cockburn District Zoning Scheme No.2.

## COUNCIL DECISION

### Background

ZONING:	MRS:	Industrial
	DZS:	General Industry
LAND USE:	Factory	
LOT SIZE:	0.8683 ha	
AREA:		
USE CLASS:	P – “office”	

Council at its April ordinary meeting resolved to initiate legal action against the owner of the above property for constructing an 105 square metre office building (“the building”) on Lot 60 Winchester Road, Bibra Lake without having first applied for and received a building licence and planning approval from the City.

The resolution has been implemented, with the serving of complaints and summonses for a breach of the Local Government (Miscellaneous Provisions) Act, the Town Planning & Development Act, and District Zoning Scheme No.2.

The matter was recently heard in the Perth Court of Petty Sessions, with the owner being convicted for breaching the above statutes and a penalty being imposed.

Due to complex circumstances arising with the owners and an allegation that the building was constructed on an owner-builder basis, the City has been unable to determine who was actually responsible for constructing the building, until now.

### Submission

There is no submission.

## Report

In a letter from Superb Ceilings Pty Ltd to the City, it was admitted that Superb Ceilings had used LRC's builders registration to apply for the building licence, and that it was constructed themselves. At this point the Builders Registration Board (BRB) was notified of a possible breach of the builders regulations. It should be noted that LRC had denied being involved with the construction of the building at the time.

However, during the course of the BRB's investigations into the matter, it became apparent that LRC was solely responsible for organising the construction of the building. Refer to the agenda attachment, which is self explanatory. The City has obtained this documentation from the BRB and has been given express permission to use it as an attachment to this item. Furthermore, on the 30<sup>th</sup> of October 2002 the BRB held an inquiry into LRC's involvement in this issue, and the building company was fined \$2000 plus costs of \$577 for the lesser allegation of "*misleading the board.*"

Given this admission to the BRB, it is now clear as to who has admitted to the construction of the building. It is now open to the City to commence legal proceedings against the building company for constructing the building without having obtained the requisite building licence or a planning consent.

One notice was sent to the alleged builder in March this year, however given the circumstances, it is appropriate to waive the Development Compliance Policy and proceed with legal action without delay.

## Strategic Plan/Policy Implications

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

### Managing Your City

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

### Planning Your City

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

### Conserving and Improving Your Environment

- *"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."*



The Planning Policies which apply to this item are:-

APD29          Development Compliance Process

**Budget/Financial Implications**

Commencing legal proceedings will require the use of funds from the City's legal expenses budget.

**Legal Implications**

It is anticipated that the company will defend it's actions in Court. It is possible that Council staff may be required to attend and give evidence.

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

Nil.

**14.16 (OCM 19/11/2002) - PROPOSED STRUCTURE PLAN - PT LOT 203 BARFIELD ROAD, HAMMOND PARK - OWNER: PEET & CO LTD - APPLICANT: MASTERPLAN CONSULTANTS (9643B) (SOS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the proposed structure plan for Lot 203 Barfield Road, only to the extent that it can be developed for residential purposes to a maximum density of R40 under the Residential Design Codes and that the plan be notated "Subject to detailed design prior to subdivision and development";
- (2) endorse the Council's original response made under delegated authority to the proposed structure plan dated 14 June 2002, noting that Council will consider a revised proposal which provides for adequate protection of the dampland;
- (3) not accept cash-in-lieu of public open space as a condition of subdividing and developing Lot 203 Barfield Road;
- (4) require the dampland and its fringing vegetation on Lot 203, to be set aside as a public open space and drainage reserve in accordance with the plan prepared by the Council's Environmental Management Service sent to the proponent on 14 June 2002;
- (5) adopt the Schedule of Submissions contained in the Agenda

- attachments;
- (6) re-advertise the structure plan following the receipt of more detailed information about the subdivision layout and/or the development design proposals for the land as an R40 site, together with the incorporation of the dampland, in accordance with requirements of clause 8.2.6.1;
  - (7) advise the Western Australian Planning Commission, Masterplan Consultants and those persons who made a submission of Council's decision.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Urban
	DZS:	Development zone and falls within Development Area 9 and Development Contribution Area 3
LAND USE:	Vacant	
LOT SIZE:	4.59ha	
AREA:	-	
USE CLASS:	N/A	

This report concerns Pt Lot 203 Barfield Road, Hammond Park and a structure plan proposal for the site. The structure plan proposes that the 5.49 hectare site be designated for R40 development.

Previously, Officers acting under the delegated authority of Council (APD 42), determined that the proposal was not suitable to be advertised for public comment. The main concern with the proposal was its failure to provide for the protection of a Resource Enhancement category dampland existing over portion of the site;

In response, Peet & Company requested Council reconsider the matter on the basis that it would either:

- Provide cash in lieu of the wetland's retention, utilised for rehabilitation of another local wetland or its ongoing maintenance.

- Retain the core of the wetland within an area of private open space, internalised within the development. This is on the basis that the area protected would comprise 10% of the site.

Council, at its meeting held on 20 August 2002, considered Peet & Company's request and resolved to allow the proposed Structure Plan to be advertised for public comment (see Min 1716) to allow further consideration of the proposal in light of public and government and servicing authority comments.

### **Submission**

The structure plan itself is quite simplistic in that it designates the site for R40 development. No proposed development layout or pattern is shown, but if endorsed the plan would allow for subdivision and/or development applications to be submitted for medium-density housing. This could occur as either a single development site with numerous grouped dwellings or as several individually developed grouped housing sites. The proponent has also stated that an aged persons village may also be an option.

### **Report**

Advertising of the structure plan proposal was initiated on 12 September 2002 and concluded on 11 October. Owners of property near the subject land were provided with a copy of the proposal and invited to comment. The local newspapers circulating in the locality carried advertisements with details of the proposal. Various government agencies and servicing authorities were invited to comment. At the close of the advertising period a total of six submissions had been received. An additional nine submissions were received subsequent to the close of advertising. All submissions have been reviewed and are summarised in the Schedule of Submissions (see Agenda Attachments).

Amongst the 15 submissions received are;

- Five technical submissions from servicing and government authorities;
- Nine "pro-forma" letters of support for the plan and the proposal for cash in lieu of the wetland's protection; and
- One objection from Australand Holdings;

None of the technical submissions raise concerns that warrant refusal of the proposal.

The letters of support are presumed to have come from persons who have some connection with Peet & Company or the project. Interestingly none of these are Cockburn residents. Their support is noted.

The objection from Australand relates to the lack of detail the proposal shows, particularly how the development will relate to Barfield Road. Australand does not object to R40 development per se, but is concerned with how the development will impact on its Frankland Springs Estate located opposite given there is no such details contained within the proposal. This concern is responded to in the Schedule of Submissions.

The key issue arising from the assessment of the proposal is the protection of the dampland and the alternatives proposed in lieu of its protection.

Council's resolution of 20 August 2002 required that the proposal not be considered again until comments had been received from the Department of Environmental Protection (DEP) and the Water and Rivers Commission (WRC).

The WRC (or DEWCP) has submitted that:

*"The Commission is concerned that the proposal will lead to the loss of a "resource enhancement" wetland. Although a re-evaluation of the wetland confirmed this classification, there should be no presumption that these wetlands can be developed. However given the planning history of the area, the fact that the site is zoned urban and that the wetland occupies a significant part of the site, the Commission will not oppose the proposal subject to:*

- A wetland mitigation strategy prepared and implemented to the satisfaction of the Commission. The Commission would consider a financial contribution used to rehabilitate other wetland(s) acceptable. The proponent is to locate a suitable wetland. All costs associated with the locating of and rehabilitation of wetland(s) to be borne by the proponent.*
- The proponents to liaise with the Commission with regard to the design of a suitable stormwater drainage system."*

The DEP has submitted that:

*"The Department of Environment, Water and Catchment Protection (DEWCP) provided advice on this proposal in correspondence dated 28 October 2002. The DEP emphasises the advice contained in this correspondence that the site contains a resource enhancement wetland. It is the DEP's view that such wetlands should be retained in-situ, and managed with the view of rehabilitating its natural values.*

*Additional comments on the proposed structure plan include:*

- Any significant trees and vegetation associations should be identified for protection as a condition of subdivision.*

- *Please be aware that development in the area is subject to the Minister of the Environment's statement of conditions on the Thompson Lake Urban Development area and the South Jandakot Drainage Management Plan.*
- *Future development should be managed to ameliorate any off-site uses that could impact on the future amenity of residents of the structure plan area.*

*As noted in the structure plan document, the site is in the Thompson Lake Groundwater Environmental Management Area, Category A. Generally urbanisation is not favoured in category A areas (EPA Draft Guidance No. 48). Land use and drainage need to be very carefully managed to protect the water regime of the internationally significant Thomsons Lake."*

While the comments from the DEP and WRC are not particularly definitive, it is clear that their preference from an environmental point of view is to retain the wetland. It is also evident that while this preference exists, the WRC is not opposed to cash-in-lieu of retention. Regardless, Council's discretion on this matter is not fettered by the comments made by these authorities.

The proponent has argued that:

- The dampland does not contain regionally significant species, not adequately represented elsewhere and in arguably larger and better preserved areas; and
- The dampland core is significantly degraded, has had peat and paperbarks removed and is essentially a mono-culture of one species;

and therefore is not worthy of retention.

The City's original response, provided to the applicant under delegated authority, to the proposal was contained in the Agenda Attachments associated with Minute 1716. From a technical point of the view, this original response remains valid and provides a response to the above arguments.

Council's Policies on wetland conservation and public open space provision generally require wetlands to be protected and ceded as a public reserve and for open space liabilities to be satisfied through the provision of land rather than cash-in-lieu.

The main concern with the cash-in-lieu proposal is the funds generated are only worth 50% of the land value and are difficult to apply because of Ministerial approval. Whereas, land set aside and held in public ownership is protected in perpetuity for future community use.

Council also needs to consider the precedent created for future consideration of proposals involving wetland if damplands are allowed to be cleared for development.

The proposal to retain 10% of the site as private open space is not favoured either. Having such an area within private ownership would also be likely to lead to its degradation, as there would be no compulsion for future owners to maintain the environmental values of such an area. Furthermore, only portion of what has been defined as the dampland by Council staff would be protected. Protecting part of a dampland without an adequate buffer will inevitably lead to degradation of the protected area.

To preserve and enhance the environmental value of the dampland, the complete dampland and an appropriate buffer should be protected from development. A requirement for such protection is certain to be contested by the proponent, but the protection of the wetland is considered to be the most appropriate and responsible approach.

It is recommended that the proposed structure plan be adopted for the purposes of supporting the proposal to subdivide and/or development of the land to a maximum residential density of R40.

It is recommended that Council endorse the officer's previous comments on the proposal, particularly in respect to the protection of the dampland existing on the property.

Due to the lack of detail about the proposed subdivision layout and/or development design approach to be adopted for this large lot, it is important for the Council to require the proponent to provide this information so that the structure plan can be re-advertised for comment and adopted prior to subdivision and/or development. A 5.49 ha lot could produce around 150 lots, with a resident population of 370 and generate around 1500 vehicle movements per day. A development such as this should be based on a structure plan that shows the details set out in clause 8.2.6.1 of District Zoning Scheme No. 2.

In addition the structure plan should detail the approach to be adopted in respect to the retention and enhancement of the dampland.

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

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD20	Design Principles For Incorporating Natural Management Areas Including Wetlands And Bushlands In Open Space And / Or Drainage Areas
APD26	Control Measures For Protecting Water Resources In Receiving Environments
APD28	Public Open Space Credit Calculations

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

N/A

#### **Legal Implications**

Nil

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

Nil.

**14.17 (OCM 19/11/2002) - LOCAL COMMERCIAL STRATEGY (9601) (AJB)  
(ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions for the Local Commercial Strategy;
- (2) forward the submissions to the Department for Planning and Infrastructure together with a request for the Strategy to be finalised;
- (3) prepare a submission to the Department for Planning and Infrastructure which supports a request for the Future Perth project to give consideration to the designation of Cockburn Central as a Strategic Regional Centre;
- (4) seek support from the Perron Group to promote Cockburn Central being designated as a Strategic Regional Centre; and
- (5) subject to the response from the Department of Planning and Infrastructure on the Schedule of Submissions, initiate an amendment to TPS No 3 upon its gazettal to include Phoenix Park Shopping Centre in Schedule 3 – Restricted Uses with appropriate provisions to restrict the additional 8,000 m<sup>2</sup> of retail floorspace to non-food uses only, and to modify part 5 of DA10 – Atwell South contained in Schedule 11 of the Scheme to increase the specified floor space from 2,700 m<sup>2</sup> to 5,000 m<sup>2</sup>.

**COUNCIL DECISION**

**Background**

At its meeting held on 20<sup>th</sup> March 2001 Council resolved to endorse the Draft Local Commercial Strategy prepared by Shrapnel Urban Planning and, subject to agreement from the Western Australian Planning Commission, advertise the Strategy for public comment (Minute No 1039) .

Following comments from the Planning Commission, the draft document was modified and advertised for public comment between 13<sup>th</sup> April and 7<sup>th</sup> June 2002.



## Submission

N/A

## Report

The draft City of Cockburn Local Commercial Strategy was advertised for public comment between 13<sup>th</sup> April and 7<sup>th</sup> June 2002.

As part of the public consultation process advertisements were run in the Cockburn Herald and West Australian, copies of the Strategy report were sent to the adjoining local governments and letters were sent to UDIA, the Property Council of Australia and the owners or representatives of the major shopping centres within the district. Copies of the Strategy and Technical Appendices were available for inspection or purchase at the Administration Centre.

At the close of the advertising period 9 submissions had been received. These are detailed in the Summary of Submissions contained in the Agenda attachments. Subsequent to the advertising period, the Perron Group lodged a detailed submission directly with the Western Australian Planning Commission in respect to their Gateways shopping centre and the proposed Cockburn Central town centre development. The matters raised have been responded to by the Commission. Following a joint meeting between Perron Group representatives, the City and LandCorp a follow up submission was received from Taylor Burrell in October 2002. This has been referenced in the Schedule of Submissions relating to the Perron Group by Taylor Burrell.

Issues raised in the submissions that require discussion over and above that contained in the Summary of Submissions are as follows;

1. *Designation of Thomsons Lake (Cockburn Central) as a Strategic Regional Centre.*

Submissions from the City of Armadale and the Armadale Redevelopment Authority raise objections to the designation of Thomsons Lake as a Strategic Regional Centre at this time on the basis that such designation is premature, there would be considerable overlapping of the catchments of the two centres and has the potential to adversely affect the economic viability of the Armadale Strategic Regional Centre and undermine public investment in infrastructure and services.

The Strategy report notes that Thomsons Lake is designated as a Regional Centre in the Metropolitan Regional Centres Policy and Statement of Planning Policy SPP 9 and states that consideration should be given to elevating it to a Strategic Regional Centre for a number of reasons outlined in the report.

On this matter officers from the Department for Planning and Infrastructure have previously advised that it is not appropriate for a change in designation from regional to strategic regional to occur as an outcome of the processing of a Local Commercial Strategy. Accordingly the Strategy itself does not recommend a change in status but merely raises the issue as one that needs to be considered at a strategic level by the Western Australian Planning Commission.

Council and BSD Consultants in their submissions on the Thomsons Lake Regional Centre MRS Amendment No 1038/33 sought to have that the town centre area designated Central City Area not urban in recognition of its status, that it be designated as a Strategic Regional Centre. The Planning Commission recommended that Thomsons Lake not be zoned Central City Area for the following reason;

It is considered premature to zone Thomsons Lake Centre directly to the Central City Area zone at this point in time. The appropriate time to give consideration to this matter would be after the "Metropolitan Centres Policy" has been reviewed and the subject land examined in a region wide context. The review will occur as part of the "Future Perth" project.

Accordingly MRS Amendment 1038/33 which is currently before Parliament for final approval will show Thomsons Lake Regional Centre as Urban.

It is clear from the recent determination of the Western Australian Planning Commission on the MRS Amendment and previous advice from officers of the Department for Planning and Infrastructure that the change of status of Thomsons Lake from Other Regional Centre to Strategic Regional Centre will only be considered as part of a strategic assessment rather than local level processes. The opportunities for this are through the Future Perth project currently being undertaken by the Western Australian Planning Commission or a review of the Statement of Planning Policy SPP 9 – Metropolitan Centres Policy Statement which is not contemplated at this time.

An assessment against the criteria set out in the Metropolitan Centres Policy (SPP No 6) shows that Thomsons Lake satisfies the criteria for a Strategic Regional Centre and such designation would be consistent with sound planning principles. It is considered that Council should continue its endeavours to have Thomsons Lake designated as a Strategic Regional Centre and to that end should prepare a submission to the Future Perth project in support of a request for this matter to be considered and promoted through that process.

## 2. *Additional floorspace – Phoenix Park*

The Strategy recommends that retail floorspace for Phoenix Park be increased from 19,900 to 28,000 m<sup>2</sup> net lettable area with the proviso that the additional floorspace be for non-food only. Section 6, page 43 states that under no circumstances should an additional supermarket be developed at Phoenix Park as this would undermine the potential viability of several neighbourhood/local centres.

The Planning Group on behalf of the owners of Phoenix Park Shopping Centre have submitted that there should be no restrictions on the use of the additional floorspace and that the use of the Scheme to control retail classifications is not appropriate.

As a result of previous submissions, Council at its meeting held on 21 July 1998 approved an additional 4000 m<sup>2</sup> for a second Discount Department store plus specialty stores which would take the NLA of the Phoenix Park Shopping Centre to 24,900 m<sup>2</sup>. In addition to this there is some 5,000 m<sup>2</sup> adjacent developments taking the total retail floor space of Phoenix Park to 29,900 m<sup>2</sup> which is in excess of that recommended by the Strategy (note that the reference to Phoenix Park is the whole commercial precinct between Colville Crescent and Phoenix Road which includes the Phoenix Park Shopping Centre).

In previous discussions with the owners and consultants of the shopping centre, there was an understanding that additional floor space for food related activities was not contemplated as the centre already had 2 major food supermarkets and that the additional 4000 m<sup>2</sup> was for a Discount Department store plus specialty stores. Notwithstanding this, there is a need to ensure the viability of neighbouring centres are not adversely affected by the expansion of Phoenix Park with additional floor space for the sale of food, that is an additional supermarket.

In respect to the control of floor space mix, it should be noted that TPS No 2 limits and specifies the mix of retail and non retail activities within the Lakes Shopping Centre, South Lake and that such restrictions were imposed as a result of a submission by the Phoenix Park Shopping Centre owners when that centre was rezoned. Accordingly there is precedent to specify the tenancy mix within a shopping centre to ensure principles of proper and orderly planning are achieved.

Recommendations of the Strategy to specify that the additional floorspace at Phoenix Park should be for non-food activities and for this to be formalised through TPS 3 is considered appropriate and is supported for the following reasons;

- Given low levels of car ownership and mobility in the residential area surrounding the Phoenix Park area, there is a high dependence on local centres and accordingly the viability of neighbouring centres is of strategic importance.
- The proposed increase in floorspace at the Phoenix Park Shopping Centre and the restriction of this to non-food is in accordance with previous applications made by the owners of the centre.
- There is precedent within the City for the tenancy mix of a centre to be specified within Councils Town Planning Scheme.

3. *Gateways Shopping Centre and the Town Centre area.*

Taylor Burrell on behalf of the Perron Group (owners of Gateways) lodged a submission which expressed concerns about the emphasis on retail activities within the Town Centre area given that the stated retail floor space of 50,000m<sup>2</sup> for Thomsons Lake Regional Centre has been fully allocated to Gateways.

Subsequent discussions with the Perron Group and their consultants Taylor Burrell determined that the primary concern was that whilst the Strategy referred to a range of land use activities that could be included in the Town Centre and its general description, there was concern that one interpretation was that retail could be a major use and indeed a shopping centre could be developed on the site.

The Gateways is the primary focus of retail activity in the area and it is not proposed to develop the Town Centre area as another shopping centre. Rather the Town Centre is being promoted as a mixed use area which includes commercial, entertainment, civic, cultural, residential and main street retail. It is anticipated, particularly in the early years, that retail activities will be small scale transit based convenience uses servicing train/bus passengers and local employment needs but over time could include a small independent style supermarket. This acknowledges the approved Gateways regional shopping centre of 50,000 m<sup>2</sup> and that the retail component of the Town Centre is to be small scale and locally/transit based.

It is considered that the Strategy should be clear and unambiguous regarding the relationship between the Gateways shopping centre and the Town Centre which together form the major part of the Thomsons Lake Regional Centre and it is recommended that it be amended as appropriate to ensure clarity on this matter.

It is recommended that Council adopt the Schedule of Submissions for the Local Commercial Strategy and it be forwarded to the Western Australian Planning Commission together with a request for the Strategy to be finally adopted subject to appropriate modification being incorporated.

### **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."*

The Planning Policies which apply to this item are:-

SPD4 'Liveable Neighbourhoods'

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

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

Nil.

## **14.18 (OCM 19/11/2002) - ALTERNATIVE ESTATE NAME FOR PORT CATHERINE MARINA (3209006) (SMH)**

### **RECOMMENDATION**

That Council:

- (1) receive the response from Australand;
- (2) agree to retain the name "Port Catherine" until the formal processes are completed and then Council apply the name "Port Coogee"; and

- (3) advise Australand and the Western Australian Planning Commission of the Council's decision.

## COUNCIL DECISION

### Background

Council at its meeting held on 15 October 2002, resolved to request Australand to consider renaming the Port Catherine Marina, the Port Coogee Marina.

### Submission

On 29 October 2002, Australand provided the following response:-

***"Alternative Estate Name for Port Catherine Marina  
Your Ref. 3209006 (OCM 15/10/02 – 14.4)***

*We acknowledge receipt of your letter dated 17 October 2002 advising Council at its meeting on 15 October 2002 resolved to adopt Port Coogee as its preferred estate name for the proposed Port Catherine Marina.*

*We would ask that Council reconsider this decision based on the following:-*

- 1. Council's decision pre-empts approval of the Port Catherine Marina when there is 9 – 12 months remaining in the Metropolitan Region Scheme and Local Authority Rezoning processes.*
- 2. All of the company's promotional material including display boards, information sheets, plans etc all relate to Port Catherine and it would cost us many thousands of dollars to renew them.*
- 3. Port Catherine is well recognised by the Cockburn community through our public consultation processes, press releases, newsletters etc.*
- 4. The survey completed by Council had only approximately 100 responses from the whole of its municipality and the one extra*

*vote in favour of Port Coogee over Port Catherine does not reflect a strong enough community feeling.*

*In view of the above we request Council reconsider its decision and agree to retain the Port Catherine name until the formal processes are complete at which time it can be reviewed again."*

### **Report**

The request by Australand to retain the name "Port Catherine" until formal processes are completed does not appear unreasonable. Once the promotional issues relating to the development are finalised, then Council could apply the adopted name "Port Coogee".

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

N/A

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Nil

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

Nil.

### **14.19 (OCM 19/11/2002) - LOCAL STRUCTURE PLAN - PT LOT 458 RUSSELL ROAD, SUCCESS - OWNER: PARKWIND PTY LTD - APPLICANT: TAYLOR BURRELL (9638C) (JW) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) advise Taylor Burrell that Council is prepared to adopt the proposed Structure Plan for Pt Lot 458 Russell Road, Success subject to the following changes being made to the Plan and Report to the satisfaction of the Director, Planning and Development;
  1. Modification of the Plan to indicate that the Lake Copulup area be subject to further consideration of regional drainage requirements.
- (2) advise the applicant that the following requirements will need to be addressed through the subdivision process:

1. Consultation with the Water Corporation and Department of Environment, Water and Catchment Protection regarding the future drainage design of Russell Road Buffer Lake.
2. A site assessment is to be undertaken to determine the extent and severity of any contamination resulting from previous land uses such as market gardening, with reference to the following documents for the appropriate methodology and criteria:
  - EPA draft guidelines Contaminated Site Assessment Criteria;
  - EPA draft guidelines Contaminated Site Assessment Guidelines for the
  - Development of Sampling and Analysis Programs and Contaminated
  - Site Assessment Criteria;
  - EPA draft guidelines Contaminated Site Assessment a General Guideline for Reporting.
3. A site Remediation and Validation Report to be produced in consultation with the Department of Environment, Water and Catchment Protection's Contaminated Sites Branch in the event that the site is found to be contaminated.
4. Preparation of a Drainage & Nutrient Management Plan providing in detail the proposed drainage system, nutrient stripping capacity and gross pollutant traps. The Plan should also address minimising nuisance insect events and maintaining water quality parameters with monitoring, evaluation and performance criteria.
5. Preparation of a Public Open Space Development and Management Plan will be required. The Plan will need to provide landscaping, earth works, drainage and public facilities. The Plan should maximise the use of native plants.
6. The road reserves and pavements widths to be designed in accordance with relevant Council policy.
7. Groundwater availability in this region may be limited and it is suggested the applicant liaise with the Department of Environment, Water and Catchment Protection in this regard. In the event that a groundwater allocation cannot be obtained for the irrigation of the public open space areas to be provided as part of the development, the configuration and function of such areas may require



modification.

8. Public open space calculation will not be able to be determined until detailed drainage design has been accepted by the Council and any other relevant agency.
  9. Disposal of stormwater must comply with the requirements of the South Jandakot Drainage Management Plan and the Environmental Management Programme for the South Jandakot Drainage Scheme.
  10. Subdivision proposals for the subject land will attract conditions requiring contributions towards the construction of Hammond and Russell Road in accordance with Development Contribution Plan 2 (Success Lakes) and 3 (Gaebler Road).
  11. In the case that a temporary drainage basin be implemented for stage 1, this basin must incorporate all the features expected of the overall drainage system, ie nutrient stripping.
  12. Detailed area plans are required to be prepared for all land indicated on the Structure Plan for commercial development in accordance with the requirements of Council's Planning Scheme. In addressing these requirements, particular attention needs to be paid to the interface of commercial and residential development, land use control, relationship with Russell Road, local road design, traffic, pedestrian and cyclist safety, site access and other associated engineering requirements.
  13. Subdivision proposals for land adjacent to Russell Road will need to address noise and safety issues associated with this road, given its role as a designated freight route.
  14. Prior to Council supporting a subdivision proposal for land within 500 metres of the poultry farm on Lot 19 Hammond Road, confirmation will be required that either the poultry farm has ceased operating or the Department of Environment, Water and Catchment Protection has confirmed that the subject land is not affected by the poultry farm buffer.
- (3) adopt the Schedule of Submissions as contained in the Agenda attachments;
  - (4) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

**COUNCIL DECISION****Background**

ZONING:	MRS :	Urban
	DZS:	Development Zone and falls within Development Area 8 & 9, and Development Contribution Area 2& 3
LAND USE:	Vacant	
LOT SIZE:	18.6995 ha	
AREA:	-	
USE CLASS:	N/A	

This report concerns a proposed structure plan prepared by Taylor Burrell on behalf of Parkwind Pty. Ltd for land located within the Success Lakes Development area. See Agenda attachments for proposal location details.

The subject land falls within the Southern Suburbs District Structure Plan (SSDSP) Stage 1 area. The SSDSP was adopted by Council in October 1999 and endorsed by the Western Australian Planning Commission in November 1999. The SSDSP provides the broad framework for the planning of future urban development along the Kwinana Freeway corridor extending southwards from the established communities at Success and Atwell.

The Parkwind Structure Plan was submitted in August 2002 for consideration. The City, acting under the delegated authority of Council (APD 42), determined that the proposal was suitable to be advertised for public comment.

**Submission**

The submitted structure plan (See Agenda attachments) proposes the development of a residential estate on approximately 19 hectares of land located on the western side of Kwinana Freeway in Success. The subject land comprises three parcels of land separated by Hammond Road and Russell Road and is located north of the Frankland Springs Estate.

The structure plan area is primarily designated 'Residential', with the south-western corner designated Mixed Use in accordance with the Southern Suburbs District Structure Plan. The proposed Structure Plan

provides for a predominant distribution of R20 residential uses, with some medium density R40 residential areas located in proximity to the Public Open Space and Mixed Use precinct.

The structure plan proposal was advertised for public comment for a period of 28 days, with the comment period concluding on 4 October 2002. Owners of property near the subject land and various agencies and servicing authorities were invited to comment. A total of eight submissions were received including comments from DEP, W&RC, Water Corporation, Alinta Gas, Western Power, Department of Conservation and Land Management, Department for Planning and Infrastructure – Integrated Transport Planning, as well as the Council Land Officer. A schedule of submissions and the recommended responses is included in the Agenda attachments.

## **Report**

The proposed Structure Plan is generally acceptable to the various agencies consulted and meets most planning criteria for a proposal of this type. There are however several issues that require consideration as follows:

### Lake Copulup

The north-western corner of Pt Lot 458 contains portion of the wetland known as Lake Copulup, which covers a total area of approximately 3.5ha and is spread over four separate titles: Pt Lot 458, Pt Lot 458 to the west, Lot 1 Hammond Road to the north and the Thomson's Lake Nature Reserve further west. The portion of Lake Copulup represented within Pt Lot 458 owned by Parkwind is approximately 0.9 ha. The structure plan proposes to use the wetland as open space for conservation and drainage purposes.

The advice from Water Corporation indicates that this area is required for the future Russell Road Buffer Lake (RRBL). The RRBL is to be constructed in accordance with the requirements of the South Jandakot Drainage Management Plan 1990 and the Environmental Management Programme for the South Jandakot Drainage Management Scheme 1991. The intent of the RRBL is that it accommodates a regional drainage function so that detrimental impacts upon Thomsons Lake from stormwater runoff from urban development are minimised.

The Structure Plan sets aside the wetland and a 30-metre buffer for conservation and drainage purposes. Public Open Space is proposed for the remaining area between the wetland buffer and Hammond Road Deviation. The wetland and buffer are proposed to be deducted from the subdividable area (ie no POS credit sought).

While this approach to the calculation of POS credits is in line with Council Policy, the difficulty in assessing the proposal is that the extent

of land required for the RRBL is not yet known as no design has been finalised by the Water Corporation. Therefore it is not possible to endorse the plan until the RRBL design is finalised.

Department of Environment, Water and Catchment Protection also provided comments on Lake Copulup regarding wetland category classification, wetlands/drainage management and buffers as well as nuisance-insects management (see submission schedules). However, it appears that this advice does not account for the future role of Lake Copulup as a Buffer Lake. It is therefore necessary that the proponent undertake further consultation with the Water Corporation, Department of Environment, Water and Catchment Protection regarding the use of Lake Copulup to achieve a consistent inter-departmental position on this issue. It is also necessary to amend the Structure Plan with a notation that the Lake Copulup area be subject to further consideration of regional drainage requirements.

DEP also advised that the subject land is in the Thomson Lake Groundwater Environmental Management Area, Category A, and generally urbanisation is not favoured in such category areas (EPA Draft Guidance No.48). Therefore the land use and drainage system on the subject lot needs to be very carefully managed to protect the water regime of the adjoining Thomson Lake Reserve which is of international significance.

### POS

A total area of approximately 1.67ha of Public Open Space (or 10% of the nett subdividable area) is proposed within the Structure Plan area including 50% Open Space credit applied to the 'Living Stream' drainage area as shown in the submitted plan.

There is no major objection to the POS provision and calculation methods outlined in the proposal. However, it should be noted that this calculation will be affected by the future RRBL as mentioned above and the confirmation of the wetland boundary from WRC.

### AAMGL

The proposed extent of earthworks and fill required to achieve the necessary clearance between development and the water table is based on a Consultant Engineers report submitted as part of the proposal. There is a concern that the methods used to determine fill levels departs from the generally accepted methods that base such requirements on the Average Annual Maximum Groundwater Level (AAMGL).

Developments in this locality have been required to have prepared and endorsed Drainage and Nutrient Management Plans to address drainage management considerations. A demonstration of the

appropriateness of the proposed drainage scheme, including required fill level, is required as part of this Plan.

### Conclusion

The proposed Structure Plan for Pt Lot 458 Russell Road, Success is generally acceptable to Council subject to the modifications detailed above and other changes and advice notes listed in the recommendation.

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

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

The Planning Policies which apply to this item are:-

SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space

APD20	Design Principles For Incorporating Natural Management Areas Including Wetlands And Bushlands In Open Space And / Or Drainage Areas
APD26	Control Measures For Protecting Water Resources In Receiving Environments
APD28	Public Open Space Credit Calculations
APD30	Road Reserve And Pavement Standards
APD31	Detailed Area Plans

### **Budget/Financial Implications**

The development in the subject land will lead to the creation of new roads, drainage systems and open space areas that will ultimately become a management responsibilities of the City.

New residential development, whilst expanding the rate base, will see demand increase for a variety of the City's services.

It is not possible to predict the extent of the financial implication for the City.

### **Legal Implications**

Nil

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

Nil.

## **14.20 (OCM 19/11/2002) - REDEVELOPMENT OF THE CARRINGTON STREET / MEMORIAL HALL PRECINCT (9652; 8406) (AJB) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) advise the Department for Planning and Infrastructure (Urban Design and Major Places Unit) and Transport that Option A for the bus interchange at Carrington Street is supported in principle as the basis of further detailed planning for the redevelopment of Memorial Hall, the Carrington Street shopping centre and bus interchange facilities;
- (2) initiate discussions with the RSL regarding the upgrading and possible minor relocation of the war memorial to determine an acceptable scope of works and cost estimates that can be considered as part of the total package for the precinct;

- (3) request the Greening Plan Review Group to consider and provide advice on the possibilities and potential timing of undertaking streetscape works in Carrington Street and Rockingham Road abutting the Memorial Hall precinct which would complement the redevelopment of the Memorial Hall and the war memorial; and
- (4) require that a suitably qualified and experienced consultant be appointed to develop in consultation with the Cockburn RSL a concept plan for the upgrading of the Memorial Hall surrounds including the war memorial in accordance with the adopted master concept plan. The consultant also be commissioned to develop options for the usage of Memorial Hall for consideration by Council prior to the development of concept plans for the refurbishment of the Hall with consideration of potential external funding sources.

#### **COUNCIL DECISION**

#### **Background**

At the Ordinary Council Meeting of 20 November 2001, Mayor Lee requested a report be prepared and presented to Council dealing with the possible restoration and beautification of the Memorial Hall and its surrounds. The report is to address issues such as the removal of paint and the exposure of the original stone work and possible rendering of the later additions to give the impression of stone work. The implications of the bus terminus and its impact on the level of vandalism is to be considered along with the scope to move the service. The report is to also give consideration to landscaping around the hall and the potential of leasing the hall to the Cockburn RSL.

A report which provided the outcomes of preliminary investigations, canvassed options for the future of the hall, detailed the need to consider the Memorial Hall in the context of the surrounding area and outlined a proposed approach was presented to the meeting of Council held in April 2002. Council at that meeting resolved to approve the Memorial Hall Precinct Enhancement Schedule as outlined in the report, which provided for a coordinated approach to the upgrade of the Memorial Hall and its immediate environs with the potential urban renewal program for the land owned by the Western Australian Planning Commission (WAPC).

## Submission

N/A

## Report

The Carrington Street/ Memorial Hall precinct is seen as an important and strategic area which has the potential to be an important public transport interchange with integrated civic, community, commercial, education and residential uses. However the area has become blighted as a result of land that was set aside for the Roe Highway which includes the Carrington Street shopping centre which was purchased by the Western Australian Planning Commission. The area is also visually impacted on by the existing high voltage powerlines.

In recognition of the strategic importance of the area a study team was formed with representatives from the Department for Planning and Infrastructure Urban Design and Major Places Unit, Transport and City of Cockburn to examine and assess a number of options for the redevelopment of the Carrington Street/Memorial Hall precinct. To assist with the project, consultants were appointed by Transport to:

- examine the feasibility of undergrounding or modifying the high voltage power lines through the area to minimise their visual impact.
- determine the options and requirements for the safe and efficient interchange existing and proposed public transport services that pass through this precinct, including the option of the major services being upgraded to light rail as travel demand increases.

A specific aim of the project was to develop a concept which integrated landuses, public transport and built form solutions and strategies for the revitalisation and future growth of the precinct.

Specific Comments on the project are as follows;

### 1. Treatment of the high voltage powerlines

The existing 66 kv overhead steel pylon power line passes diagonally through the precinct. As well as being visually unattractive, the wide easement associated with the powerlines imposes significant constraints on the development options for the site. Notwithstanding the technical issues associated with undergrounding high voltage power lines, the cost to undertake such work was estimated to be in the order of \$ 1.5 million for some 330 metres which was considered to be prohibitive for a small project.



The alternative to replace the steel pylon with a single concrete filled steel pole for \$250,000 was considered to be more achievable and would significantly reduce the visual impact and the extent of land sterilised by the power line easement.

## 2. Public Transport requirements.

The Carrington Street precinct is a key transit hub for regional bus services which currently includes the 900 series high frequency service along Rockingham Road that services Fremantle, Cockburn, Kwinana and Rockingham, the Perth, Booragoon, Coolbellup service that terminates at an informal terminus within the area adjoining Memorial Hall and a future planned service that will extend down Hamilton Road.

Currently there are 40 bus movements passing or terminating within the precinct in the morning peak hour, 38 in the evening peak hour and 30 during the interpeak hours. These volumes are consistent with those of a key regional transit hub (by comparison it is estimated that Cockburn Central will have some 50 bus movement during the peak hour period). In addition to being a key interchange for passengers between one service and another, the area is also becoming a popular park and ride area and has the potential for this to increase if safety and security in the area can be improved.

Egis Consulting Engineers in conjunction with ERM examined and tested various scenarios for the safe and convenient transfer of passengers the efficient movement of buses. The consultants were made aware of Councils plans to improve and redevelop the Memorial Hall and that options should not unduly constrain or impinge on the hall or its immediate environs. The consultants were also requested to have regard to the possible future conversion of the principal bus routes to light rail when justified by transit demand and to ensure that any improvements undertaken in the short term would not be adversely affected if future conversion was to occur.

The Fremantle – Rockingham bus is a through service and accordingly bus stops for this are best located within Rockingham Road. The bus shelters should ideally be in close proximity to Carrington Street so that passengers interchanging with other services can use the traffic lights to cross Rockingham Road safely.

A number of different scenarios were examined for the terminating Perth, Booragoon, Coolbellup service and the future Hamilton Road service. These included within Carrington Street, a new main street that will be developed within the power line easement to service a new shopping centre and around the

Memorial Hall but further away from the Hall and using Rockingham Road rather than the current service road immediately in front of the Hall. Copies of the options are included in the Agenda attachments.

The consultants recommended Option A which uses part of the northern and western margins of the Memorial Hall site for the following reasons;

- Shortest distances for interchanging passengers.
- Does not impinge on the proposed main street (the main street option does not work for light rail due to the space required and duplication of stops in Rockingham Road).
- Still within close proximity to the proposed main street shops for convenience.
- The Rockingham Road bus stops can be positioned close to Carrington Street enabling passengers to transfer from one service to another with the traffic lights providing a safe crossing.
- Will not significantly impact on Memorial Hall (the bus facility will be located close to the power line which is further from Memorial Hall than the current arrangement).
- Memorial Hall car park can be used effectively for Park and Ride as well as servicing Hall users.

It is the view of the study team that Option A which provides a bus way and bus layover area along the northern and western boundaries of the Memorial Hall site with bus stops in both Rockingham Road and Carrington Street providing the best solution for the following reasons;

- Provides the best public transport system for the short to medium term and the best solution for upgrading to light rail in the future if it is justified by transit demand.
- Provides the best opportunity for the redevelopment of the Carrington Street shopping centre incorporating main street principles.
- Will not detract from a refurbished Memorial Hall.
- Provides adequate land around the Hall which could be developed for an alfresco eating area if for example a portion of the hall was developed as a coffee shop/café.
- Changes to the bus route and bus stops around Memorial Hall could be implemented at an early stage subject to the availability of funding and undertaken independently of the construction of the main street and redeveloped of the shopping centre.
- Changes to the bus facilities, refurbishment of Memorial Hall and enhancement of the area around the hall could be a

catalyst to the redevelopment and investment in the area generally.

- The provision of car parking which can be used for Park and Ride would be a positive initiative to encourage the use of public transport and reducing the dependence on cars to access Perth, Booragoon, Fremantle and Rockingham.
- Provides the potential for joint funding initiatives between Council, Transport and Department for Planning and Infrastructure.
- Would form an important focus for adjoining land to be developed for higher density housing which would reinforce the public transport, commercial and community functions of the precinct. This could also extend to include land from the Roe Highway should it not be constructed.

### 3. War Memorial

Requests have been previously received from the RSL for the upgrading of the war memorial located in the grounds of Memorial Hall near the intersection of Rockingham Road and Carrington Street. It is considered that this could be undertaken as part of the overall enhancement of the Hall and its immediate surrounds and would result in a more functional and fitting memorial.

Given that a possible future light rail option in Carrington Street would impact on the war memorial, it is recommended that consideration be given to its minor relocation as part of the enhancement works to a position that will not be impacted on by possible future infrastructure works. It is considered that the memorial should retain its position of prominence at the intersection of Rockingham Road and Carrington Street and be integrated with landscaping and car parking around the Hall so that its use will be enhanced. It should be noted that some minor works costing approximately \$5,000 are planned to be undertaken around the memorial before March 2003 which will include levelling, reticulation, turf, establishing a rose garden and provision of a hand rail. It is recommended that these works proceed as planned given that it may be several years before major enhancement works are undertaken in the precinct and in particular the relocation of the war memorial

It is recommended that this matter be raised with the RSL as part of the consultation on proposals for the Memorial Hall site area.

4. Closure of portion of Hamilton Road slip lane south of the Rockingham Road intersection

To enable the bus stations to be built in Rockingham Road it will be necessary to close Hamilton Road at Rockingham Road as shown on the concept plans included in the Agenda attachments. Hamilton Road acts as a slip lane to Carrington Street at the intersection and its closure will have no significant impact on traffic movements or operation of the Rockingham Road/ Carrington Street intersection. The closure is supported by Council's Engineering Department.

The Agenda report to Council in April 2002 set out a process and timetable for progressing the enhancement of the Memorial Hall precinct.

The assessment of the options for the bus interchange took considerably longer than the study group estimated and whilst concept plans of the various alternatives have been prepared and assessed, they are not developed to a point that would be suitable for undertaking public consultation. Accordingly it is considered that to progress the project Council should initiate discussions with the RSL regarding the upgrading and possible minor relocation of the war memorial and appoint a consultant to provide specialist guidance on how the restoration of the Memorial Hall should proceed which would maximise its potential and the potential to achieve financial assistance from the State and Commonwealth sources. The review should reflect the principles of the recommended Option A for the bus interchange and should provide guidance as to how the bus interchange and particularly any structures should be designed to compliment the Memorial Hall.

In order to progress planning of the overall precinct concept plan, Council should write to the Department for Planning and Infrastructure Major Urban Places Unit and Transport confirming support in principle for Concept A and request that the study now be progressed to the next level of detail to enable public consultation and detailed costings to be undertaken which would form the basis of developing an implementation strategy and requests for funding etc.

**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 character and historic value of the human and built environment."*
  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."*
  5. Maintaining Your Community Facilities
    - *"To construct and maintain community buildings which are owned or managed by the Council."*

The Planning Policies which apply to this item are:-

SPD4 'Liveable Neighbourhoods'

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

There is no specific budget item allocating funds to the Memorial Hall project. The Chief Executive Officer proposes to fund the consultants from the general consultants Account No.116310 which has sufficient funds to cover the expected expenditure of \$10,000.

#### **Legal Implications**

Nil

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

Nil.

### **14.21 (OCM 19/11/2002) - SOUTHERN SUBURBS DISTRICT STRUCTURE PLAN STAGE 2 - BANJUP (9645) (AJB) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the Southern Suburbs District Structure Plan Stage 2 – Banjup Schedule of Submissions contained in the Agenda attachments and forward it to the Western Australian Planning Commission for consideration;
- (2) advise the owner of Lot 5 Banjup Road that subject to the

agreement of the Western Australian Planning Commission to the proposed use of portion of the land for lockup storage units, that Council will initiate an amendment to Town Planning Scheme No 3 to formalise the proposal as an additional use to the residential zoning; and

- (3) advise those persons who made a submission of Councils decision.

## COUNCIL DECISION

### Background

At its meeting held on 20<sup>th</sup> August 2002 Council resolved to advertise for public comment Southern Suburbs District Structure Plan Stage 2 – Banjup (Item 14.11) and a Local Structure Plan for lot 199 Gaebler Road and Ptn Lot 204 Gibbs Road Banjup (Item 14.12).

The structure plans were referred to relevant government agencies and advertised for public comment between 26<sup>th</sup> August and 20<sup>th</sup> September 2002. A meeting of landowners within the area was held on 22 August 2002. Copies of the report were distributed to landowners, and copies were available for inspection at the Spearwood Library, the Administration Centre and on the web site.

Submissions on the Local Structure Plan for lots 199 Gaebler Road and portion of lot 204 Gibbs Road Banjup are the subject of a separate report to Council on this agenda.

### Submission

N/A

### Report

In response to the referral of the Southern Suburbs District Structure Plan Stage 2 – Banjup to government agencies and advertising the proposal in local papers, 17 submissions have been received. These are detailed in the Summary of Submissions contained in the Agenda attachments.

Issues raised in the submissions that require discussion over and above that contained in the Summary of Submissions are as follows;

1. *Bush Forever*

The Structure Plan showed a significant portion of Lot 204 Gibbs Road (LandCorp) and Lot 199 Gaebler Road (Stocklands) being set aside as a conservation reserve consistent with recommendations of Bush Forever. The general development proposals shown for this area were provided by Consultants for the two projects.

Waters and Rivers Commission, Department of Environmental Protection and Bush Forever office advise that negotiations in respect to Bush Forever requirements relating to Lot 199 Gaebler Road have been satisfactorily concluded. However negotiations with LandCorp in respect to the delineation of the Bush Forever site and wetland buffers on portion of Lot 204 are ongoing.

Officers from Waters and Rivers Commission, Department of Environmental Protection, Bush Forever office (DPI) and Council have reached general agreement on an acceptable Bush Forever site and are awaiting a formal response from LandCorp and it is noted that further consideration still needs to be given to the wetland buffer area. The resultant boundary if adopted will increase the total area of the Bush Forever site and in particular increase the area of upland Banksia Woodland and increase the width of the area where the site changes direction from running north south to east west. This will assist in the management of the area by decreasing the potential of edge impacts including weed infestation.

Accordingly it is recommended that the Bush Forever boundary on Lot 204 be modified on the Structure Plan in accordance with the Bush Forever boundary recently determined by a joint agency meeting and notation added to the Structure Plan requiring agreement on the wetland buffer with Waters and Rivers Commission, Department of Environmental Protection, Bush Forever office (DPI) and Council. A plan showing the proposed Bush Forever boundary is included in the Agenda attachments.

2. *Lock up storage site*

The Structure Plan shows a land owner initiated proposal for lockup storage units as an additional use on Lot 5 Lyon Road. The report notes that there are a number of concerns regarding the proposal but advised that the proposal had been included for the purposes of allowing public comment and the opportunity for the owner to provide additional information.

Additional information on the proposal is contained in Submission No 11 (BSD on behalf of Carmel Pty Ltd). Only three submissions raised objections to the proposal. The primary reasons are that the use does not relate to, or bring any benefit to the area and that the amenity of the community will be destroyed by the possible increase in traffic.

BSD have provided additional information on the proposal including a perspective showing how the administration building and facades of buildings at the entry can be designed to have a residential scale and form and a map showing the location of existing facilities within the Perth metropolitan area. Based on the distribution of lockup storage facilities elsewhere it is clear from the map that such facility can be justified somewhere in the Banjup/Atwell locality.

The Manager Planning Services inspected two other sites owned and operated by the proponent and discussed a range of issues including the scale of development and traffic issues. In the inner city location of Subiaco some of the units are two stories high which is justified due to the high land costs. However this could not be justified in a suburban area given the high cost of constructing a two story complex which requires the installation of lifts. The height of a single story lock up unit would be similar to a garage parapet wall but obviously more extensive in length.

The hours of operation of other facilities owned by the proponent are from 7am to 7pm seven days a week. Computer printouts for the Guildford facility which is similar in size and market segment to that envisaged in Banjup shows that the average number of entries during the week was 23 with 24 for the weekend. The highest number of entries for the week was 34 on Friday of which 7 were repeats due to the particular nature of one of the tenants. On this basis the maximum total daily trip generation for the facility is 64 vehicles per day. During the inspection of the Subiaco facility all of the vehicles seen accessing the site were passenger cars. It would not be possible for large trucks to access the site given the width of the servicing isles.

If the Banjup site was developed for residential purposes instead of the lock up storage facility it would yield some 12 – 15 dwellings. At the normal traffic generation rate of 10 trips per dwelling per day this would generate some 120 – 150 vehicle trips per day which is twice that of the lock up storage facility. Based on the detailed information provided, traffic generation and consequential amenity impacts should not be an issue.

On the basis that the proponent is prepared to construct the entry area to be of a residential scale, that the use is essentially



benign and that traffic generation is less than the residential equivalent, the proposed use is supported. However as noted in the Structure Plan report there is concern that if the use of the facility for storage ceases, an alternative use may have more of an impact ie a more industrial type use. To ensure adequate control on the use of the site is maintained, it is considered that the land should remain zoned residential with an additional use of lock up Storage. This should be formalised by way of an amendment to TPS 3.

### 3. *Active Sport facilities on Lot 416 Gaebler Road*

The Structure Plan proposes an active sports ground on Lot 416 Gaebler Road adjacent to the primary school site. The size of the site required for the sports ground accounts for almost all of the POS area attributable to Lot 416. The owner opposes the location of the sports ground on Lot 416 on the basis that it will not allow the provision of neighbourhood parks throughout the development.

Section 5.7 of the Structure Plan report advises that it is proposed to develop integrated change rooms and community facilities on the site and accordingly the best location is adjacent to the proposed primary school as this provides the opportunity for joint development, use and funding between Council and the Education Department. It should be noted that if it were only proposed to develop a sports ground and change rooms on the POS area then favourable consideration could be given to separating the oval from the school as has been recently agreed to in Hammond Park. However the greater investment in community facilities and the need for greater utilisation and maximisation of funding opportunities precludes such consideration being given in this case.

Accordingly it is recommended that Council strongly oppose the relocation of the sports ground from the site adjoining the primary school as shown on the Structure Plan and that the proponents examine other options to achieve their objectives which are primarily market driven rather than satisfying the overall needs of the community.

### 4. *Modified Local Structure Plan proposals for Lot 199 Gaebler Road and portion of Lot 204 Gibbs Road.*

The Local Structure Plan for Lot 199 Gaebler Road and portion of Lot 204 Gibbs Road was advertised simultaneously with Southern Suburbs District Structure Plan Stage 2 – Banjup. The layout for these lots was identical on both the district and local structure plans. Development Planning Strategies on behalf of the owner of Lot 199 has submitted a modified Local Structure

Plan for that land. Detailed comments on the modified Local Structure Plan are provided in a separate report on this Agenda.

In summary the modified layout is supported, notwithstanding that there are a number of detailed matters that need to be addressed at the local structure plan level. These do not affect the district level plan and accordingly it is recommended that the Southern Suburbs District Structure Plan Stage 2 – Banjup be modified to reflect the principles of the modified proposal for Lot 199 Gaebler Road.

In conclusion the majority of submissions received provided information or supported the Southern Suburbs District Structure Plan Stage 2 - Banjup proposals. Where a submission provides information as distinct from raising an issue, the Schedule of Submission notes the provision of information or clarification and recommends that the relevant sections of the final Structure Plan report be amended accordingly.

There is nothing in the submissions which requires any major modifications to the Structure Plan or report which would result in it being rejected or readvertised. It is recommended that Council adopt the Schedule of Submissions contained in the Agenda attachments and forwards them to the Western Australian Planning Commission for consideration. As required by the provisions of Town Planning Scheme No 2 and 3, people making a submission will be advised of Councils decision.

### **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 competitive without compromising quality."*
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."*
  - *"To conserve the character and historic value of the human and built environment."*

- *"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."*
5. Maintaining Your Community Facilities
- *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*
  - *"To construct and maintain community buildings which are owned or managed by the Council."*

The Planning Policies which apply to this item are:-

SPD2	Community Facilities Infrastructure - 10 Year Forward Plan
SPD4	'Liveable Neighbourhoods'
APD4	Public Open Space

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

N/A

#### **Legal Implications**

Nil

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

Nil.

**14.22 (OCM 19/11/2002) - LOCAL STRUCTURE PLAN FOR LOT 199 GAEBLER ROAD AND PTN LOT 204 GIBBS ROAD, BANJUP - OWNER: STOCKLAND TRUST GROUP AND LANDCORP - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (9645A) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) advise Stocklands that Council is not prepared to adopt the Local Structure Plan for Lot 199 Gaebler Road and Ptn of Lot 199 Lyon Road until the following matters are addressed and satisfactorily resolved;
  1. Requirements and treatment of Lyon Road.
  2. A vegetation and flora study to identify any significant flora, that is, priority or declared flora; and
- (2) forward the Schedule of Submissions for the Local Structure Plan for Lot 199 Gaebler Road and portion Lot 204 Gibbs Road, Banjup, to the Western Australian Planning Commission for consideration.

**COUNCIL DECISION**

**Background**

At its meeting held on 20<sup>th</sup> August 2002 Council resolved to advertise for public comment Southern Suburbs District Structure Plan Stage 2 – Banjup (Item 14.11) and a Local Structure Plan for lot 199 Gaebler Road and Ptn lot 204 Gibbs Road Banjup (Item 14.12).

The structure plans were referred to relevant government agencies and advertised for public comment between 26<sup>th</sup> August and 20<sup>th</sup> September 2002.

Part 2 of Council's resolution was to advise Development Planning Strategies that in recognition of the environmental significance of the site and in particular Bush Forever, the Local Structure Plan will not be progressed to finalisation until comments have been received from the Department of Environmental Protection, Waters and Rivers Commission and the Bush Forever office.

At the close of the advertising period submissions had not been received from the relevant government agencies. The Department of Environmental Protection formally requested additional time to assess the proposal. Accordingly the structure plan was not presented to the October meeting of Council as had been anticipated.

All relevant comments have now been received.

### **Submission**

N/A

### **Report**

In response to the referral of the Local Structure Plan to government agencies and advertising the proposal in local papers, 12 submissions have been received. These are detailed in the Summary of Submissions contained in the Agenda attachments.

Issues raised in the submissions that require discussion over and above that contained in the Summary of Submissions are as follows;

#### 1. *Modified Structure Plan*

During the advertising period, Development Planning Strategies carried out detailed site analysis and undertook discussions with a number of parties and government agencies. This has resulted in the preparation of a modified Structure Plan which has been lodged as a submission.

The modified structure plan which is included in the Agenda attachments reflects and accommodates the important elements of Southern Suburbs District Structure Plan Stage 2 – Banjup including the Bush Forever site and major road system. The areas of proposed public open space have been repositioned to include better quality vegetation which are to be integrated into the neighbourhood parks and to be more central. The layout also reflects comments made by Transperth in respect to walkability to the bus route in Gibbs Road and comments on a proposed roundabout in Lyon Road made by an adjoining owner on the Southern Suburbs District Structure Plan Stage 2 – Banjup.

The report to Council in August highlighted a number of matters that need to be addressed prior to the finalisation of the local structure plan and as part of the subdivision design stage. Those relating to the local structure plan are as follows;

- Requirements and treatment of Lyon Road.

- Consideration of the dual use path network.
- A vegetation and flora study to identify any significant flora, that is priority or declared flora.

At this time the above matters have not been addressed by the proponents. In respect to dual use paths, Council's Engineering section has prepared a plan showing the requirements and the Structure Plan should be modified accordingly. A copy of the dual use path plan is included in the Agenda attachments and forms part of the Schedule of Submissions (City of Cockburn officer comments – Submission 12).

Treatment of the Lyon Road frontage and the need to undertake a flora study are critical aspects to the approval of the Local Structure Plan, and consistent with the earlier position reported to Council, it is considered that the Local Structure Plan should not be adopted by Council at this time but rather the Schedule of Submissions referred to the Western Australian Planning Commission for consideration and Council's final adoption be deferred until the required matters are satisfactorily addressed.

## 2. *Bush Forever*

Waters and Rivers Commission, Department of Environmental Protection and Bush Forever office advise that negotiations in respect to Bush Forever requirements relating to lot 199 Gaebler Road have been satisfactorily concluded. However negotiations with LandCorp in respect to the delineation of the Bush Forever site and wetland buffers on portion of lot 204 are ongoing.

Officers from Waters and Rivers Commission, Department of Environmental Protection, Bush Forever office (DPI) and Council have reached general agreement on an acceptable Bush Forever site and are awaiting a formal response from LandCorp. In respect to that portion of lot 204 included in this Local Structure Plan there is broad agreement between LandCorp and the relevant agencies as to the Bush Forever boundary but further consideration needs to be given to the wetland buffer area.

Accordingly it is recommended that the Bush Forever boundary on this portion of lot 204 be retained as shown but a notation added to the Structure Plan requiring agreement on the wetland buffer with Waters and Rivers Commission, Department of Environmental Protection, Bush Forever office (DPI) and Council. It is anticipated that this will only have a minor impact on the subdivision layout in one location where the perimeter road extends into the wetland buffer.

The Schedule of Submissions also highlights a number of other design and technical matters that need to be addressed. This can occur as part of the ongoing planning of the estate and detail subdivision design phase. Issues of particular note are justification of the proposed ornamental lake, treatment of the interface between POS and residential development proposed on the west side of the eastern POS area and the need to further liaise with Council, Waters and Rivers Commission and Water Corporation regarding principles of the drainage system.

Clause 8.2.11.1 of TPS No2 requires Council to forward a Schedule of Submissions to the Western Australian Planning Commission within 60 days of the close of the advertising period. This is by the 19<sup>th</sup> November 2002. To comply with the Statutory requirements and in view of the fact that there are still matters outlined above that require resolution prior to Council's adoption of the Structure Plan, it is recommended that Council forward the Schedule of Submissions to the Western Australian Planning Commission for consideration and to advise Stocklands that Council is not prepared to adopt the Local Structure Plan for lot 199 Gaebler Road and Ptn of Lot 199 Lyon Road until the following matters are addressed and satisfactorily resolved;

- Requirements and treatment of Lyon Road.
- A vegetation and flora study to identify any significant flora, that is, priority or declared flora.

### **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."*
  - *"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."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised*

*standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*

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

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
SPD4	'Liveable Neighbourhoods'
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD20	Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas
APD26	Control Measures for Protecting Water Resources in Receiving Environments
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans

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

N/A

#### **Legal Implications**

Nil

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

Nil.

### **14.23 (OCM 19/11/2002) - FINAL ADOPTION OF PROPOSED TOWN PLANNING SCHEME NO. 3 (9485) (SMH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the Hon Minister's advice requiring further modifications be undertaken by the Council in order to finalise proposed Town Planning Scheme No. 3;
- (2) modify the Scheme Text by:-
  1. modifying clause 6.2 Development Areas to reflect the current model provisions for structure plans endorsed by the Commission;



2. modifying the provisions of Schedule 3 - RU6 to include reference to Lots 196 and 218;
3. modifying clause 9.1.1 to reinstate the following provisions of the advertised scheme text after

(1): -

"is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner and accompanied by such plans and other information as is required under the scheme";

4. modifying Table 1 Zoning Table to show "Home Office" as a "P" use in the Residential zone consistent with clause 8.2.1 (d).
5. modifying clause 5.4 (Special Application of Residential Planning Codes) generally as follows:-

5.4.1 In Residential zones coded R20 the local government may vary the minimum site area per dwelling and the minimum lot area/ rear battleaxe requirements in Columns 3 and 4 of Table 1 of the Codes by permitting 2 grouped dwellings on any lot with an area of 900m<sup>2</sup> or greater but in all other respects the development shall conform with the requirements of the R20 code.

5.4.2 In respect of land in the R30 to R60 codes where a detailed area plan has been approved by the local government the minimum requirements of Table 1 regarding the total percentage of open space can be reduced up to a maximum of 5% below the Code requirement, subject to: -

- i) the land being located adjacent to a parks and recreation reserve or within a commercial or railway precinct; and
- ii) the development providing for solar orientated design.

5.4.3 In respect of Lot 61 Beenyup Road, Atwell, the minimum requirements of Table 1 in respect of the total percentage of open space in the R25 code can be reduced by a maximum 5% below the code requirement subject to: -

- i) the land being either located adjacent to a parks and recreation reserve or within a commercial or railway precinct; and
  - ii) the development providing for solar orientated design;
  - iii) the development being in accordance with a detailed area plan approved by the local government.
6. modifying the special provisions (2) of Schedule 11 Development Area 1 (Packham) to delete reference to "generally" in the second line.
- (3) re-adopt proposed Town Planning Scheme No.3 incorporating the modifications required by the Hon. Minister for Planning and Infrastructure; and
- (4) forward the modified documents to the Minister for finalisation and gazettal of proposed Town Planning Scheme No.3.

#### **COUNCIL DECISION**

#### **Background**

Council at its meeting held on 18 June 2002, resolved to modify proposed Town Planning Scheme No. 3 in accordance with the requirements of the Department for Planning and Infrastructure, and proceed with the Scheme for finalisation by the Minister.

The documents were forwarded to the Western Australian Planning Commission accordingly.

#### **Submission**

In the advice, the Minister advised:-

*"I am prepared to grant final approval to Town Planning Scheme No. 3 as modified by the Council subject to the following further modifications recommended by the Commission: -"*

The recommendations made by the Commission are contained in the officer's recommendation to the Council, and have not been repeated.

*"I would request that the Council be advised that, in respect of modification (5) above, I have considered Council's request to permit Council to exercise discretion to vary the general standards of the Codes in relation to an approved detailed area plan subject to conditions. Whilst I recognise that this more general variation would enable Council to approve "as of right" variations to development standards such as setbacks, parking and major openings, without the need for a Codes approval, I am of the view that this represents a significant departure from the philosophy of the Codes and requires further justification and consideration. I would, however, be prepared to consider a future amendment to the scheme which incorporates this concept based on a more detailed submission and evaluation of the circumstances under which these variations may apply and the benefits in terms of design outcomes.*

*In respect of the Council's request to extend the variation provisions to the R25 Code, I am prepared to accept this variation in relation to the detailed area plan for the land at Lot 61 Beenyup Road/ Bartram Road/ Tapper Road, Atwell, referred to in Council's email correspondence of 5 November 2002. This, again, is subject to the conditions set out in my determination in respect of Amendment no. 231. I am not prepared to extend this provision to all land subject of a development area plan which is coded R25 on the basis that the variation provision should be limited to the medium density codes and R25 is categorised as low density in the Residential Design Codes.*

*In respect of modification (6) I am of the view that this modification is necessary to ensure that development properly takes into account the buffer to Watson's Foods.*

*I concur with the recommendation of the Commission that the Council should be advised that the current reservation of Lot 251 Cockburn Road for Parks and Recreation is accepted for the present time pending further progress on the North Coogee Master Plan Review and MRS Amendment No. 1010/33 for Port Catherine."*

## **Report**

The Council should agree to the modifications required by the Minister, in order to expedite the finalisation of the Scheme.

A recommendation has been prepared accordingly for the Council's consideration.

Should the Council accept the recommendation and the documents be modified and returned to the Minister without delay, it is hoped that

proposed Town Planning Scheme No. 3 will be operating before the end of the year.

TPS No. 3 will be a very important and influential document in the planning of the district over the next decade.

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

The Planning Policies which apply to this item are:-

- |       |   |
|-------|---|
| APD23 | Town Planning Scheme No. 2 Amendments Following Final Adoption of Proposed Town Planning Scheme No. 3 |
| APD33 | Town Planning Scheme No. 3 Provisions   |

### **Budget/Financial Implications**

The TPS No. 3 Advertising Account (A/c 500474) for public consultation has a balance of \$25,000.

It would be desirable if some of these funds were spent following the gazettal of the Scheme to advise the public that District Zoning Scheme No. 2 has been replaced by Town Planning Scheme No. 3.

### **Legal Implications**

Once Town Planning Scheme No. 3 is gazetted it will become the statutory document that will guide and control land use and development within the district.

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

Nil.

**15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**

**15.1 (OCM 19/11/2002) - LIST OF CREDITORS PAID (5605) (KL)  
(ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for October 2002, 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**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

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

Nil.

**15.2 (OCM 19/11/2002) - RATING EXEMPTIONS ON RETIREMENT VILLAGES (5202) (KL)**

**RECOMMENDATION**

That Council advise the Western Australian Local Government Association (W.A.L.G.A.) that:

- (1) subject to other Councils contributing, it will contribute up to \$2,000 towards legal action being carried out by the City of Mandurah against the Royal Australian Air Force Association (R.A.A.F.A.); and
- (2) would be willing to contribute to an industry fighting fund for cases that affect local government from a statewide perspective.

**COUNCIL DECISION**

**Background**

The City of Mandurah has been involved in proceedings at the Land Valuation Tribunal in an attempt to collect rates from a Retirement Village owned and operated by the Royal Australian Air Force Association (R.A.A.F.A.).

**Submission**

N/A

**Report**

The Western Australian Local Government Association has written to all Councils requesting consideration of contributing to an industry fighting fund for cases that affect local government from a statewide perspective, and consideration to making a donation to the legal action being carried out by the City of Mandurah against the R.A.A.F.A..

W.A.L.G.A. has been investigating the increase in the number of organisations seeking exemption from the payment of rates under Section 6.26 (2) (G) of the Local Government Act. One of the main areas of inconsistency has been the development of Retirement Villages.

The City of Mandurah has been involved in proceedings against the Land Valuation Tribunal in an attempt to collect rates from a Retirement Village owned and operated by R.A.A.F.A.. The City of Mandurah has requested assistance from other local governments in the form of financial contributions to assist the appeal.

No estimate has been provided by W.A.L.G.A. on the cost by the City of Mandurah to mount this legal challenge, however it is understood that the City of Armadale had previously spent \$22,000 in a similar situation where rates were being attempted to be collected.

The outcome of this case is important to Cockburn because similar retirement villages are being established in the district.

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

N/A

### **Budget/Financial Implications**

In regard to the R.A.A.F.A. legal action, W.A.L.G.A. has not specified what dollar figure is expected from each local authority, however as previously mentioned to mount a successful legal challenge the costs will be considerable. No specific funds have been allocated to this specific purpose, however, if necessary funds could be transferred from Account No.116320 – Legal Expenses.

In relation to the industry fighting fund, consideration would need to be given to the amount of contribution once further details of general local government support is established.

### **Legal Implications**

Nil.

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

Nil.

## **15.3 (OCM 19/11/2002) - FREMANTLE HOUSING ASSOCIATION INC. - OBJECTION AGAINST REFUSAL TO ALLOW RATES EXEMPTION (8628) (KL)**

<b>RECOMMENDATION</b>	
That Council advise the Fremantle Housing Authority (FHA) that it is not prepared to grant rates exemption to the following properties:	
<b>Assessment No.</b>	<b>Property Address</b>
3209904	22 Lintott Way, Spearwood

2205663	98 Hamilton Road, Spearwood
1101875	18 Units 28 Waverley Road Coolbellup
2213592	1/23 Glendower Way Spearwood
5517579	2/6 Impson Gardens South Lake
2200085	3/32 Stratton Street Hamilton Hill
2206544	2 Watterton Street Hamilton Hill
3319075	2/445 Rockingham Road Spearwood
5519816	113A Elderberry Drive South Lake
2205312	87A Winfield Street Hamilton Hill
5517281	80 Brenchley Drive Atwell
2206557	10 Bickford Place Hamilton Hill
3411908	26 Colova Way Wattleup
2211415	15 Helena Place Hamilton Hill
2201057	6/14 Helena Place Hamilton Hill
3207250	4 Sparrow Way Spearwood
2200184	17 Stratton Street Hamilton Hill
2213664	3/58 Stratton Street Hamilton Hill

## COUNCIL DECISION

### Background

Director, Finance and Corporate Services and Manager, Finance have delegated authority under LGA FCS2, Local Government Act 1995 Section 626 to act as Council in determining applications from rates for schools and charitable bodies.

### Submission

Correspondence was received from Fremantle Housing Association (Inc.) in August 2002 lodging an objection pursuant to Section 6.77 of the Local Government Act against the rate record with respect to 23 properties which the Association manages.

The Association is objecting on the following grounds:

1. Each parcel of land is used exclusively for charitable purposes in consequence of which the land is not rateable by the operation of s.6.26(2)(g) of the Act.
2. Fremantle Housing Association is a charitable institution endorsed by the ATO and the provision of the service is carried out in line with the charitable objects in the Constitution.



3. The land is used to provide secure, affordable and appropriate accommodation for people in financial need.
4. Residents receive a community based landlord service that is responsive to residents needs.
5. The provision of community housing accommodation directly relieves housing related poverty and is a public benefit.

The Association's application for rates exemption on 23 properties was declined by the Manager, Finance on 11 September 2002.

### Report

Fremantle Housing Association (FHA) commenced purchasing and leasing property in 1993 with funding from the Community Housing Programme. The FHA is a not for profit community housing organisation and was established in 1986 to provide alternative housing for people on low incomes.

Since the early 1990's the property portfolio has increased substantially. The current property portfolio of FHA is as follows:

Exemptions not granted on these properties

Assessment No.	Property Address	Category	Owner
3209904	22 Lintott Way, Spearwood	JV	MOH
2205663	98 Hamilton Road, Spearwood	JV	MOH
1101875	18 Units 28 Waverley Road, Coolbellup	CHP	MOH
2213592	1/23 Glendower Way, Spearwood	ILP	MOH
5517579	2/6 Impson Gardens, South Lake	ILP	MOH
2200085	3/32 Stratton Street, Hamilton Hill	ILP	MOH
2206544	2 Watterton Street, Hamilton Hill	ILP	MOH
3319075	2/445 Rockingham Road, Spearwood	ILP	MOH
5519816	113A Elderberry Drive, South Lake	ILP	MOH
2205312	87A Winfield Street, Hamilton Hill	ILP	MOH
5517281	80 Brenchley Drive, Atwell	ILP	MOH
2206557	10 Bickford Place, Hamilton Hill	ILP	MOH
3411908	26 Colova Way, Wattleup	ILP	MOH
2211415	15 Helena Place, Hamilton Hill	ILP	MOH
2201057	6/14 Helena Place, Hamilton Hill	ILP	MOH
3207250	4 Sparrow Way, Spearwood	ILP	MOH
2200184	17 Stratton Street, Hamilton Hill	ILP	MOH
2213664	3/58 Stratton Street, Hamilton Hill	ILP	MOH

Exemptions granted on these properties:

Assessment No.	Property Address	Category	Owner
2205772	16/19 Blackwood Avenue, Hamilton Hill	CDHP	MOH
2200090	24 Hillier Crescent, Hamilton Hill	CHP	MOH
2210524	4 Ivermey Road, Hamilton Hill	CHP	Fremantle Housing
1101027	44 Malvolio Road, Coolbellup	CHP	Fremantle Housing
2213424	4/14 Carter Street, Hamilton Hill	ILP	MOH

Category:

CDHP	Community Disability Housing Program
CHP	Community Housing Program – Family, Women, Large Family, single Women, Single Men over 40
ILP	Independent Living Program for people with psychiatric disability
JV	Joint Venture

Each year after rates notices have been sent out , Council has receives correspondence from FHA requesting Council consideration of granting rates exemption on properties managed by FHA.

The FHA's most recent application to Council for the 2002/03 period was for all properties to be exempted and was based on the grounds as mentioned in their submission.

FHA has argued that as the Local Government Act states that land which is exclusively for charitable purposes is not rateable land. FHA states that as charitable land is not defined under the Act, the common law definition applies whereby the relief of poverty is a charitable purpose and the provision of affordable housing is a major contributing factor to the relief of poverty.

The current situation is that, as Council, under delegated authority has refused the application for exemption, as a consequence the FHA has, through their Solicitors, Jackson McDonald appealed under Section 676 and 677 of the Act.

Section 676 relates to where a person believes there is an error in the rate record on the basis that the land is not rateable. Section 6.77 applies to where a person serves to the Council a notice requiring the Council to treat the objection as an appeal.

This now requires Council to refer the matter to the Land Valuation Tribunal as required by Section 6.78.

Prior to the matter being referred to the Land Valuation Tribunal, Council needs to adopt a recommendation which supports the delegated authority action which was to refuse FHA's application for

certain properties to be exempted from rates (properties as listed above “exemptions not granted”).

The FHA has in the current and previous applications for exemptions been advised under delegated authority that the applications for rates exemptions have been denied as the applications have not met the criteria under Section 6.26(2)(g) of the Local Government Act.

#### Definition of Charitable

A Federal Inquiry conducted in 2001 into the Definition of Charities and Other Organisations has attempted to address the lack of a consistent approach to establishing whether the purpose of an organisation can be considered charitable. The report from the Inquiry was completed in June 2001, however to date no further information has been received.

Indications from the Department of Local Government in relation to the Federal Inquiry suggest that changes to Section 6.26 of the Act will not be explored at this stage. The outcomes from the Federal Inquiry, however will impact on State legislation given the hierarchical nature of the relationship between the State and Federal Governments. Local Government may be able to lobby for changes to the Local Government Act on consideration of the outcomes from the Federal Inquiry.

#### *Community Housing*

A number of community housing providers (including FHA) have begun lobbying the State Government for the consideration of rates exemptions being extended to their organisations. The Community Housing Coalition (CHC) has recently prepared a submission for the Minister of Housing to consider the granting of full rate exemptions to community housing providers on the basis that they are charitable organisations. The submission has been endorsed by the Community Housing Standing Committee as well as the Housing Advisory Committee and as at October 2002, the submission is with the Minister.

The CHC argue a case for granting full rate exemptions on the basis that the payment of Local Government rates severely impacts on the financial viability of community housing providers. There are currently 8 Regional Housing Authorities in WA and each provides housing in one or more Local Government areas. According to the CHC, Regional Housing Authorities are incorporated as not for profit associations and assist in the alleviation of poverty through the provision of affordable housing. Each Regional Housing Authority is also considered an Income Tax Exempt Charity and holds Public benevolent Institution Status.

*Local Government Act 1995*

Section 6.26 of the Local Government Act 1995 states that all land within a district is rateable except where the land is:

- held by the Crown
- held by a Local Government
- used or held exclusively by a religious body
- used exclusively as a private school
- used exclusively for charitable purposes
- vested in trustees for agricultural or horticultural show purposes
- held by CBH
- exempt from rates under any other law; or
- declared by the Minister to be exempt

According to the Department of Local Government, the focus of the exemption in the Act is upon the use of land rather than its ownership. Under the Act, as under the predecessor, the *Local Government Act 1960*, the question is whether the land is used and occupied exclusively for charitable purposes, whether or not it is owned by an institution which may be classified as a charitable institution. It is accepted that a purpose must be for the benefit of the community or an appreciably important class of it before it can be considered to be charitable, and not merely for the benefit of particular private individuals.

*Responsibility of State Government*

The concerns raised by Local Government are particularly linked to the issue of the shift of responsibility from State to Local Government. For example, the transfer of housing stock from Ministry of Housing (MOH) to community housing corporations result in Local Governments becoming responsible for rates that were previously paid for by MOH, if exemption from rates is granted.

Section 24(1) of the Housing Act 1980 states:

*Notwithstanding any provision to the contract in any Act, the Commission in respect of vacant rateable land acquired within the district of a local government, shall be liable to pay rates thereon out of monies standing to the credit of the Fund to that local government, and the land shall be deemed to continue to be rateable land.....*

Once a property has been head-leased to a community housing organisation, the payment of rates becomes the responsibility of the provider, who subsequently seeks an exemption from the relevant Local Government.

The FHA asserts that because the Australian Taxation Office has granted their organisation charitable status then they should automatically be granted exemption from rates for any and all properties they manage.

The nature of the operations of the FHA are usually that they sub-lease the majority of properties from MOH then manage the property. Their leases provide that the FHA is responsible for the payment of rates. If MOH continued to be the property managers of the housing then they would pay rates, however FHA believes that because they manage the property then exemption from rates should be granted. The clientele housed by the FHA are the same as those housed by MOH and in fact the MOH income test is required to be used by the FHA when assessing eligible clients. The purposes for which they use these properties are many and varied. Some of the uses are:

- (1) A house used by people in the single person, single parent and migrant/refugee family brackets on low incomes.
- (2) A local community housing association made up of residents of a block of flats paid rates on the property for many years. When the association was "taken over" by the FHA a claim for exemption from rates was made on the basis that the FHA is a charitable body. Exemption was not granted. Verbal advice was that in due course the flats would be used by overseas students.
- (3) A community based landlord service to assist people with a psychiatric disability improve their access to housing.

The FHA charges rent on all of the properties leased by them. The lease between MOH and the FHA requires any surplus income accrued from the operations of the leased premises to be returned to MOH within 3 months of the end of each financial year, unless otherwise agreed by MOH. Any savings made to the organisation by granting exemption could therefore be given to MOH. This does not appear to be the way a charitable body should operate.

It is apparent that some activities of the Fremantle Housing Authority cover management of properties which fall into the definition of "charitable purposes" (5 Properties have Exemptions), however the majority of properties do not. The FHA has sought to extend exemption, once granted on a property that fits the definition, to cover all properties which they manage even though the use of those properties does not fall within the definition.

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

"Managing your City" refers.

**Budget/Financial Implications**

Current rates levied total \$18,220. If exemptions are given a budget adjustment would need to be considered by Council in the next budget review scheduled for December 2002.

Legal costs will be incurred depending on Council's position at the Land Valuation Tribunal.

**Legal Implications**

Nil.

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

Nil.

**15.4 (OCM 19/11/2002) - PORT CATHERINE WATERWAYS ENVIRONMENTAL MANAGEMENT PROGRAM - SPECIFIED AREA RATING (3209006; 9101033) (ATC) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the advice from the Department of Local Government and Regional Development regarding Port Catherine Waterways Environmental Management Program – Specified Area Rating, as attached to the Agenda; and
- (2) acknowledge that any funds raised from a Specified Area Rate imposed should be for specific work, service or facility above routine works, services and facilities provided across the district which are of benefit to the ratepayers of a Specified Area Rate.

**COUNCIL DECISION**

**Background**

At its meeting on 15 October 2002, when considering an item on the Port Catherine Waterways Environmental Management Program, Council decided in part that:

- (ii) *the management and implementation of the Waterways Environmental Management Program will need to be cost neutral to the council through the utilisation of seed capital and the imposition of a Specified Area Rate, applying to the land within the project area, and the funds collected being used within the marina as well as for recreational betterment and coastal improvements in the areas located to the north and south of the marina facility, subject to confirmation that council is able to utilise the funds for those purposes.*

Advice has now been received from the Department of Local Government and Regional Development and a copy of that advice is attached to the Agenda.

### **Submission**

N/A

### **Report**

Section 6.37 specifies that a local government may only use the money raised from a Specified Area Rate (SAR) to meet the cost of providing the specific work, service or facility (WSF) for which the rate was imposed.

The section also provides a SAR may be imposed on portion of a local government's district to meet the cost of the provision by it of a specific WSF if the local government considers that the ratepayers or residents in that area have benefited or will benefit from, have or will have access to or have contributed or will contribute to the need for that WSF.

The Department is aware of a decision by a Stipendiary Magistrate, constituting a Court of Summary Jurisdiction under s631(2) of the former Local Government Act 1960. The case involved the Shire of Merredin and whether proper principles had been applied under that works for the benefit of inhabitants of the specified area and that the SAR was not authorised by that Act and was invalid and void.

Although the wording of the 1960 Act is not the same as S6.37 of the 1995 Act the principles are basically the same.

Section 6.37 of the 1995 Act does not say that the money raised from a SAR must be spent within the specified area. However, the SAR monies can only be expended on a WSF that meets the purpose for which the rate was imposed. This in turn must meet the criteria of S6.37(1)(a) and (b) of the Act.

The test as to whether a particular (WSF) complies with the Act could also include consideration of whether the WSF is of special benefit to that area such as expenditure for a higher standard of WSF than that which the Council normally provides elsewhere within its district.

For example, it is arguable that works such as normal road and footpath construction and maintenance are routine works carried out across a district and should not be viewed as works of particular benefit for a small area of the district.

On the other hand works such as maintenance of canal waterways or high class entrance streetscapes to and reticulated gardens in particular subdivision developments may be viewed as being of benefit to ratepayers of a SAR.

If a SAR was to be imposed it may be advisable to impose such rates for specific WSF rather than lump them together and risk the combined SAR being challenge and declared invalid.

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

The Corporate Strategic Plan commitment which applies to this item is:

“To deliver services and to manage resources in a way that is cost effective without compromising quality.”

### **Budget/Financial Implications**

Council’s budget will not be affected until the Point Catherine Waterways Project is developed.

### **Legal Implications**

The provisions of Section 6.37 of the Local Government Act 1995 apply to this item.

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

Nil.

## **16. ENGINEERING AND WORKS DIVISION ISSUES**

### **16.1 (OCM 19/11/2002) - TENDER NO. 33/2002 - BUILDING SERVICES - WATSONS RESERVE EXTENSION (3209779) (GG)**

#### **RECOMMENDATION**

That Council accept the tender from Dalcon Construction Pty Ltd for Tender No. 33/2002 – Building Services – Watsons Reserve Extension



in the sum of \$111,293 (excl GST), subject to minor variations being negotiated under delegated authority and in accordance with the Local Government Tender Regulations to reduce the value of the contract to under \$99,000.

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

### COUNCIL DECISION

### Background

There is a remaining allocation of \$100,539 in the current Budget for the building additions, alterations and refurbishment for the Watson Reserve Change-rooms. Accordingly, plans and specifications were prepared and tenders were called for the building works

### Submission

At close of the tender period seven (7) tender submissions were received as follows:

		<b>Price excl. GST</b>
1.	Dalcon Construction	\$111,293
2.	Aspect Construction	\$117,726
3.	Palace Homes & Construction	\$120,885
4.	A.T. Wilson Construction	\$132,164
5.	Freo Construction	\$142,322
6.	Atwell Building Co.	\$150,552
7.	Annic Group	\$165,454

### Report

Prior to tender closing there was a mandatory tender briefing/site inspection. All of the tenderers attended with the exception of Aspect Construction, making their tender submission ineligible.

Of the remaining six (6) tender submissions, a weighted evaluation process was carried out against qualitative and cost criteria. The evaluation panel comprised the Facilities and Plant Manager, Acting Director Engineering and Works and Manager Community Services and scored as follows:

1.	Dalcon Construction	95%
2.	Palace Homes & Construction	80%
3.	A.T. Wilson Construction	77%
4.	Freo Construction	68%
5.	Atwell Building Co.	66%
6.	Annic Group	33%

The best value submission for Council is from Dalcon Construction. However, their price is above the remaining Budget allocation. Allowing for contract supervision costs of about \$1,500, it is considered that the building works can be reduced to below \$99,000 by negotiating minor variations with the successful tenderer. These variations could include:-

- Deletion of carpet from changerooms
- Changing variety of internal face brickwork
- Retaining existing stove
- Deletion of minor electrical work
- Reducing internal fixed benching
- Separately accounting the keying system (already provided for)

As the recommended tender submission is priced above the Budget allocation, the tender needs to be considered by Council. Council's Delegated Authority LGA-ES4 and the Local government Tender Regulations allows for minor variations to be negotiated with the successful tenderer prior to the contract being signed.

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

Facilitating the needs of the community.

### **Budget/Financial Implications**

The project will only proceed if negotiated minor variations can reduce the total contract to below \$99,000, which is within the allocated Budget.

### **Legal Implications**

Nil

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

Nil.

**16.2 (OCM 19/11/2002) - DE-PROCLAMATION OF COCKBURN ROAD SOUTH AS A MAIN ROAD (450002) (JR) (ATTACH)****RECOMMENDATION**

That Council:

- (1) agree to the proclamation of Russell Road between Cockburn Road and Rockingham Road as a “highway”, with Main Roads WA assuming responsibility for the road; and
- (2) agree to the de-proclamation of the section of Cockburn Road between the perimeter road deviation and the southern municipal boundary as a Main Road and accept the associated road maintenance responsibilities for the section between Russell Road and the southern municipal boundary, subject to (1) above and Main Roads WA addressing general maintenance of the particular section of Cockburn Road.

**COUNCIL DECISION****Background**

The coastal section of Cockburn Road through the Jervoise Bay Development has been de-proclaimed as a “highway” to facilitate the development, with responsibility for the road reverting from Main Roads WA to Council. A section of the road has also been closed. Consequently, further action is now required by the State to re-establish continuity in the State highway road network.

**Submission**

To maintain continuity of the State road network in the Henderson area, and to rationalise road responsibilities, Main Roads WA have requested Council’s concurrence to the following:-

- The proclamation as a “highway” the section of Russell Road between Cockburn Road and Rockingham Road.
- The de-proclamation as a “highway” the section of Cockburn Road between the perimeter road deviation and the southern municipal boundary.

- Council's acceptance of the responsibility for the perimeter road deviation of Cockburn Road south of Russell Road.

## **Report**

With the impending deletion from the MRS of the section of the Fremantle-Rockingham Controlled Access Highway between Russell Road and Rockingham Road, Henderson, and the alterations to the State road network generated by the Jervoise Bay Development, Main Roads WA are diverting the Cockburn Road arterial traffic south of Russell Road to use Russell Road. To achieve this, Main Roads are upgrading Russell Road between Cockburn Road and Rockingham Road and are installing traffic signals at Rockingham Road/Russell Road.

An engineering inspection of Cockburn Road has indicated that there are no major maintenance concerns with the condition of the road, with only a small amount of routine maintenance works to be undertaken for it to be acceptable. Major maintenance works were due for Russell Road, and Russell Road has been a high maintenance road in the past. Main Roads are thus upgrading and refurbishing Russell Road for the purpose of its proclamation as a "highway" under their responsibility. Consequently, in terms of road system responsibilities and the expected negligible impact on Council's road maintenance budget, the change in responsibilities should be supported.

The perimeter road (about 3.2 km in length) for the deviation of Cockburn Road around the Jervoise Bay Development was built predominantly on the Fremantle-Rockingham CAH Reserve, which is to be removed from the MRS. The road will remain as a major local road and, as it is a new road, there are no maintenance concerns for the next few years.

The net effect with the change in responsibilities and classifications of the major roads in the Jervoise Bay Development area is for Council to take over approximately 6 km of Main Roads WA roads and Main Roads to take over approximately 2 km of Council roads. Council will gain about 4 km of road assets, which will increase the annual untied road grant from the Grants Commission, and with little impact on the road maintenance budget.

A plan showing the proposal is attached to the Agenda.

## **Strategic Plan/Policy Implications**

One of the objectives of the Corporate Strategic Plan is to maintain roads, which are the responsibility of the Council, in accordance with the required standards and are convenient and safe for use by vehicles, cyclists and pedestrians. As the subject section of Cockburn Road is no longer performing as a Main Road, but is still a public road,

it will need to be made the responsibility of Council to achieve the above objective.

**Budget/Financial Implications**

It is anticipated that there will be no extra costs in the road maintenance budget in taking over the maintenance responsibility of the subject section of Cockburn Road from Main Roads in exchange for Russell Road west.

**Legal Implications**

Nil.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 19/11/2002) - COMMUNITY SECURITY / SURVEILLANCE SERVICE (8957) (DMG) (ATTACH)**

<p><b>RECOMMENDATION</b> That Council:</p> <ol style="list-style-type: none"><li>(1) receive the Strategy Paper for the Establishment of a Community Surveillance Service, as attached to the Agenda;</li><li>(2) undertake more detailed community research, facilitated through randomly selected “focus groups” representative of all demographic profiles throughout the District, on concerns related to community safety and security issues in Cockburn, including whether the introduction of a security/surveillance patrol would address such concerns;</li><li>(3) prepare and distribute, via “Cockburn Soundings”, a survey seeking community feedback to complement the exercise to be undertaken in (2) above; and</li><li>(4) further consider the results of the above initiatives, when compiled, in a Report to be presented to Council in the future.</li></ol>
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## COUNCIL DECISION

### Background

At its May, 2002, Meeting, Council adopted the following recommendation:-

“That Council staff prepare a strategy paper to address a Community Liaison and Security Service, based on the City of Melville and other local government models, with a view to the possible future introduction of this type of service into the City of Cockburn.”

Subsequently, relevant Council staff have collated information made available to them in relation to security patrols and surveillance services in the Metropolitan area.

This information has since been summarised and is included in the Strategy Paper attached to the Agenda.

### Submission

To seek community input and feedback on safety and security concerns in Cockburn and whether the introduction of security / surveillance patrols would address those matters.

### Report

The majority of information in support of the recommendations can be found in the attached document titled “A Strategy Paper for the Establishment of a Community Surveillance Service”.

In seeking community input to the process, it is further proposed that the “focus group” consultation process be adopted in this case.

This method of gaining community feedback can be facilitated by commissioning a professional Consultant experienced in survey and data collection.

The Consultant will be responsible for arranging group meetings of randomly selected community members, based on pre-determined demographic profiles, to discuss and debate safety and security impacts within Cockburn and the perceived effect the introduction of security patrols would have on the identified concerns.

Benefits expected from this initiative include a more detailed analysis of issues raised by members of the community and a potential range of possible solutions to the issues.

Results of this exercise are anticipated to be complemented by the feedback received through the questionnaire to be circulated in "Cockburn Soundings".

It is likely that some key findings will emerge from the results of both exercises which should enable Council to consider its position from an informed basis and be able to more confidently select its future strategies for this important community matter.

There would be value in carrying out either a referendum or a random survey of ratepayers of the City to ascertain whether they were prepared to pay for a security surveillance service. Under the Local Government (Elections) Regulations a referendum cannot be held with Council Elections. If the referendum option is taken there would be an expense of approximately \$70,000 for the Electoral Commission to carry out this option.

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

Key Result Area "Facilitating the Needs of Your Community" refers.

### **Budget/Financial Implications**

Funds to undertake the proposed "focus groups" exercise are available within the "Community Consultation" Governance function.

### **Legal Implications**

1. Regulation 54 of the Local Government (Financial Management) Regulations prescribes "property surveillance and security" as a service for which a local government may impose a service charge (levy).
2. Should Council decide to introduce security patrols, contractual arrangements will need to be established and monitored on a regular basis to ensure service obligations are being met. This will involve the preparation of a legally binding service agreement, regardless of the method by which Council determines is the most appropriate to deliver the service (i.e. private contractor or "in-house" unit).

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

Security patrols have been introduced by local governments in recent times in response to a perceived lack of service and response by the traditional Police Service provided by the State Government.

Councils employing these patrols have done so by a variety of means, either utilising existing commercial providers, establishing their own in house service, or extending an existing service unit to integrate this component.

**17.2 (OCM 19/11/2002) - SOUTH ATWELL COMMUNITY CENTRE (4620)  
(RA) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) provide the sum of \$420,000 in its 2003/04 Municipal Budget as its contribution toward the construction of the Atwell South Community Facilities with the funds to be drawn from the Community Facilities Reserve Fund; and
- (2) subject to confirmation of funding contribution from Landcorp as outlined in this report, appoint Taylor Robertson B & N to provide architectural services for the design, documentation and supervision of the work at the fixed fee of \$89,000.

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

**COUNCIL DECISION**

**Background**

Included in Council's Principal Activities Plan is the sum of \$300,000 to construct children's activity and meeting facilities in Atwell South (known by the Developer as Harvest Lakes) in 2005/06. Due to very rapid residential growth occurring in the area Landcorp intends having lots available for sale in 2003, which is earlier than anticipated when the forward infrastructure plans were being developed.

There has also been very rapid residential growth in Atwell as demonstrated by the extremely high level of usage of the Atwell Reserve facilities and Atwell Community Centre. The growth of the school in Atwell has been phenomenal with the Education Department requiring 5 transportable buildings in Atwell to service the needs of the Junior School children.



In January 1999, the City of Cockburn Strategic Planning Section anticipated the population to be 4,570 by 2006. In the 2001 Census the population was already 4669.

Due to the number of environmentally sensitive wetland areas in Atwell there are limited opportunities to develop active reserves. The joint use of the South Atwell Primary School oval provides one of the few opportunities to develop an active reserve.

### **Submission**

N/A

### **Report**

Internally, South Atwell has been planned to provide a walkable development that has easy access to community hubs. The planned 'sustainable' primary school, community centre and public open space are co-located and sited centrally within the estate, providing a key focal point for local community activity.

Fundamental to the community development plan is the up-front provision of a community centre, incorporating multipurpose community facilities and an environmental interpretive centre. The community centre will:

- Cater for a variety of recreational and educational programs and activities;
- Provide an integral focal point for community within the estate; and
- Facilitate the development of community fabric.

LandCorp has proposed to partner the provision of the community centre with key stakeholders to maximise viability and community benefit. Negotiations with the City of Cockburn and Department of Education have identified an opportunity for the three agencies to jointly develop the required facilities and share use. The shared view is that through integrating the design of the community centre and the provision of facilities with that of the primary school, and through positioning the centre adjacent to the oval, maximum use of facilities can be achieved, opportunities for future inter-agency partnerships are created, and capital and operating cost savings will be realised for all agencies.

Agreement has been reached between the Department of Planning and Infrastructure, Department of Land Administration, Landcorp, Education Department and the City to create a separate lot vested in the City within the Primary School site.

This will allow for the aforementioned objectives to be achieved.

Atwell Building	784,000
Site works	\$66,000
Site services	\$51,000
Cost escalation	\$15,000
Construction contingency	\$40,000
Loose furniture and equipment	\$50,000
Professional Fees	\$89,000
Entry Road / Round-a-bout contribution	\$20,000
<b>Total</b>	<b><u>\$1,115,000</u></b>

The existing population north of Bartram Road is approximately 4,700. The population in Atwell South is anticipated to be 3,400. With the pressures on the existing facilities in Atwell as demonstrated in the usage of Atwell Reserve, Community Centre and Primary School the need for additional facilities in Atwell South is pressing.

2001 Australian Bureau of Statistics population age by suburb												
Suburb	0-4 yrs	5-9 yrs	10-14 yrs	15-19 yrs	20-24 yrs	25-29 yrs	30-39 yrs	40-49 yrs	50-59 yrs	60-69 yrs	70+ yrs	Total
Atwell	681	481	313	221	279	613	1187	452	263	111	68	4669

The Education Department included in the Architect's brief for the Primary School the preliminary design and cost estimates for a community centre.

The capital cost estimate prepared by Quantity Surveyors Ralph and Beattie Bosworth for the project are as follows

<b>Total Estimated Cost</b>	<b>\$1,115,000</b>
<i>Plus GST – assumed to be recoverable</i>	\$111,500

Shared Grassed Active Sports Area (Provided by LandCorp)

Bulk Earthworks	\$63,000
Roll on Turf and Landscaping	\$74,612
Bore and Irrigation	\$49,343
Contingency	\$15,000

<b>Total Estimated Cost</b>	<b>\$201,955</b>
<i>Plus GST – assumed to be recoverable</i>	\$20,195

<b>Total Estimated Project Cost (excluding GST)</b>	<b>\$1,316,955</b>
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The proposed funding for the project is as follows:-

• Landcorp	\$513,304
• Department of Sport and Recreation	\$388,651
• City of Cockburn (Say)	<u>\$420,000</u>
<b>TOTAL</b>	<b><u>\$1.32M</u></b>

Landcorp Board has yet to formally agree to contribute funds to the project. It is intended that they will prefund any costs incurred prior to 30 June 2003.

An application has been submitted to the Department of Sport and Recreation under the Community Sport Recreation Facilities Fund (C.S..R.F.F.) application process the results of which will be known by March 2003.

Applications for funds from the Lotteries Commission and the Sustainable Energy Development Office will be submitted should these funds become available they will allow Council to reduce its contribution or cover the shortfall in part or full if the C.S.R.F.F. application is not successful.

Architects Taylor Robertson B & N have been contracted by the Education Department to design the school and have already done a considerable amount of preliminary design work for the community centre and how it interfaces with the school site at no cost to the City. The brief for architectural services for the Education Department is for the school design to incorporate where appropriate the latest design features for environmental sustainability. There will be savings to the City in having the same firm carry out the design, documentation and supervision of the work. There will also be the potential to achieve construction in 'piggy backing' on the Primary School construction.

The all up fee for the complete architectural service provided by Taylor Robertson B & N is 9.92% of the cost of works or \$89,000 as a fixed fee. This is a competitive fee as it is the same level of fee as that for the larger school architectural contract. It is usual for the fee percentage to be lower the larger the contract. The fee has then been discounted due to its connection with the Atwell Primary School contract. It is clearly within Council's financial interest to appoint Taylor Robertson B & N as Architects for this project. There is power under s3.57 Regulation Part 4, 11(2)(f) of the Local Government Act 1995 for the Council to appoint Taylor Robertson B & N as Architects for this project due to the unique nature of the development arrangement, competitive price and to ensure uniformity of design and potential cost savings in the building contract.

Under normal circumstances tenders are required for goods and services exceeding \$50,000.

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

To facilitate and provide an optimum range of community services.

### **Budget/Financial Implications**

The Principal Activities Plan identifies \$300,000 for Community Facilities in 2005/06. It is requested that these funds be brought forward to 2003/04 and be drawn from the Community Facilities Reserve Fund and increased to \$420,000.

The operation expenditure for the facility is anticipated to be \$35,000 (excl. depreciation) and the hall hire income \$20,000 giving a net operating expense of \$15,000 per annum.

### **Legal Implications**

Nil.

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

Nil.

## **17.3 (OCM 19/11/2002) - BEELIAR EAST FACILITIES (4619) (RA) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) receive the request for Tenders (32/2002) for the Beelihar Community Centre;
- (2) accept the tender from Lakis Construction Pty Ltd for tender 32/2002 for the sum of \$1,188,358.18 (ex GST) subject to minor variations being negotiated under delegated authority of the Chief Executive Officer and in accordance with the Local Government Tender Regulations to reduce the value of the contract; and
- (3) transfer the additional funds required to meet the negotiated tender value from the Community Facilities Reserve Fund to the Beelihar East Club/change rooms (A/c. No.580644) and the budget be adjusted accordingly.

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

<b>COUNCIL DECISION</b>
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**Background**

This project has been delayed for a considerable period due to the original developers Homeswest entering a joint development arrangement with the Property Resource Group whom in turn set about altering the structure plan for the development. All these matters were outside of the City's control but never the less substantially delayed the project. The Lotteries Commission and the Department of Sport and Recreation have signalled their intent to withdraw funding if the project is not well under way by the end of this year. To protect this funding the Council needs to make a clear decision on the project promptly.

The request for tenders from the 7 short-listed from the Expressions of Interest for the construction of the East Beeliar Community Facilities closed at 12 noon on the 26<sup>th</sup> of September 2002. All were assessed by the project Architects Holton Connor and were found to be lodged in the correct format and were conforming tenders.

**Submission**

N/A

**Report**

The construction component budget for the East Beeliar Community Facilities was \$984,363 (excluding GST) with the building design and cost estimates prepared by the Quantity Surveyor to fit within the building budget. However, the lowest tender received from Lakis Construction Pty Ltd was \$1,188,358.18, considerably in excess of the budget allocated.

An explanation has been sought from the Architect as to why the Quantity Surveyors estimate was inaccurate to the extent that it was. The explanation provided was that the structural steel work, metal work, electrical services, mechanical services and plaster trades prices were higher than estimated.

The initial estimated cost (ex GST) for the project was:

Building works	\$984,363
Contingency	\$30,000
Furniture, equipment and Landscaping	\$69,000
Professional Fees	<u>\$70,000</u>
Total Project cost	<u>\$1,153,363</u>

The funding for the project is as follows:

Lotteries Commission	\$277,000
Property Resource Group	\$220,000
Department of Sport and Recreation	\$200,000
City of Cockburn 2002/03 Budget	<u>\$456,363</u>
Total Project	<u>\$1,153,363</u>

Based on the lowest tender submitted by Lakis Constructions Pty Ltd there is a shortfall to see the project come to fruition of \$203,995 if the lowest tender from Lakis were to be the agreed tender value. There is authority within the tender regulations to negotiate minor variations with the lowest tenderer. It is accepted that this can be to the value of approximately 10% of the value of the contract for building works.

There has been a great deal of consultation with the local community and sporting clubs who have an interest in the area on the design of the building. These groups and officers of the City have the view that the facilities included within the Complex are what will be required as the population grows. The East Beelie facilities have been designed with input and funding from the developers to seek to achieve an integrated and attractive commercial and community precinct. Whilst it is acknowledged that the level of funding from the City for the project is greater than originally envisaged the view is that to substantially alter the facilities any further would seriously compromise the level of services that could be provided from the facility.

The Property Resource Group has agreed to increase their contribution by 19%. This increase in contribution is equal in proportion to their initial contribution to the total project. The City could negotiate a variation of approximately 10% of the project value ie. a saving of approximately \$118,000. The Architect is confident that minor variations to this value could be found without compromising unduly the integrity of the design, with a variation saving of \$118,000 and an increase in contribution of approximately \$16,000 from the joint Venture Partners.

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

Facilitating a range of services responsive to the community needs.

### **Budget/Financial Implications**

There are sufficient funds within the Community Facilities Reserve Fund to meet the additional requirement of approximately \$70,000 for this project.

### **Legal Implications**

Obligations of both parties will be contained in the building contract.

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

The provision of recreation and community facilities is a long standing and understood responsibility of Local Government.

#### **17.4 (OCM 19/11/2002) - HIRE OF JOE COOPER RECREATION CENTRE MEETING ROOM TO OPTIMAL NUTRITION AND EXERCISE (8140) (GB)**

##### **RECOMMENDATION**

That Council enter a Licence Agreement for Meeting Room 1 of the Joe Cooper Recreation Centre to Optimal Nutrition and Exercise for the amount of \$1,200 per annum for the period of two years, with the terms and conditions of the hire agreement to be determined by the Chief Executive Officer.

##### **COUNCIL DECISION**

### **Background**

The Joe Cooper Recreation Centre is an ageing building that is generally under utilised. .

In May 2002 Optimal Nutrition and Exercise a private organisation delivered a presentation to Councillors on the topic of provision of exercise services for people with chronic medical conditions, and working in partnership with Local Government Authorities.

### **Submission**

In order that accessible gym equipment be available to people with disabilities within the City of Cockburn the City of Cockburn Disability Advisory Committee recommended at their meeting held on the 1<sup>st</sup> of October 2002 “ that Council support the development of a gym as proposed by Simon Cummings (Optimal Nutrition and Exercise) at the Joe Cooper Recreation Centre”.

### **Report**

Simon Cummings from Optimal Nutrition and Exercise is an exercise physiologist who is a member of the Australian Association for Exercise

and Sports Science. Optimal Nutrition and Exercise specialises in working with people who have Chronic Medical Conditions. Mr Cummings has requested the use of the previous weights room known as meeting room 1 at the Joe Cooper Recreation Centre for a peppercorn rental. Mr Cummings has requested this area in order to set up weights and equipment so that he can provide supervised group exercise sessions for people with chronic medical conditions. It is not practical to store the equipment outside of the room so it would be permanently used for this purpose. Optimal Nutrition and Exercise have proposed that they will purchase or lease the specialised gym equipment, indemnify the City, and provide supervision for people with disabilities and the general public to ensure that they utilise the equipment in a safe manner. Mr Cummings has also stated that he will pass on any cost savings that he incurs from the arrangement with the City to people who use his exercise services.

The meeting area 1 previously used as a weights room is currently not utilised by any user groups.

The City has found that there are no facilities within the district that are available exclusively for people with chronic medical conditions. Mr Cummings has explained that this creates access issues for people with specific medical conditions, as regular gym equipment is not suitable for their medical requirements. Mr Cummings has also explained that people with chronic medical conditions feel uncomfortable exercising in a gym with able-bodied people.

Due to the lack of space and equipment that meet the needs of people with disabilities in the South Lake Leisure Centre a discussion was held with Optimal Nutrition and Exercise regarding the supervised usage of the proposed gym area by people with disabilities as well as those with chronic medical conditions. The State Disability Services Act 1993 Outcome area 2 requires that access to buildings and facilities is improved for people with disabilities. This initiative would assist in improving access for people with disabilities and therefore assist the City to meet its requirements under the State Disability Services Act 1993.

The Joe Cooper Recreation Centre is not currently accessible for people with disabilities, however as part of the City's planned disability access upgrades there is currently money on budget for the 2002/2003 financial year to undertake minor building works in order to comply with access requirements. This would therefore ensure access to anyone who wishes to utilise the gym area.

The cost implications of providing meeting room 1 to Optimal Nutrition and Exercise at a cost neutral amount to the City have been calculated. The total operating cost of the Joe Cooper Recreation Centre for 2001/02 was \$27,230 with the meeting room comprising 4.4% of the total floor area. This equates to a total maintenance cost for this room



of \$1,198. The total cost per annum derived from the previous costs of the centre according to the percentage of floor space for meeting room 1 have been calculated as \$1198 per annum. There are currently no regular users or casual hirers of this room so there is no income budgeted for this area for the 2002/2003 financial year. However, if the room is hired there would normally be a charge of \$8.80 per hour.

This proposed fee structure relates to the usage of Meeting Room 1 (weights room) located at the Joe Cooper Recreation Centre Pomfret Road Spearwood.

Due to the lack of specialised facilities for people with Chronic Medical Conditions and access issues for People with Disabilities it is therefore proposed that the Council hire Meeting Room 1 of the Joe Cooper Recreation Centre to Optimal Nutrition and Exercise for the amount of \$1,200 per annum for the period of two years with the terms and conditions of the hire arrangement to be determined by the Chief Executive Officer.

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

Key Result Area "Facilitating the Needs of Your Community" refers.

### **Budget/Financial Implications**

The cost implications of providing the weight area to Optimal Nutrition and Exercise at a cost neutral amount to the City have been calculated. The total cost per annum derived from the previous costs of the centre according to the percentage of floor space for meeting room 1 have been calculated as \$1,198 per annum. This will therefore be cost neutral to the City. As previously mentioned the meeting area is currently not utilised by any regular user groups so there is currently no income generated from this area.

### **Legal Implications**

1. Conditions of use, other than cost, to be established.
2. Hirer to indemnify Council of any liability which may arise as a result of the activities.
3. A License Agreement does not require Council to "dispose" of the land, as required by sec. 3.58 of the Local Government Act, 1995.

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

The City has found that there are no facilities within the district that are available exclusively for people with chronic medical conditions, so this arrangement would comply with the National Competition Policy.

**17.5 (OCM 19/11/2002) - COUNCIL POLICY ACS3 - APPROVAL TO CONDUCT CIRCUSES (8109) (RWB) (ATTACH)**

**RECOMMENDATION**

That Council confirm its decision of the 17 September 2002 on Policy ACS3-Approval to Conduct Circuses, which allows exotic wild animals in circuses to perform on Council land.

**COUNCIL DECISION**

**Background**

Councillor Martin Reeve-Fowkes in accordance with standing orders submitted an email request for the existing policy ACS3 – Approval to Conduct Circuses to have clause (e) reinserted that does not allow for circuses to have exotic wild animals on Council land.

**Submission**

As per Councillor Reeves Fowkes email request as outlined above.

**Report**

In accordance with the requirements of the Local Government Act 1995 all Council policies were reviewed and passed by Council at its meeting of the 17 September 2002.

The Policy ACS3 – Approval to Conduct Circuses had the clause deleted which stated:

- (e) *Exotic animals be disallowed in circuses performing on Council land.*

Clr Reeve-Fowkes seeks to reinstate in its Policy:

*“Exotic wild animals be disallowed in circuses performing on Council Land, such animals to include lions and tigers, bears and elephants, but not horses ponies and domesticated dogs and birds.”*

Councillor Reeves-Fowkes states that *“the reasons for objections to exotic wild animals in road shows can be found on the RSPCA website. As a Council we should heed the advice of the RSPCA and follow the*

*lead of the majority of people surveyed who disagreed with the using of wild animals in Circuses.”*

The Janlin Circuses P/L (Trading as Stardust Circus) has under delegated authority been given permission to have a circus on Dixon Reserve from 13 November to 24 November 2002 inclusive. Should Council decide to now disallow the circus to perform on the approved dates it could be under some claim from the company for losses it may have incurred by the decision. Should the Council resolve to alter the existing policy to disallow the use of exotic wild animals it is proposed that the policy be made effective as of 1 January 2003.

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

N/A

### **Budget/Financial Implications**

N/A

### **Legal Implications**

A claim against Council could be made by Janlin Circuses for the loss of earnings or expenditure of funds should it have its permission to hold the circus removed at this late stage.

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

Nil.

## **17.6 (OCM 19/11/2002) - SUCCESS COMMUNITY FACILITIES (8136A) (RA) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) require an architect to be appointed to carry out the necessary design, documentation and supervision of works for the proposed Success Community facilities of between 2,200 m<sup>2</sup> and 2,400 m<sup>2</sup>; and
- (2) approve the design prior to the final decision on the construction of the Success Community Facilities.

**COUNCIL DECISION**

**Background**

The development of the facilities envisaged for Success will be a major undertaking for the City both in respect to the initial construction and ongoing operational costs. Early estimates are that there will be an additional \$400,000 of annual operating expenses. The current lease on the Success library expires in August 2005. A clear direction given by Council on what it would like to see included in the facility will serve to provide a clear message to the community of its intentions and avoid unrealistic expectations being developed and not realised. It will also allow for the orderly transition of the current Success library to a new location within the complex.

At its meeting of the 21<sup>st</sup> of May 2002 Council resolved to establish a Working Party to investigate the requirements for and timing of the community facilities to be located in Success. The Working Party comprises of Mayor Lee, Deputy Mayor Graham, Cllrs Oliver and Whitfield and three Officers appointed by the Chief Executive Officer, being Director, Community Services, Manager, Community Services and Manager, Libraries.

The Working Party has had several meetings and visited a number of facilities similar to the one envisaged for Success. The following is the outcome of the Working Party deliberations on the matter.

**Submission**

N/A

**Report**

The Working Party gave consideration to a draft paper prepared by administration on the factors that need to be considered on what facilities and the size of the facilities that could be included in the Success Community Centre. It should be noted that this Report is predominantly formed as the result of the deliberations and findings of the Working Party and has not been subject to specific independent scrutiny in terms of needs assessment or cost analysis.

Proposed Location:

There is an area of 1.8 hectares vested in Council for community purposes on the corner of Wentworth Parade and Beeliar Drive. This

area is close to the Gateway Shopping Centre and has all the public transport benefits of Success.

An important consideration is the nature and form of these facilities. The Working Party agreed to the following statement for inclusion in the Architects brief:

*"This is a significant site within a new regional centre. The building will be the major civic facility within the precinct and will assist in establishing the form and standard of commercial and public buildings within the regional centre. The building will be of a contemporary design with architectural longevity and will allow for future building expansion."*

There was general acknowledgment that this was a significant site and one on which the Council will have a significant presence with a major 'Civic' (i.e. City) Facility. A number of members felt that the building design should be modern and innovative whereas others felt it should be of a more traditional design. As there were different views on how descriptive architectural terms translated into the built form it was agreed that the appointed Architect would prepare a range of building design alternatives for consideration prior to a final decision being made.

Whilst acknowledging that the Success facility will be a significant civic building it will serve a dual function, both as the venue for formal civic events (e.g. presentations, promotional functions, Council functions) and also be required to provide a range of day to day services for residents. The design of the building will need to reflect and allow for these two functions.

The decision on which Council services and facilities ought to be located at Success needs to reflect the demographic profile of the eastern portion of the City and which services can be more appropriately located on other sites in the area. For example it may be desirable for the creation of a sense of community to have a youth resource centre and library in each neighbourhood centre but it would be cost prohibitive. These facilities are more appropriately located in a regional or district centre such as Success.

#### Proposed Facilities.

The services and facilities listed below have been developed in the context of the above considerations. The proposed facilities provide a great opportunity to develop synergy in service provision to maximise usage and to reduce construction and operating costs of services and facilities. The proposed facilities ought to be designed to maximise the opportunities for multi-use areas and service delivery through multi-skilled staffing.

### Library

The catchment population for the library is estimated to be 37,300 by 2006 and drawn from the locations of Atwell, Banjup, Beeliar, Bibra Lake, Jandakot, Leeming, South Lake, Success, Wattleup and Yangebup.

In the view of the Manager Libraries, this catchment population suggests a library of around 1700 square metres based upon 44 square metres per thousand which is in line with contemporary practice and the recent standards published by the State Library of Queensland. (Western Australian Standard of 33 square metres per 1000 of population has not been revised since 1980 and hence does not take account of any contemporary developments, especially in the area of information technology).

It was acknowledged by the Working Party that the design of the building must allow for possible future extension to the library for the anticipated increase in the catchment population to 53,600 by 2016.

It was evident from the tour of similar facilities in other metropolitan Councils that there seemed to be little correlation between the size of the library provided and the catchment population. It ought to be noted that estimates of catchment populations for these libraries are at times ill defined with library catchments over lapping. Riverton Library for example has supposedly a catchment population of 30,000 but has the Willetton library only 3 kilometres away.

It can be fairly stated that none of the libraries visited had a catchment population greater than that of the proposed Success Library. The library floor space (m<sup>2</sup>) to 1000 catchment population for the libraries visited are as follows: Mirrabooka Library 47; Osborne Park 34.5; Riverton Library 83. None of these libraries needed to give consideration to any significant population increases.

There was a considerable amount of discussion held on the size of the library and the area required for staff. The area required by staff includes the work room, offices, staff room/kitchen and staff toilets. There was however general agreement that the staff area would be approximately 20% of the total area with the final figure being determined by the amount of shared space for the staff room, kitchen, toilets and the like.

Half of the Working Party members believe the total library ought to be 1000m<sup>2</sup>, the other half saw a need for the library to be 1200m<sup>2</sup>. A library of 1200m<sup>2</sup> for an initial catchment population of approximately 35,000 equates to 34 square metres per 1000 catchment population which is a relatively modest level of provision.

Youth Resource Centre

The demographic profile for the eastern region exhibits a significant youth population. The confluence of various forms of public transport at Success makes it an ideal location for a centralised youth service. Council currently operates a number of youth services from a base in Yangebup with funds provided by the State Government. This is far from an ideal location. A move to Success to a customised youth resource centre incorporated into the complex of Council services is an ideal option.

There was general agreement that the size of the youth resource centre should be in the vicinity of 50m<sup>2</sup>.

The current Youth Service Facility at Yangebup will then become available for usage by the general community.

Council Information Centre

Given the size of the population on the eastern area of the municipality and the need for Council to have a strong presence it is proposed that a Council Information Centre be established. From this office general Council information can be provided to residents, payment of accounts can be made and material deposited for Council's central Spearwood administration. The office could also include a community information service for residents of the area. There are several examples, such as the City of Bayswater that established a satellite office in the Galleria Shopping Centre, which has demonstrated the value of such arrangements. Other examples of an integrated facility of this nature are provided at Osborne Park and Mirrabooka Community Centres in the City of Stirling.

It is proposed that 50m<sup>2</sup> be allocated for this area.

Lecturette

Council has historically provided large community halls to serve new residential areas. In established areas of the City there are a number of these halls that are under utilised. There is little point in providing a large flat floor hall for Success when there are existing halls, including the Civic Centre that are under utilised. There are however no lecture or banked seating spaces within the City that are suitable for public meetings, conferences and the like. For example, Community Policing recently held a conference in the Council reception/dining area. A lecturette would be far better suited to such a conference. Such a venue would also be appropriate for public meetings, small live performances and hire to government departments, private firms or community organisations for conferences and training events. There are no comparable facilities in the Metropolitan area to be able to ascertain usage patterns or estimate potential utilisation rates of such space. It is proposed that a suitably sized Lecturette capable of seating 140 people will require a floor area of 220m<sup>2</sup>.

### Meeting Rooms

Several small meeting rooms ought to be available for use by the general public and Council to hold meetings for matters of interest and concern to residents of the eastern portion of the City. Such rooms would also be used by Council staff for meetings. Up to four rooms will require an area of 100m<sup>2</sup>.

### Office Space

Besides the offices required by the library staff based at the centre there would be some value in having several offices available for use by JP's, and Government Instrumentalities such as the Public Trustees and Legal Aid. Three offices are proposed with a total area of 48m<sup>2</sup>.

### Foyer/Display Gallery

There has been some community pressure to provide an Arts/Cultural Centre in the City. A practical and realistic option is to have a gallery display area incorporated into the entry area of the building, which with careful design would serve dual purposes. A wet and dry arts studio space could also be provided as there are none within the City and this would go a significant way to addressing the strategies identified in the 1996 Cockburn Cultural/Arts Centre Study for a number of smaller local arts/cultural facilities within the City. A number of members of the Working Party wished to have the wet and dry arts area not included in the facility, therefore, it has been deleted from the design brief.

The Working Party felt the foyer/display gallery area should be designed to allow formal civic functions such as citizenships, fund raising functions and district promotions. Accordingly, an area of 220m<sup>2</sup> is proposed.

### Crèche

There is a community expectation that facilities will be available specifically for children. Whilst it is not expected that the crèche will be open at all times it could be designed to allow for use by the children of library patrons and operate on an occasional basis when there is known demand. This item has been deleted from the design brief as it was not supported by the majority of the Working Party.

### Children's Services

The externally funded Children's Services programs are being consolidated at the Children's Activities Centre in Winterfold Road Coolbellup. The centre will accommodate the Family Day Care and After School Care Services. Due to the inadequacy of the current facilities a transportable building is proposed to be placed on a portion of the Pine View Preschool site as temporary accommodation.

The incorporation of office accommodation within the Success facilities will address the short-term accommodation problems for the externally funded children's services program and allow for the inevitable growth in the services as the population increases. The Family Day Care direct



services will continue to be provided from carers' homes and the After School Care Services will continue to operate from their current locations. It is proposed that 225m<sup>2</sup> be allocated to this portion of the Centre.

It is considered important that there be scope within the children's services area to have some capacity to accommodate children in an appropriate environment when parents are attending an activity within the facility. This will not be a supervised Creche but will serve a short term purpose for patrons wishing to use other services within the complex.

#### Support Services

The Department for Community Development (DCD) in consultation with the City has identified the need to provide services such as social workers, financial counsellors and parent support services to this region of the City. Funds of approximately \$500,000 have been provided for in the Department's forward estimates to construct facilities in this location. The incorporation of these services within the Success Complex would create opportunities for economies of scale and a synergy among service. While 96m<sup>2</sup> has been allocated to this area, it will only be included in the final design on the basis of funding being committed by DCD.

#### Ancillary Facilities

In keeping with the concept of the facilities being flexible and multipurpose there are a number of elements that need to be provided which can be accessed by the general public and staff based at the centre. There needs to be a rational provision of toilets, storage space and kitchens. A specific set of toilets and a staff lunchroom for all staff at the centre need to be provided. A total of 145m<sup>2</sup> has been allocated to provide for these areas.

#### Training Room

An area of 50m<sup>2</sup> is proposed to be integrated into the building design to be used as a purpose built training facility. The room(s) will be equipped with special cabling and equipment to provide for training to be undertaken by Council personnel, as well as being available for hire to community groups and other public/private sector organisations.

#### Generally agreed Facilities and sizes:

<b><u>Facility</u></b>	<b><u>Size</u></b>	
	<b><u>Option 1</u></b>	<b><u>Option 2</u></b>
Youth Resource Centre	50m <sup>2</sup>	50m <sup>2</sup>
Satellite Council Offices	50m <sup>2</sup>	50m <sup>2</sup>
Meeting Rooms (total area)	100m <sup>2</sup>	100m <sup>2</sup>
Lecturette (to seat 140)	220m <sup>2</sup>	220m <sup>2</sup>
Offices (3) (for Podiatry, Public Trustees, JP and the like)	48m <sup>2</sup>	48m <sup>2</sup>
Training Room	50m <sup>2</sup>	50m <sup>2</sup>

Gallery / Foyer (designed to allow for the presentation of art works and formal functions)	220m <sup>2</sup>	220m <sup>2</sup>
Children's Services	225m <sup>2</sup>	225m <sup>2</sup>
Support Services	96m <sup>2</sup>	96m <sup>2</sup>
Kitchen area (similar to Council reception area kitchen)	30m <sup>2</sup>	30m <sup>2</sup>
Staff Room (shared with all staff)	40m <sup>2</sup>	40m <sup>2</sup>
Storage space (final locations and sizes to be developed)	75m <sup>2</sup>	75m <sup>2</sup>
Library	1000m <sup>2</sup>	1200m <sup>2</sup>
Total Area	2204m <sup>2</sup>	2404m <sup>2</sup>

Facilities deleted from original draft proposal of 30 May 2002.

Wet and dry Arts area	50m <sup>2</sup>
Crèche	50m <sup>2</sup>

There was some discussion on the need for a coffee shop although it was resolved that this would probably not be viable due to the nature and size of the facility and there being other coffee shops in the shopping centre.

It is difficult to determine the actual final size of the facility, as the extent to which areas such as toilets, foyers and reception areas are shared is unknown until the Architect's design is complete. With this in mind it is proposed that the Architectural brief be for a building of between 2,200 m<sup>2</sup> and 2,400 m<sup>2</sup>.

It should be noted that the range of facilities envisaged would meet the eligibility criteria for funds to be provided by the Department for Community Development and the Lotteries Commission.

#### Indicative Costs

	Option 1 (2,200 m <sup>2</sup> ) \$	Option 2 (2,400 m <sup>2</sup> ) \$
• Costs @ \$1,400/m <sup>2</sup>	3,080,000	3,360,000
• Car Parking – 150 cars	150,000	150,000
• Landscaping	50,000	50,000
• Fit Out		
• Library	400,000	400,000
– Offices	250,000	250,000
	3,930,000	4,210,000
• Escalation 4% p.a. for 3 years	490,715	525,400
	4,420,715	4,735,000
• Fees 8%	353,657	380,000
• Escalated Total Building Cost	4,774,372	5,114,000

**Note:** Included in the above costs is \$500,000 from the Department of Community Development/Lotteries Commission.

#### Timetable of Important Milestones:

- November 2002 - Council commitment to the Success Community facilities to be constructed and fitted out and operational by August 2005, and inclusion in the Principal Activities Plan over the anticipated four-year funding program.
- December 2002 - Development of project brief for architect.
- March 2003 - appointment of project architect.
- March 2003 to May 2003 - concept and schematic design developed, including a public comment period.
- June 2003 - Final concept design adopted by Council.
- June 2003 to December 2003 - Detailed design, documentation, specifications completed.
- January 2004 to March 2004 - Building tender period.
- April 2004 - Council acceptance of tender (see 'Selection Criteria')
- May 2004 to January 2005 - Construction period.
- February 2005 - July 2005 - building fit out ready for occupation.

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

Included in Council's Strategic Plan is the Vision to "...achieve a high level of convenience, amenity and a sense of community." There has been an acknowledgment that the development of a sense of community can be facilitated with the location of services and facilities at the local or neighbourhood level. Balanced against this is the need to "Deliver services and to manage resources in a way that is cost competitive and without compromising quality."

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

Total estimated costs of between \$4,774,372 and \$5,114,000 for construction, including \$500,000 contribution from Department of Community Development/Lotteries Commission. Ongoing operational costs estimated at \$400,000 p.a.

#### **Legal Implications**

Appointment of architect will be effected through Delegated Authority LGA ES3 "Calling of Tenders or Expressions of Interest".

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

All facilities proposed for the site have been identified as high need community / public requirements. No duplication of facilities already operating in the catchment area is proposed to be included within the Complex.

**17.7 (OCM 19/11/2002) - PIONEER MEMORIAL ARTWORK (8810) (CC)  
(ATTACH)**

**RECOMMENDATION**

That Council:

- (1) appoint Jenny Dawson as the artist for the Pioneer Memorial Artwork in accordance with the Selection Panel's recommendation; and
- (2) enter a contract to the value of \$10,000 with Jenny Dawson to carry out the artwork as proposed in his/her expression of interest.

**COUNCIL DECISION**

**Background**

Council has allocated money on budget to construct a Pioneer Memorial Artwork to celebrate the contributions made to the Cockburn community by its Pioneers incorporating the Fruitgrowers and Market Gardeners Association. This was in response to an application made by the Cockburn Community and Cultural Council (Inc.).

The location for this artwork will be within the grounds of the City of Cockburn Administration Centre located at 9 Coleville Crescent in Spearwood. It is envisaged that this artwork will be prominently displayed in an area easily accessible to all and as safe as possible from the threats of vandalism. Consideration within the design should be given to the placement of a plaque on or near the artwork.

**Submission**

N/A

**Report**

Expressions of interest were sought from artists and 25 submissions were received. A panel including representation from the City of Cockburn Cultural Advisory Committee, Cockburn Community & Cultural Council, City of Cockburn Cultural Development Coordinator and the Mayor short-listed these down to five submissions (see attachment to the Agenda).

These five concepts were put out to public comment at the Cockburn Community & Cultural Council's Annual Art and Craft Exhibition in mid October and then at the Spearwood Library until end of October.

The panel interviewed each of the five artists and the community comments were taken into account when making the decision on the final design.

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

Key Result Area "Facilitating the needs of your community" refers.

### **Budget/Financial Implications**

\$10,000 has been allocated in the 2002/2003 budget.

### **Legal Implications**

A legal contract between Council and the appointed artist will need to be prepared.

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

Nil

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

Nil

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

Nil

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

Nil

## **22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**

Nil