

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 OCTOBER 2013 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 10 OCTOBER 2013 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

|                    |   |                             |
|--------------------|---|-----------------------------|
| Mr L Howlett       | - | Mayor (Presiding Member)    |
| Mr K Allen         | - | Deputy Mayor (Arr. 7.01 pm) |
| Mr Y Mubarakai     | - | Councillor                  |
| Mr S Portelli      | - | Councillor                  |
| Ms L Smith         | - | Councillor                  |
| Mrs C Reeve-Fowkes | - | Councillor                  |
| Mr T Romano        | - | Councillor                  |
| Mr S Pratt         | - | Councillor                  |
| Mrs V Oliver       | - | Councillor                  |
| Mr B Houwen        | - | Councillor                  |

##### IN ATTENDANCE

|                 |   |   |
|-----------------|---|---|
| Mr S. Cain      | - | Chief Executive Officer   |
| Mr D. Green     | - | Director, Governance & Community Services   |
| Mr M. Littleton | - | Director, Engineering & Works   |
| Mr D. Arndt     | - | Director, Planning & Development  |
| Mr N. Mauricio  | - | Acting Director, Finance & Corporate Services                                       |
| Mrs B. Pinto    | - | PA to Directors – Finance & Corporate Services /<br>Governance & Community Services |
| Mr J. Snobar    | - | Media Liaison Officer   |

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

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

Nil.

#### 3. DISCLAIMER (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.

DEPUTY MAYOR ALLEN ARRIVED AT THE MEETING THE TIME BEING 7.01 PM.

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

Nil

**5. APOLOGIES AND LEAVE OF ABSENCE**

Nil

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

Nil

**7 (OCM 10/10/2013) - PUBLIC QUESTION TIME**

**Lyndsey Wetton, Spearwood**

*Item 14.1 – Demolition of Heritage Dwelling*

As Ms Wetton was not present, a response will be provided in writing.

**Colin Crook, Spearwood**

*Item 14.7 – Tenure of Alfresco Area Reserve 50535 – Ocean Drive, North Coogee*

Q1. Why should the Fig be allowed to have the extended alfresco area and roof? Why shouldn't the Council ignore the State Government and do what it feels is right?

A1. The City cannot ignore State Government legislation. The City is actually legally required to comply with State Government legislation.

*Coogee Beach*

Q1. Could the old buildings at Coogee Beach be used to house sauna baths?



- A1. The buildings at Coogee Beach have reached the end of their serviceable life. Currently Council has requested for a demolition order to remove them. They have asbestos in the roof and it is the intention of the City now that the Surf Club is operational to remove those structures.

*2013 Local Government Elections*

- Q1. There are similarities in relation to the Gift Register when elections were held on 2005 and now in 2013, that there is nothing recorded in the Gift Register. Could the same results be repeated, ie. the evasion of gifts and donations being recorded prior to the elections when this is one of the things that some members of the public take into account when making their decision as to how to vote.

- A1. The Gift Register is available at the front counter and exists in accordance with the Act. It is a requirement for candidates to report gifts if they have received such gifts. The fact that there is are no gifts mentioned in the register demonstrates that no gifts have been received by any candidate. That is the individual's decision and not the City to chase up such information. Candidates are advised prior to the election of such declarations and it is the responsibility of the candidate to make such declaration.

*Coogee Beach Progress Association*

- Q1. Can a letter be tabled that was sent to the Coogee Beach Progress Association in 2010?

- A1. If it was sent to the Coogee Beach Progress Association which is an incorporated body, it should be dealt by them. The City is not responsible for that incorporated organisation.

Please forward the letter with a covering letter and either post it or hand deliver it to the City.

*Cockburn Soundings*

- Q1. Who provided the views in the Cockburn Soundings, October edition on regarding Local Government amalgamations, Page 5. It seems that whoever prepared the article had already made their mind up.

- A1. The position outlined in the Cockburn Soundings was the agreed position Elected Members had formed prior to going to Council. Given the deadline for the required time that the information had to be made



available to the public Council had to formalise its position, which subsequently appeared in the Cockburn Soundings. Hence the City outlined in the following edition of the Cockburn Gazette the Council's position. The City advised what decision the Council had taken and how the matter was considered.

## 8. CONFIRMATION OF MINUTES

### 8.1 **(MINUTE NO 5136)** (OCM 10/10/2013) - ORDINARY COUNCIL MEETING 12 SEPTEMBER 2013

#### **RECOMMENDATION**

That Council adopts the Minutes of the Ordinary Council Meeting held on Thursday 12 September 2013, as a true and accurate record.

#### **COUNCIL DECISION**

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

**CARRIED 10/0**

### 8.2 **(MINUTE NO 5137)** (OCM 10/10/2013) - SPECIAL COUNCIL MEETING 19 SEPTEMBER 2013

#### **RECOMMENDATION**

That Council adopts the Minutes of the Special Council Meeting held on Thursday 19 September 2013, as a true and accurate record.

#### **COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

**CARRIED 10/0**





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

Nil

**10 (OCM 10/10/2013) - DEPUTATIONS AND PETITIONS**

**Deputations**

Mayor Howlett announced that there were two deputations as follows in relation to Item 14.2 – Retrospective Change of Use (Industry General (Engineering Screen Manufacture) to Industry General (Licenced) and Additions to Premises.

Mr Murray Casselton, TPG Town Planning, together with Mr Dominic Carbone (MD of Complete Steel Projects), and Mr Vince Monastra (Landowner). The deputation briefed Council in order to reconsider the previous refusal.

Mayor Howlett thanked the deputation for their brief and advised them that a decision will be made as part of Council’s deliberations tonight.

Ms Jan Stott resident of Cockburn also briefed Council in relation to the same item regarding the impact it is having on the community in the vicinity of the premises.

Mayor Howlett thanked Ms Stott for her input and also advised her that this matter will be considered at tonight’s meeting where a decision will be made.

**Petitions**

Mayor Howlett advised the meeting that he had received two petitions, namely:

Mr Ray Woodcock – Petition in relation to the closure of the Cockburn Police Station. The petition outlined reasons why the community was opposing the closure of the Police Station.

Ms Lyndsey Wetton – Petition in relation to the conservation of the dwelling at Lot 4, 10 Edeline Street, Spearwood. The petition was requesting for the current application to demolish the house to be rejected.

**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

**NOTE:** AT THIS POINT IN THE MEETING, THE TIME BEING 7.40 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COMMITTEE:

|      |      |      |
|------|------|------|
| 14.3 | 15.1 | 16.1 |
| 14.4 | 15.2 |      |
| 14.5 |      |      |
| 14.6 |      |      |

**13 (OCM 10/10/2013) - COUNCIL MATTERS**

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 5138) (OCM 10/10/2013) - DEMOLITION OF HERITAGE DWELLING - LOCATION: 10 (LOT 4) EDELINE STREET SPEARWOOD - OWNER: RED BEETLE INVESTMENTS PTY LTD - APPLICANT: RED BEETLE INVESTMENTS PTY LTD (2201373) (A LEFORT) (ATTACH)**

**RECOMMENDATION**

That Council grant planning approval for the demolition of a heritage dwelling at 10 (Lot 4) Edeline Street Spearwood subject to the following condition and footnote:

Condition

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

Footnote

1. This is a planning approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of



the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.

**COUNCIL DECISION**

MOVED Mayor L Howlett SECONDED Cllr C Reeve-Fowkes that Council:

- (1) refuse to grant planning approval for the demolition of a heritage dwelling at 10 (Lot 4) Edeline Street, Spearwood, for the following reason:
  - 1. the dwelling has significant social, cultural and historic value heritage to the local community;
  - 2. the dwelling has distinctive architectural features which set it apart from other typical dwellings of similar style constructed in the area; and
  - 3. the dwelling contributes to the character of the streetscape and is a landmark building to the local community; and
- (2) advise the applicant and those who made submissions in writing of Council's decision.

**CARRIED 8/2**

**Reason for Decision**

The heritage dwelling has significant aesthetic value through its distinctive architectural features and its close proximity to other heritage valued buildings. Built c1912 the dwelling has strong links to the Catholic Church and several well-known local families. It is incumbent on Elected Members to preserve, wherever possible, dwellings of this nature for the benefit of future generations and to clearly demonstrate architectural designs that were evident at a particular point in time in our district's history. Council strongly suggests that any future redevelopment of the site should include the retention/incorporation of the dwelling.



## Background

The subject site is located in Edeline Street Spearwood, is 1878m<sup>2</sup> in area and contains an existing single storey limestone dwelling. The dwelling has a tiled roof and is located towards the rear of the lot (set back approximately 40m from the street). The property is included in the City's Local Government Inventory (LGI) due to its heritage significance. According to the LGI, the dwelling, known as *Spearwood Presbytery (FMR)* or *Sumich House*, was constructed circa 1912 and has aesthetic value through its distinctive architectural features and is associated with the Catholic Church in the district and with some well-known local families.

The dwelling floor plan is typical of the period and includes four rooms on each side of a central hallway surrounded by a wide verandah which has been partially enclosed to accommodate a kitchen, bathroom and laundry. The internal and external aspects of the dwelling appear to be in fair, mostly original, condition. The distinctive front tower on the front elevation includes a façade only and is in effect part of the front verandah. Gardens surrounding the dwelling have generally not been maintained.

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

The proposal for demolition of the dwelling has been referred to Council for determination as there is no delegation for staff to approve the demolition of any heritage building.

## Submission

The proposal is for full demolition of the building and the applicant has submitted a demolition report (Attachment 1) and archival record of the property. In addition, at the City's request, the applicant engaged a heritage architect (Ronald Bodycoat) to provide an expert opinion and assessment of the cultural heritage significance of the dwelling which is discussed later in the report.



## Consultation

The application was advertised directly to nearby landowners and on the City's website and 20 submissions were received including 14 objections, five non-objections and one comment. It should be noted that out of the 14 objections, four of those came from people living outside the City of Cockburn and four of the objections came from two households. In addition, a petition for the conservation of the dwelling was received by the City containing approximately 260 signatures.

In summary, the submissions raised the following comments:

### Objections

1. The place has classic and/or rare architecture which should be preserved.
2. The place is in sound condition and should be retained.
3. The place needs only minor restoration work.
4. The house is held in great esteem by locals and visitors to the area.
5. The place has an important history associated with it including the links to Angus Mcleod, the Sumich family and St Jerome's Church.
6. The place contributes to the character of the street and is a landmark/icon in Spearwood.
7. The proximity of the place to other heritage places including the former St Jerome's Church, Spearwood Uniting Church and Spearwood Alternative School places this dwelling in a heritage area.
8. The place should be elevated from Category C to Category A on the City's LGI.
9. The built heritage of Spearwood should be preserved.
10. There are enough apartments in the area, we don't need anymore;
11. The site should be redeveloped but retain the dwelling.
12. Regardless of their category heritage homes should be preserved.

### Non-Objections

1. The building does not have significance visually or structurally.
2. Over the years the home has deteriorated and would need a lot of work to restore to its former glory.

The City also received a letter from the National Trust of Australia (WA) who recommended that due to the interest gathered in the local community, that a full heritage assessment should be undertaken by an independent heritage consultant to ascertain the significance of the place within the local context, prior to any decisions being made on the proposed demolition.



## Report

### Planning Framework

#### *Zoning*

The site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential R40 under the City's Town Planning Scheme No.3 (TPS 3). The R40 coding provides the site with significant redevelopment potential.

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

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

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

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

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

#### *Local Planning Policy APD 64 Heritage Conservation Design Guidelines (APD 64)*

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



## Issues

### *Heritage Assessment*

At the City's request, the applicant engaged a suitably qualified heritage architect (Ronald Bodycoat) to provide an expert opinion in relation to the heritage significance of the property (see Attachment 2). In summary Mr Bodycoat's assessment states that:

1. The place has little distinctive aesthetic value;
2. The place does have historical value as a house originating from c.1912 but with only occasional use as a Presbytery for the local Roman Catholic Church;
3. The place has some social heritage value for association with previous occupants;
4. The place has little, if any scientific value providing no relevant new information regarding style, construction methods or materials.
5. The place has little, if any scarcity value; the Federation Bungalow is common throughout suburban residential localities where subdivisions and residential development dates from around 1900.
6. The place is in a deteriorated condition as a consequence of little if any maintenance over a long period of time.
7. The place is a representative example of the Federation Bungalow architectural style, incorporating details which do not conform to that style.
8. The place has medium only authenticity and integrity values derived from its current status.

In summary, Mr Bodycoat states that 'the place has little if any relevant cultural heritage significance'.

As the Ronald Bodycoat assessment was commissioned by the applicant, the City engaged Palassis Architects to provide an independent review of the Bodycoat assessment (Attachment 3).

The opinion of the Palassis Architect is that:

1. The place has some distinctive architectural features that set it apart from the typical dwellings of similar style constructed in the area.
2. The place has historic value as a cottage dating from the Federation period and for later, its association with the Catholic Church.
3. The place has social value for its association with a number of well-known local families, and is of value to the current community as evidenced by opposition to its demolition.
4. The place has little research value.



5. The place may have rarity value if, as Mr Bodycoat states 'there are no surviving stone houses'.
6. The place appears to be in deteriorated condition but this does not detract from the stated values in the Local Government Inventory.
7. The place has high integrity as it continues to be used in its original function as a residence.
8. The place has moderate authenticity.

In conclusion, the Palassis Architect opinion, states that the place is of sufficient cultural heritage to warrant its inclusion on the Muncipal Inventory at its current level (C).

The two heritage opinions differ with regards to the level of heritage significance of the place with the Palassis opinion placing more heritage value than the Bodycoat opinion. However importantly, the Palassis opinion confirms that the current management category (C) is appropriate and based on this and Council's LPP APD64, demolition can be contemplated. If either of the heritage opinions had recommended that the place be elevated to Category A or B, which have a clear presumption against demolition, then further consideration would be required.

#### *State Heritage Office*

The City received notification that as a result of this planning application, the place was nominated to the State Heritage Office with respect to the *Heritage of Western Australia Act 1990*. A preliminary review of the place was considered at the 30 August 2013 meeting of the Heritage Council's Register Committee. The Committee resolved at this meeting that the place did not warrant inclusion on the State Heritage Register.

#### *Development Potential*

The site is zoned Residential R40 which occurred as part of the recoding associated with the Phoenix Revitalisation program in 2010. The R40 density means that the site has significant redevelopment potential (regardless of whether the dwelling is demolished or retained). Whilst the applicant has not indicated their development plans, a cleared site could accommodate a number of different options including grouped dwellings, multiple dwellings or a combination of the two. The exact number of dwellings that a cleared site can accommodate will depend on whether the site is developed with grouped or multiple dwellings (apartments) the size of each dwelling, number of storeys, vehicle car parking numbers and the layout of the dwellings across the site. Council should treat the demolition and future development as two very separate issues as the





appropriateness of demolition of the dwelling cannot depend on the future development plans.

Council should however be aware that if the application for demolition is refused therefore requiring retention of the dwelling, given the position of the dwelling on the rear portion of the lot (40m setback), it is very likely that a redevelopment proposal could include dwellings constructed in front of (and to the rear of) the existing dwelling. If this likely scenario was to occur, the retained dwelling may not be clearly visible (or visible at all) from the street and would be unlikely to contribute to the public realm.

### **Conclusion**

The subject dwelling clearly has some heritage value and contributes to the rich cultural heritage of Spearwood and the LGI and two separate heritage architects have confirmed this. It is in average condition and for some local residents, is a much loved part of the Edeline Street landscape.

However, several key factors making retention of the dwelling problematic including:

1. The original subdivision of the land resulting in the dwelling being located some 40m from the street.
2. The size of the lot and Council's rezoning of the site to R40 to accommodate medium density development.
3. The dwelling's management category in the City's LGI which does not offer the dwelling a high level of protection under the City's Town Planning Scheme.

On balance, whilst it is acknowledged that the place has some heritage significance, retention of the dwelling is impractical given its redevelopment potential under the current zoning and position of the dwelling on the lot. If retention was required, it is highly likely that redevelopment of the site would occur in front of the dwelling therefore diminishing the impact of the dwelling from the public realm.

It is therefore recommended that the application for demolition of the dwelling be approved.

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

#### **Growing City**

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



- Diversity of housing to respond to changing needs and expectations.

### **Community & Lifestyle**

- Conservation of our heritage and areas of cultural significance.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

See Community Consultation section of the report.

### **Attachment(s)**

1. Demolition Report
2. Ronald Bodycoat Heritage Opinion
3. Palassis Architect Heritage Opinion

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 October 2013 Council Meeting.

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

Nil.

- 14.2 **(MINUTE NO 5139) (OCM 10/10/2013) - RETROSPECTIVE CHANGE OF USE (INDUSTRY GENERAL (ENGINEERING SCREEN MANUFACTURE) TO INDUSTRY GENERAL (LICENCED) & ADDITIONS TO PREMISES - LOCATION: 35 (LOT 10) COOPER ROAD COCKBURN CENTRAL - OWNER: ANNA, ANTONIA, GIUSEPPE & VINCENZO MONASTRA - APPLICANT: D CARBONE (5513438) (A LEFORT) (ATTACH)**

#### **RECOMMENDATION**

That Council reconsider the application and grant planning approval for a retrospective change of use (Industry General to Industry General



(Licenced)) & additions to premises at 35 (Lot 10) Cooper Road Cockburn Central, subject to the following conditions and footnotes:

Conditions

1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. The approved development has approval to be used for Industry General (Licenced) purposes only comprising steel fabrication, metal coating and blasting and office use. In the event it is proposed to change the use of the tenancy, a further application needs to be made to the City for determination prior to any change of use occurring.
2. All waste and recycling materials must be contained within bins. These must be stored in an internal enclosure within the building(s) or within an external enclosure located and constructed to the satisfaction of the City.
3. All storm water must be contained and disposed of on-site to the satisfaction of the City.
4. Industrial liquid wastes, including wash-down wastes, are not permitted to enter any storm water system.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
6. The premises must clearly display the street number at all times.
7. The hours of operation are restricted to:
  - i) Fabrication, blasting and use of the external yard area – Between 7:00am and 7:00pm Monday to Saturday and not at all on Sundays and public holidays.
  - ii) Metal coating/spray painting – between 7:00am and 10:00pm Monday to Saturday and not at all on Sundays and public holidays

Administrative/Office activities are not restricted.

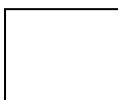
8. A Drainage Plan shall be submitted to and approved by the City's Engineering Services Department no later than 3 months from the date of this approval and the approved Drainage Plan being implemented to the satisfaction of the



City.

9. 52 additional car parking bay(s) shall be provided on-site and constructed (sealed, kerbed, line marked and drained) no later than 12 months from the date of this approval. A revised car parking plan shall be provided to the City for approval prior to construction of the additional bays which shall indicate in sufficient detail the location and number of new vehicle parking bays and compliance with Australian Standard AS2870, the City's Scheme and Local Planning Policy requirements.
10. 27 of the 52 additional car parking bays (the subject of Condition 9) may be used for storage purposes if all vehicles can be contained on-site within the designated car parking areas. Should the City identify vehicles associated with this site being parked on the verge area or on the street, then some or all car parking bays used for storage purposes shall be made immediately available for the purposes of car parking to the satisfaction of the City.
11. The service yard and all vehicle access and parking areas(as marked on the approved plan) shall be fully sealed and drained in accordance with City's specifications to the satisfaction of the City no later than 12 months from the date of this approval. Details and specifications of the works shall be lodged with the City for approval prior to commencement of works.
12. A permanent masonry acoustic wall shall be constructed along the entire southern boundary of the property as shown marked in red on the approved plans no later than 12 months from the date of this approval. The acoustic wall shall be designed to ensure compliance with the Noise Regulations to protect the amenity of the adjacent residential area. The design of the wall shall be incorporated into a report prepared by a suitably qualified acoustic consultant and submitted to the City for approval prior to construction.
13. The temporary sea container wall on the southern boundary of the site shall remain in place until commencement of construction of the permanent masonry acoustic wall (required by Condition 12), at which time the temporary wall shall be removed.

Footnotes



1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, with any requirements of the City of Cockburn Town Planning Scheme No. 3, or the requirements of any other external agency.
2. The use of the development hereby approved is 'Industry General (Licenced)', defined in the City of Cockburn Town Planning Scheme No. 3 as '*means an industry which is a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, notwithstanding the production of design capacity for each category of prescribed premises specified in the Schedule, but where a prescribed premises is also included in Schedule 2 of the Health Act, the Health Act prevails, for the purpose of the Scheme.*'

In the event that the owner/tenant of the premises intends to utilise the development hereby approved for purposes which do not constitute the above definition, an application for a change of use must be submitted to, and approved by the City.

3. With reference to Condition 2, the minimum provisions for the internal bin storage is a concrete wash-down pad of at least 1m<sup>2</sup> graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.
4. With regards to Condition 3, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year storm event. This is to be provided with the associated Building Permit Application.
5. With regard to Condition 9 and 11, you are advised to contact the City's Engineering Services on 9411 3554 for further information.
6. An application for a building approval certificate (BA13 Form) must be submitted to, and approved by, the City under the provisions of the building regulations. As part of the application for a building approval certificate, all information necessary for the purpose of addressing any



conditions of this development approval must also be provided.

7. Any wash-down of plant, vehicles or equipment must be carried out over a wash down pad with waste water treated to remove solids and hydrocarbons prior to discharge to the environment. A Health Act application including detailed plans and specifications of the facility and the appropriate fee must be submitted together with building plans to the City's Health Services.
8. The installation of outdoor lighting shall be in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
9. The development shall comply with the noise pollution provisions of the Environmental Protection Act 1986, and more particularly with the requirements of the Environmental Protection (Noise) Regulations 1997.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Deputy Mayor K Allen that Council:

- (1) reiterates its previous decision of 14 February 2013 to refuse to grant planning approval for a retrospective change of use (Industry General to Industry General (Licenced)) and additions to premises at 35 (Lot 10) Cooper Road Cockburn Central based on the following reasons:
  1. The potential impacts on the amenity of adjacent/nearby residents are unacceptable and could worsen, and is therefore contrary to part 10.2.1 (n) of Town Planning Scheme No.3.
  2. Approval of the proposal would be contrary to proper and orderly planning of the area and is therefore contrary to part 10.2.1 of Town Planning Scheme No 3.
  3. The industrial use does not meet the recommended EPA separation distances, which should be maintained to preserve the amenity of nearby residents.
- (2) notify the State Administrative Tribunal of Council's decision.

**MOTION LOST 1/9**



MOVED Clr T Romano SECONDED Clr L SMITH that the recommendation be adopted.

**CARRIED 9/1**

CLR REEVE-FOWKES REQUESTED HER VOTE AGAINST THE MOTION TO BE RECORDED

## **Background**

The subject application for a retrospective change of use (Industry General to Industry General (Licenced)) & additions to premises at 35 (Lot 10) Cooper Road Cockburn Central (Complete Steel) was refused by Council at its ordinary meeting held on 14 February 2013 based the following reasons:

1. *The industrial land use activities being undertaken on site are in close proximity to sensitive land uses (residential dwellings) which:*
  - a) *Do not accord with the recommended industrial separation buffers contained within the EPA Guidelines.*
  - b) *Do not accord with the objectives of the State Planning Policy 4.1 State Industrial Buffer Policy.*
  - c) *Do not constitute orderly and proper planning and therefore are contrary to part 10.2.1 of Town Planning Scheme No. 3.*
2. *The industrial land use being undertaken on site is contrary to part 10.2.1(i) of Town Planning Scheme No. 3 in that it is incompatible with nearby sensitive residential land uses.*
3. *The land use being undertaken does not comply with part 10.2.1 (n) of Town Planning Scheme No. 3 in that it does not preserve the amenity of the locality.'*

Subsequent to the refusal determination issued by Council, the applicant exercised their right to apply for a review of the decision by the State Administrative Tribunal (SAT). Participants from the City's Statutory Planning Team and several elected members have been involved in a series of mediation discussions with the applicants since March 2013.

On 9 August 2013, the SAT invited the respondent (the City of Cockburn) to reconsider its decision on or before 10 October 2013 which is the purpose of this report. Should Council choose to support



the application, then the approval will be issued. Alternatively should Council resolve not to support the application, the matter will be sent back to the SAT and a full hearing will likely ensue. It is important that Council are aware that if the matter becomes subject to a full hearing in SAT, then the decision about whether the proposal is approved or refused, whether conditions are imposed and the content of any conditions will be made by a member of the SAT and not the City.

### **Submission**

This application seeks retrospective planning approval for:

1. Change of Use from Industry General (Engineering Screen Manufacture) to Industry General (Licenced) – incorporating general metal fabrication, metal coating - industrial spray painting and abrasive blasting.
2. The construction of a 185m<sup>2</sup> lean-to structure to allow for storage of steel between fabrication and abrasive blasting and metal coating which was constructed without planning or building approval. The structure was constructed to link the northern and southern buildings located along the western boundary.
3. The construction of a 75m<sup>2</sup> spray painting shed to undertake abrasive blasting and metal coating.
4. The construction of a mezzanine floor within the north-western building which is proposed to be used for the storage of archive folders and other documents.
5. The construction of a temporary sea container wall (stacked three containers high) along the southern boundary to provide some noise attenuation.

### **Report**

During the mediation process, amelioration of noise and dust from the site were the two key impacts of the development discussed. In response to this, the applicant proposed the following significant changes:

1. Restrictions to the hours of operation for fabrication, blasting and use of the external yard area to between 7:00am and 7:00pm Monday to Saturday and not at all on Sundays and public holidays.
2. Restrictions to the hours of operation for metal coating/spray painting to between 7:00am and 10:00pm Monday to Saturday and not at all on Sundays and public holidays.
3. The service yard and all vehicle access and parking areas being fully sealed and drained in accordance with City's specifications to the satisfaction of the City.





4. A permanent masonry acoustic being constructed along the entire southern boundary of the property to ensure compliance with the Noise Regulations to protect the amenity of the adjacent residential area. The permanent acoustic wall would replace the existing temporary sea container wall.

Council must now decide whether these changes will significantly reduce negative impacts on the nearby residents.

#### *Noise*

The initial assessment of this proposal and the objections raised during advertising clearly identified that noise from the site was the most significant off-site impact. It was raised by nearby landowners that noise from the steel fabrication component of the business rather than the spray painting part of the business. A new masonry noise wall to replace the temporary sea container wall along the southern boundary of the property will aim to significantly reduce noise emanating from the site. A proposed noise wall which would have to contain acoustic qualities and be assessed by a suitably qualified acoustic consultant would assist in reducing noise levels from the site.

The other major change that the applicant has agreed to as listed above is restrictions to hours of operation. Many of the original objections related to noise from activities occurring at all hours of the day and weekends when a higher level of residential amenity was expected. The restricted operating hours proposed aim to ensure that the noisiest work practices (steel fabrication) occur only between 7am-7pm Monday-Saturday with the less noisy practices including spray painting to be able to occur until 10pm Monday-Saturday.

The combination of a new noise wall and restricted hours of operation are expected to significantly reduce the duration and severity of the noise to nearby landowners is considered.

#### *Dust*

Many objections referred to dust emanating from the site. Management of the dust had not been effectively undertaken on site and part of this can be attributed to the site not being sealed in accordance with the City's specifications. Vehicles traversing an unsealed site which cannot be easily swept caused dust issues. It is expected that if the site is sealed in accordance with the City's specifications, that dust from the operations could be managed effectively and reduce impact on the amenity of the nearby residents.

In addition, the spray painting and abrasive blasting buildings are required to be registered with the Department of Environment



Regulation (DER) which ensure that these specific activities comply with the relevant environmental regulations.

### Community Consultation

Prior to the application being determined at the 14 February 2013 Council meeting, the application was advertised to approximately 100 nearby landowners and 20 objections were received which are summarised in the minutes from the February meeting. Subsequent to the SAT mediation, a letter was sent to the same residents advising them that the matter had been discussed in mediation and that SAT had invited the Council to reconsider its decision. In response to this letter, correspondence was received from one landowner who restated their original objections and reinforced their significant opposition to the proposal.

### Unapproved Building Additions

The unapproved building additions and mezzanine floor that have been constructed are considered acceptable and should be approved if Council support the retrospective change of use. The important issues relate to the use of the building additions rather than the building additions themselves.

### *Conclusion*

The City recognises that the operation of Complete Steel has, since it commenced operating from the site, had a significant impact on the amenity of nearby residents particularly in relation to noise, odour and dust which was the basis for the previous determination of refusal. The amenity impacts have been made worse due to the lack of restriction on operating hours, lack of noise barrier and unsealed surface. It is also noted that the proximity of the nearby residential zoned land in relation to the subject industry-zoned land is not ideal.

However, during mediated discussions between the applicant and the City, the applicant has proposed to undertake key changes to their business that is considered to significantly reduce off-site impacts for nearby landowners. These key changes including restrictions to hours of operation, the construction of a permanent noise wall along the southern boundary of the site and sealing of the yard area are considered to represent a fair balance to allow Complete Steel to continue operations whilst protecting the amenity for nearby residents.

It is therefore recommended that Council reconsider the previous determination of the application for refusal and resolve to grant retrospective approval to the proposal subject to conditions.



## **Strategic Plan/Policy Implications**

### **Growing City**

- Investment in industrial and commercial areas, provide employment, careers and increase economic capacity in the City.

### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.

### **A Prosperous City**

- Promotion and support for the growth and sustainability of local businesses and local business centres.

## **Budget/Financial Implications**

Costs involved in defending the decision in the State Administrative Tribunal which can be met by the Statutory Planning Operational Budget.

## **Legal Implications**

N/A

## **Community Consultation**

See Community Consultation section of the report above.

## **Attachment(s)**

1. Location Plan
2. Zoning Plan
3. Aerial Photo
4. Site Plan
5. 3D View
6. Elevation Plan

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 October 2013 Council Meeting.

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

Nil.



**14.3 (MINUTE NO 5140) (OCM 10/10/2013) - PROPOSED STRUCTURE PLAN - LOCATION: LOTS 126 WATTLEUP ROAD, HAMMOND PARK - OWNER: VARIOUS - APPLICANT: BURGESS DESIGN GROUP (110/083) (C HOSSEN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the Proposed Structure Plan for Lot 126 Wattleup Road, Hammond Park subject to the following modifications:
  1. The residential zoning on the Structure Plan Map be amended as follows:
    - i. The residential zoned land adjoining the area of Public Open Space to be coded R60;
    - ii. All other Residential Zoned land to be coded R30.
  2. The Structure Plan map Legend be updated to reflect (a) above.
  3. The Structure Plan text be updated to reflect the changes in the residential density codes, as outlined in (a) above.
  4. Delete the second paragraph of section 6.3 of Part 1 of the Structure Plan text.
  5. Move the Structure Plan Map to the end of Part 1 of the Structure Plan text.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
- (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
- (4) advise the proponent and those persons who made a submission of the Council's decision; and
- (5) advise the proponent that the site is subject to Development Contribution Area No. 13, as well as the Proposed Development Contribution Area No. 9.



**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The purpose of this report is to consider for adoption the Proposed Structure Plan for Lot 126 Wattleup Road, Hammond Park ("subject land"). The Proposed Structure Plan seeks to provide the development framework for the subject land incorporating a medium density urban outcome and accommodating an area of public open space and associated road network.

The Proposed Structure Plan has been advertised for public comment and also referred to authorities for comment. This report now seeks to specifically consider the Proposed Structure Plan for adoption, in light of the advertising process and assessment by officers.

**Submission**

The Structure Plan was lodged by Burgess Design Group on behalf of the owners of Lot 126 Wattleup Road, Hammond Park.

**Report****Planning Background**

The subject land is 4.1379 ha in size and extends from Frankland Avenue on the northern and eastern boundaries, Wattleup Road to the south and vacant undeveloped land to the west. Existing residential development sits to the north of the site, with the remaining environs being utilised for market gardens or rural undeveloped lots. A new private primary school also exists to the north east. A location plan is shown in Attachment 1.

The subject area is zoned 'Urban' under the Metropolitan Region Scheme ('MRS'). The subject area is zoned 'Development' under the City of Cockburn Town Planning Scheme No. 3 ('Scheme'). The subject land is also located within Development Area 9 (DA9) and is subject to the Development Contribution Area 13 (DCA13) and the proposed Development Contribution Areas No. 9 (DCA9).



The subject area is located within the boundary of the Southern Suburbs District Structure Plan Stage 3 (SSDSP3).

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

#### Proposed Structure Plan

The Proposed Structure Plan as shown on Attachment 2 provides for a medium density residential development, with one area of Public Open Space ('POS') and an associated road network. Based on the design, approximately 65 dwellings (comprising single and grouped dwellings) will eventuate.

The Proposed Structure Plan satisfies density objectives, POS requirements and provides a suitable road network.

#### Public Open Space

The proposed Structure Plan provides for .4377 ha of POS in one park located in the northern portion of the subject area; the area of POS adjoins a similar sized area of POS on Lot 125 within the Proposed Hammond Park Town Centre Structure Plan. The proposed Structure Plan meets the requirement of 10% of the gross subdivisional area as per Element 4 of Liveable Neighbourhoods. The location of the POS allows for the retention of some remnant bushland also.

The park is provided with a high degree of visible permeability through direct lot frontage and direct street frontage.

#### Community Consultation

The proposed Structure Plan was advertised in the Cockburn Gazette for public comment for a period of 21 days from 6 August 2013 to 27 August 2013. The proposed Structure Plan was advertised to nearby and affected landowners and also referred to relevant government authorities.

In total 7 submissions were received for the Proposed Structure Plan, including:

- 2 from adjoining landowners
- 5 from government agencies

All of the submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 3).



The two submissions from affected landowners provided support for the proposal; with one offering suggested changes to Part 1 of the Structure Plan text. Particularly, this relates to recommendation 1 (d) of the Council recommendation. Paragraph 2, Section 6.3 of Part 1 of the Structure Plan text refers to a cost sharing arrangement relating to the need to raise Frankland Avenue in the immediate vicinity to facilitate the provision of deep sewer. This matter is not one that is managed through the structure planning process and is a matter to be determined between affected landowners. Accordingly it is recommended for deletion from Part 1 of the Structure Plan text.

The 5 submission received from state or servicing authorities provided comment and did not object to the proposal.

### Modifications

A number of minor changes are proposed to be made to the Structure Plan map to facilitate a more orderly development outcome. These (and their rationale) are outlined below:

1. Allocate specific residential zonings as opposed to a density range across the whole subject area. Currently the Structure Plan has a density of R30-60 on all residential zoned land. Such approaches, although allowable under the WAPC's Structure Plan Guidelines, are not desirable and not the preference of the City and leads to uncertainty in future planning processes and neighbourhood built-form outcomes. The densities proposed in the officer recommendation are in keeping with the non-statutory plan provided by the applicant in the Explanatory Section of the Structure Plan text.
2. Relocating the Structure Plan Map to the end of the Statutory Section of the report as per the WAPC's Structure Plan Guidelines.
3. Remove Paragraph 2, Section 6.3 of Part 1 of the Structure Plan report as outlined and explained in the Community Consultation section of this report.

### Conclusion

It is recommended that the Council adopt the Structure Plan for Lot 126 Wattleup Road, Hammond Park, subject to modification and once the modifications are satisfactorily completed; pursuant to Clause 6.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.



## **Strategic Plan/Policy Implications**

### **Growing City**

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

### **Budget/Financial Implications**

The required fee was calculated on receipt of the Proposed Structure Plan and has been paid by the proponent. The site is subject to Development Contribution Area No 13 and Proposed Area No. 9. There aren't any other direct financial implications associated with the Proposed Structure Plan.

### **Legal Implications**

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on 27 August 2013.

### **Community Consultation**

In accordance with Clause 6.2.8 of the City's Scheme, the Proposed Structure Plan was advertised from 6 August 2013 to 27 August 2013. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.

Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 3).

### **Attachment(s)**

1. Location Plan
2. Structure Plan
3. Schedule of Submissions





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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 October 2013 Council Meeting.

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

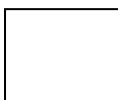
Nil.

**14.4 (MINUTE NO 5141) (OCM 10/10/2013) - SCHEME AMENDMENT NO. 93 AND DRAFT TWIN BARTRAM SWAMPS LOCAL STRUCTURE PLAN - LOCATION: LOT 9014 BARTRAM ROAD AND 9015 WENTWORTH PARADE, SUCCESS - OWNER: GOLD ESTATES - APPLICANT: ROBERTS DAY (109/026 & 110/079) (C HOSSEN) (ATTACH)**

| <b>RECOMMENDATION</b>  |                              |  |
|--|------------------------------|--|
| That Council   |                              |  |
| <p>(1) endorse the Schedule of Submissions prepared in respect of Scheme Amendment No. 93 to City of Cockburn Town Planning Scheme No. 3 (“Scheme”) and the Draft Twin Bartram Swamps Local Structure Plan – Pt Lot 9014 Bartram Road and Lot 9015 Wentworth Parade, Success (“Draft Structure Plan”);</p> <p>(2) adopt for final approval (subject to modifications) Amendment No. 93 to the Scheme in pursuance of Section 75 of the <i>Planning and Development Act 2005</i> for the purposes:</p> <ol style="list-style-type: none"> <li>1. Rezoning Lot 9015 Wentworth Parade and Pt Lot 9014 Bartram Road, Success, from Residential R20 to Development Zone, and placing this within a new Development Area 36.</li> <li>2. Modifying Schedule 11 – Development Areas of the Scheme Text to include a new DA 36 – Bartram Road as follows:</li> </ol> <p>“Schedule 11 – Development Areas</p> |                              |  |
| <b>Ref. No.</b>  | <b>Area</b>                  | <b>Provisions</b>  |
| DA 36  | BARTRAM ROAD<br>(DEVELOPMENT | 1. Structure Plan/s adopted and endorsed in accordance with clause 6.2 of the Scheme to guide subdivision, land use and development. |



|  |              |  |
|--|--------------|--|
|  | <p>ZONE)</p> | <p>2. To provide for residential development and associated protection and enhancement of the Conservation Category Wetland and associated natural environment on the subject land.</p> <p>3. In addition to the minimum requirement of 10% Public Open Space, any proposed Structure Plan shall include the provision of an additional 7240m<sup>2</sup> of Public Open Space which represents the balance of Public Open Space required for the Thomsons Lake residential development.</p> <p>The 7240m<sup>2</sup> balance of additional POS comprises the following sites which were previously not included in the calculation of the gross subdivisible area for the Thomsons Lake residential development:</p> <ul style="list-style-type: none"> <li>• Lot 858 Bannigan Avenue, Success which was originally zoned Local Centre and comprised a 2000m<sup>2</sup> area of open space, which was to be dedicated free of cost as a community purposes site to coexist with the local shopping centre. In 2005, the site was rezoned from Local Centre to Residential R40 subject to the provision of the previously deducted Public Open Space contributions of 10% of the subject site being 1240m<sup>2</sup> and 2000m<sup>2</sup> for the area no longer provided for community purposes.</li> <li>• Lot 810 Wentworth Parade, Success which was 4000m<sup>2</sup> of land originally ceded for public open space/community purposes site for a police station. The site is no longer required for a police station and therefore the previous deduction in Public Open Space attributed to the site is not applicable given its current zoning for Residential purposes. In accordance with a Deed of Covenant between the Western Australian Planning Commission, GSC Gold Pty Ltd, Gold Estates of Australia (1903) Ltd and Minister for Lands the 4000m<sup>2</sup> is to be ceded for use as Public Open Space within DA36.</li> </ul> <p>4. Any Proposed Structure Plan shall include a Wetland Management and Rehabilitation Plan covering the Conservation Category Wetland and</p> |
|--|--------------|--|



|   |  |  |  |
|---|--|--|--|
|   |  | <p>portions of the adjoining transmission line area to the satisfaction of the City of Cockburn. The Wetland Management and Rehabilitation Plan shall address the following requirements:</p> <ul style="list-style-type: none"> <li>• Delineation of management plan boundaries.</li> <li>• Description of existing environment and the environmental values of the management areas.</li> <li>• Description of proposed land ownership and management arrangements.</li> <li>• Description of management recommendations for the management areas such as: fencing, access, signage, fire management, weed control, revegetation and rehabilitation.</li> <li>• Suitable pedestrian linkage to the western adjacent active open space.</li> <li>• Description of an implementation schedule detailing, timing, responsibilities, funding arrangements, for recommended actions.</li> </ul> <p>5. Any Proposed Structure Plan shall include a Bushfire Management Plan detailing appropriate Bushfire mitigation measures and design responses in respect of the Proposed Structure Plan.</p> <p>6. Any Proposed Structure Plan shall include a Mosquito and Midge Management Plan.</p> <p>7. Any Proposed Structure Plan shall include a Local Water Management Strategy detailing appropriate urban water management and water sensitive urban design measures in respect of the Proposed Structure Plan.</p> |  |
| <p>3. Amending the Scheme map accordingly.</p> <p>4. Rezoning of the western portion of Lot 9014 Bartram Road where it exists between existing Reserve 45917 and the north south orientated Western Powerline Easement from 'Residential R20' to 'Parks and Recreation' Local Reserve.</p> <p>(3) in anticipation of the Hon. Minister's advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission;</p> |  |  |  |



- (4) subject to the gazettal of Scheme Amendment No. 93, pursuant to Clause 6.2.9.1 of the Scheme, adopt the Draft Structure Plan (as shown in Attachment 2) subject to the following modifications:
1. Finalisation of a Midge and Mosquito Management Plan and incorporation of the Plan into the Structure Plan documentation.
  2. Amend Section 2.3 of Part 2 of the Structure Plan text to include a paragraph and associated figure relating to possible use of the powerline easement adjacent to the R60 site as parking for future developments proposals.
  3. Review the Wetland Management Plan, in light of comments received from the Department of Parks and Wildlife, to the satisfaction of the City; the updated Plan to be incorporated into the Structure Plan documentation.
- (5) subject to compliance with (4) above, in pursuance of Clause 6.2.10.1 of the Scheme, the Draft Structure Plan be sent to the WAPC for endorsement;
- (6) advise the proponent that the site is subject to Development Contribution Area No. 13; and
- (7) advise the proponent and those parties that made a submission of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

Council at its meeting held on 11 April 2013 resolved to initiate Amendment No. 93 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of advertising. The amendment proposes to rezone Pt Lot 9014 Bartram Road and Lot 9015 Wentworth Parade, Success (the 'subject land') from 'Residential R20' to 'Development' and to allow appropriate Special Control Area provisions in the Scheme



text to control development which is the approach taken in respect to development areas within the City.

Consistent with the provisions of Scheme Amendment No. 93, a Draft Structure Plan has been prepared for the subject land to guide future residential subdivision and development.

Both Amendment No. 93 and the Draft Structure Plan have been advertised for public comment in accordance with the Scheme which provides for concurrent advertising of these types of proposals. The purpose of this report is for Council to now consider Amendment No. 93 and the Draft Structure Plan for final adoption in light of submissions received on the proposals.

### **Submission**

The City has prepared the Scheme Amendment documentation.

The Draft Structure Plan (as shown in Attachment 3) was also lodged by Roberts Days on behalf Gold Estates. The Draft Structure Plan has been prepared in support of the proposed urbanisation of the subject land and provides for residential development (ranging in density from R20 to R60, public open space and associated road network.

### **Report**

#### Scheme Amendment No. 93

The purpose of the Scheme Amendment is to assist in the proper and orderly planning of the site through the implementation of an appropriate 'Development' zone across the entire site to be known as 'Development Area – DA36'. The new 'Development' zone will replace the existing 'Residential' zone and establish the need for a structure plan that identifies residential development and associated protection and enhancement of the Conservation Category Wetland and associated natural environment on the subject land overall land uses consistent with the Scheme. The Scheme Amendment will also facilitate the provision of additional Public Open Space above the required 10%. Any proposed Structure Plan shall include the provision of an additional 7240m<sup>2</sup> of Public Open Space which represents the balance of Public Open Space required for the Thomsons Lake residential development.

The overall intent and purpose of Scheme Amendment No. 93 is consistent with the requirements of the City and will provide conformity with the MRS. The Scheme amendment also seeks to create an appropriate zoning mechanism such that the objectives set for the land



precinct can be achieved through having a performance based planning approach underpinned via a structure planning process.

### Draft Twin Bartram Swamps Structure Plan

The Draft Structure Plan has been prepared generally in accordance with the WAPC's "Structure Plan Preparation Guidelines".

From a detailed assessment viewpoint, the following information is provided.

### Design and Density

The Draft Structure Plan identifies that the subject area will achieve a density target of 4.89 dwelling units per gross urban hectare. This is significantly below the 15 dwelling target prescribed by the WAPC's 'Directions 2031 and Beyond'; for the reason of the site featuring a large Conservation Category Wetland and associated buffer. When considering the density of the residential land only ('site density') the Draft Structure Plan proposed 25.11 dwellings per hectare, this is above the requirement of Liveable Neighbourhoods. Therefore, although there are considered physical barriers which reduce the effective developable land area available for residential purposes; the land that is available for development is being done so at an appropriate density.

A range of residential densities from R20 to R60 have been proposed as part of the Draft Structure Plan. Higher densities are situated close to areas of higher amenity such as public open space.

### Public Open Space

The Draft Structure Plan proposes one large contiguous area of POS incorporating the Twin Bartram Swamps Conservation Category Wetland, associated buffer and a number of unrestricted POS areas outside the buffer for passive and active recreation.

The Conservation Category Wetland and its buffer account for approximately 15.66 ha of the total site and will be required to be ceded to the Crown, free of cost. The Draft Structure Plan provides for the required 10% POS provision as per Liveable Neighbourhoods. Moreover the Draft Structure Plan provides for an additional 7,240m<sup>2</sup> of POS as per Scheme Amendment 93, taking the total POS provision to 1.56 ha.



### Midge and Mosquito

A report provided by the WA Department of Health (DoH) in September 2012 highlighted the elevated risk of Ross River Virus (RRV) infection from mosquitoes in the proximity of Thomsons Lake. The report outlines a likely link between the large number of RRV cases and the kangaroos in the Thomsons Lake reserve because they act as hosts and reservoirs of the virus. DoH recommend that new residential developments should not occur or be approved within 2 km of recognised breeding sites including Thomsons Lake unless the proponent can demonstrate that human exposure to nuisance and/or disease vector mosquitoes can be permanently maintained at acceptable levels. The subject land lies within this 2km buffer to Thompsens Lake.

DOH raised an important issue which must be considered in land use planning for this area. Noting the land is already approved for residential development, the most appropriate way of addressing this issue is to include a Mosquito and Midge Management Plan as part of the structure plan, as well as a memorial on title to alert landowners through the subdivision process.

Scheme Amendment No. 93 requires that any Structure Plan within Development Area 36 is required to be accompanied by a Midge and Mosquito Management Plan. The applicant has undertaken this work and has lodged it with the City; this was undertaken after the commencement of advertising. It is proposed that the Draft Structure Plan not be forwarded to the WAPC until the Midge and Mosquito Management Plan is finalised and incorporated into the Structure Plan documentation.

### Community Consultation Outcomes

Scheme Amendment No. 93 and the Draft Twin Bartram Swamps Structure Plan were concurrently advertised for public comment for a period of 42 days from 23 July to 3 September 2013. A total of 11 submissions were received, with no submissions objecting to either proposal. One submission by the applicant, on behalf of the subject site's landowner, has requested a minor amendment to the Non-Statutory section of the Structure Plan text; this has been supported. One submission was received from the Department of Parks and Wildlife noted a number of issues with the Wetland Management Plan. The Council recommendation has been worded to require the applicant to address these points prior to the forwarding of the Scheme Amendment and Structure Plan to the WAPC.



The remaining submissions are addressed in detail in the Schedule of Submissions (Attachment 4) and raise no material matters which impact on the consideration of this proposal.

As a result of the advertising process and discussions with the applicant, one minor modification is required to affect the intended POS allocation under the Structure Plan. This relates to the the western portion of Lot 9014 Bartram Road where it exists between the existing Reserve 45917 and the north south orientated Western Powerline Easement. This land will be ceded as part of Public Open Space, in order to affect the required POS contribution under the Scheme and Structure Plan. By rezoning this to the equivalent local reserve under the Scheme, it will be appropriately designated as part of the POS which exists adjoining to the west. This is shown in Attachment 5.

### Conclusion

It is recommended that Council adopt Amendment No. 93 for the purposes of providing a suitable framework and provision for the future subdivision and development of the subject area.

The associated Draft Structure Plan is generally consistent with the requirements of the City however relevant minor modifications are required prior to approval as outlined in this report. It is therefore recommended that Council, subject to the gazettal of Amendment No. 93, approve the Draft Structure Plan subject to a modification.

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

#### **Growing City**

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

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

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

#### **Legal Implications**

*Planning and Development Act 2005*  
*City of Cockburn Town Planning Scheme No. 3*  
*Town Planning Regulations 1967*





## Community Consultation

Community consultation was carried out for a period of 42 days. The proposals were advertised in the Cockburn Gazette, on the City's website and letters were sent to affected landowners and government/servicing authorities in accordance with the Scheme requirements.

A total of 11 submissions were received. Analysis of the submissions has been undertaken within the attached Schedule of Submissions.

## Attachment(s)

1. Location Plan
2. Scheme Amendment No.93 Map
3. Twin Bartram Swamps Structure Plan
4. Map showing rezoning western portion of Lot 9014
5. Schedule of Submissions

## Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 October 2013 Council Meeting.

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

Nil.

### 14.5 **(MINUTE NO 5142) (OCM 10/10/2013) - PROPOSED STRUCTURE PLAN - LOCATION: LOTS 114, 123, 124 & 125 WATTLEUP ROAD, HAMMOND PARK - OWNER: VARIOUS - APPLICANT: RPS (110/078) (C HOSSEN) (ATTACH):**

#### RECOMMENDATION

That Council

- (1) pursuant to Clause 6.2.9.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), adopts the Proposed Structure Plan for Lots 114, 123, 124 and 125 Wattleup Road, Hammond Park (as shown in Attachment 2) subject to the following modifications:

1. The Structure Plan map be modified in accordance with the plan shown in Attachment 3 of this report.
2. Section 5 of Part 1 of the Structure Plan text be amended to include the land use 'office' as a 'D' use on land zoned 'residential' where the density is shown as 'R60' or 'R80'



- on the Structure Plan map.
3. Section 5 of Part 1 of the Structure Plan text be amended to include the land use 'House - Single (R-Code)' as an 'X' use on land zoned 'local centre'.
  4. The Structure Plan text be updated to reflect the changes in zoning and the residential density codes, as outlined above.
- (2) in pursuance of Clause 6.2.10.1 of the Scheme, send the Structure Plan once modified to the Western Australian Planning Commission for endorsement;
  - (3) endorse the schedule of submissions prepared in respect of the Structure Plan;
  - (4) advise the proponent and those persons who made a submission of the Council's decision; and
  - (5) advise the proponent that the site is subject to Development Contribution Area No. 13 and new Contribution Area No. 9 in the process of being approved by the WAPC.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The purpose of this report is to consider for adoption the Proposed Structure Plan for Lot 114, 123, 124 and 125 Wattleup Road, Hammond Park ("subject land"). The Proposed Structure Plan seeks to provide the development framework for the subject land incorporating the future Hammond Park Town Centre, a range of densities and accommodating a multiple areas of public open space and associated road network.

The Proposed Structure Plan has been advertised for public comment and also referred to authorities for comment. This report now seeks to specifically consider the Proposed Structure Plan for adoption, in light of the advertising process and assessment by officers.



## Submission

The Structure Plan was lodged by RPS on behalf of the owners of Lot 123 Wattleup Road, Hammond Park. It does provide the planning for a logical town centre precinct cell, consistent with the guidance provided under the Southern Suburbs District Structure Plan (Stage 3) which encourages logical structure planning cells to be submitted for consideration.

## Report

### Planning Background

The subject land is 16.44 ha in size and extends from Franklin Avenue on the northern and eastern boundaries, Wattleup Road to the south and the future Hammond Road extension to the west. Existing residential development sits to the north of the site, with the remaining environs being utilised for market gardens or rural undeveloped lots. A location plan is shown in Attachment 1.

The majority of the subject area is zoned 'Urban' under the Metropolitan Region Scheme ('MRS'). The western portion of Lot 114 reserved for 'Other Regional Roads' (being the extension of Hammond Road along the alignment of the Frankland Avenue reservation) and a narrow strip of 'Parks and Recreation' reserve (former Baldivis Tramway). The subject area is zoned 'Development' under the City of Cockburn Town Planning Scheme No. 3 ('Scheme'). The subject land is also located within Development Area 9 (DA9) and is subject to the Development Contribution Area 13 (DCA13) and the proposed Development Contribution Areas No. 9 (DCA9).

The subject area is located within the central precinct of the Southern Suburbs District Structure Plan Stage 3 (SSDSP3).

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

In accordance with the above, a Proposed Structure Plan has been submitted to the City by RPS on behalf of the landowner of Lot 123 Wattleup Road in conjunction with the other landowners.



### Proposed Structure Plan

The Proposed Structure Plan provides for a walkable and diverse town centre precinct that will facilitate a variety of medium and high density lot sizes and housing types with approximately 384 residential lots proposed with densities of R30 and R80 and 1.43 ha of Local Centre zoned land expected to yield approximately 5,000m<sup>2</sup> of leasable floor space.

The remainder of the subject area comprises of an interconnected and permeable road network and four public open space areas that incorporate drainage, conservation and recreation functions

### Future Town Centre

The City's Local Commercial and Activity Centre's Strategy (LCACS) and the SSDSP3 identify the western portion of the subject area, abutting the future Hammond Road, as forming the future Hammond Park Town Centre.

The proposed Structure Plan identifies and zones approximately 1.43 ha of land across Lot 114 and 123 as 'Local Centre' for the purposes of fulfilling the above requirement.

In respect to the subject area, the LCACS identifies scope for a 'Hammond Park Neighbourhood Centre'. The role of the future centre is identified as being for *"daily and some weekly household shopping needs, and a very small range of other convenience stores"*.

The SSDSP3 notes that the Hammond Park Neighbourhood Centre will traditionally include a supermarket, café's and small specialty shops. The total retail/commercial floor space is likely to in the order of 5000 square metres. The centre will also provide opportunities for other (non-retail) small businesses and local employment, consistent with the aims of SPP 4.2. The design and function of the proposed Neighbourhood Centre will be based on 'main street' principles and relevant provisions of Liveable Neighbourhoods.

The proposed layout and expected form of the Local Centre zoned land in the Proposed Structure Plan is expected to allow for the establishment of a Centre of the ilk outlined in the LCACS and the SSDPS3. This will be further supported by the proposed medium and high residential zonings, to be discussed later in this report.

SSDSP3 identifies the area immediately adjacent to the Town Centre as being appropriate for 'Mixed Business' zone and also home based businesses. In consultation with the City's Statutory Planning



Department it was noted that issues, particularly concerning land use permissibility, have eventuated where the 'Mixed Business' zone has been used in other parts of the City. Therefore it was determined that the 'Local Centre' zone be the sole commercial zone within the subject area. The variety of land uses permitted under 'Local Centre' will be sufficient to facilitate the type of activity node desired in the LCACS and the SSDSP3.

With regard to the facilitation of 'home-based' businesses as outlined in the SSDSP3; the advertised version of the Structure Plan does not facilitate above what is currently allowed under the Scheme. It is recommended that the Part 1, clause 5 of the Structure Plan text be modified to classify the land use 'office' as a 'D' use on all land zoned 'Residential R60' or 'Residential R80' within the Structure Plan area. Such developments would require the City to exercise its discretion by granting a planning approval, any such developments would also be regulated through Detailed Area Plans.

### Residential Density

The proposed Structure Plan proposed a variety of medium and high residential densities across the subject area; concentrating the higher residential densities around the future Town Centre and areas of public open space.

As noted above the proposed Structure Plan will facilitate approximately 384 residential lots proposed with densities ranging from R30 and R80. The following table offers a breakdown of the area each density coding accounts for and expected dwelling yields.

| Residential Density | Total Developable Area (ha) | Expected Dwelling yield |
|---------------------|-----------------------------|-------------------------|
| R30                 | 2.376                       | 79                      |
| R40                 | 1.527                       | 69                      |
| R50                 | 2.323                       | 129                     |
| R60                 | 0.371                       | 25                      |
| R80                 | 0.696                       | 58 single / 82 multiple |

Based on the dwelling calculations above the overall density of the proposed Structure Plan is 26 dwellings per gross hectare of 'Urban' Zoned land and 53 dwellings per net hectare of residential developable land.

The SSDSP3 noted the need to concentrate high density residential development within the environs of the future Town Centre. The SSDSP3 required such areas to achieve a gross residential density of 25 dwellings per hectare; therefore the proposed Structure Plan



achieves this goal. The proposed Structure Plan is also consistent with Element 1, R 17 of Liveable Neighbourhoods, which states that minimum residential densities of between 20 and 30 dwellings per hectare should be achieved within 400m of an activity centre.

### Public Open Space

The proposed Structure Plan provides for 1.66 ha of Public Open Space across four (4) parks. 1.39 ha can be classified as creditable Public Open Space. Therefore the proposed Structure Plan meets the requirement of 10% of the gross subdivisional area as per Element 4 of Liveable Neighbourhoods.

The four (4) parks range in size from 3,777 m<sup>2</sup> and 4,514m<sup>2</sup> and are equitably spread across the four individual landholdings that make up the subject area. All parks are provided with a high degree of visible permeability through direct lot frontage and direct street frontage.

### Community Consultation

The proposed Structure Plan was advertised in the Cockburn Gazette for public comment for a period of 21 days from 6 August 2013 to 27 August 2013. The proposed Structure Plan was advertised to nearby and affected landowners and also referred to relevant government authorities.

In total 9 submissions were received for the proposed structure plan, including:

- 3 from landowners within the subject area
- 6 from government agencies.

All of the submissions that were received are set out and addressed in the Schedule of Submissions (Attachment 4).

The three submissions from affected landowners included; 2 submissions offering qualified support for the proposal subject to a number of conditions and 1 objection with recommended alterations and amendment to the proposal.

The objections and conditional support, which are addressed in the Schedule of Submissions, were broadly concerned with the following key points:

1. Retention of an existing dwelling on Lot 114 Wattleup Road, Hammond Park.
2. A number of Structure Plan Design issues regarding location, type and amount of commercial zoning and new road network design.



3. The need for Hammond Road to be extended past the subject area at the time of development and ramifications if this does not occur.

With regard to Point 1 above; the Structure Plan map indicates zoning. The retention of the existing dwelling, timing of development of the land is a matter to be dealt with at time of subdivision. The provision of the laneway, running parallel between the Local Centre and the existing Wattleup Road is deemed to be necessary for the orderly functioning of the proposed street network and the future Town Centre. Its removal and the identification of the existing dwelling on the proposed Structure Plan are not supported. Importantly to emphasise, the decision on whether or not to retain the dwelling is a decision driven by the owner of the land. Should the owner choose to retain their dwelling, then there is nothing within the Structure Plan which affects this objective taking place. Moreover the Structure Plan provides for the planning of structural elements if and when landowners choose to develop at a point into the future. The retention of the existing dwelling and how the development of Lot 114 is undertaken and timing of the development is therefore a matter for the landowner to decide.

With regard to Point 2; conflicting suggestions were received from the landowners of Lot 124 and Lot 125 regarding the road and lot layout across their existing common boundary. The owner of Lot 125 favouring the advertised outcome; the owner of Lot 124 favoured a modified outcome. The proposed changes made to the location of the street network over Lot 124 and lot 125 Wattleup Road and subsequent changes to the lot and POS layout are in keeping with the comments received from the owner of Lot 124. These changes will assist in the orderly delivery of an urban outcome and proper and orderly planning and are supported on this basis.

A number of other changes to the proposed Structure Plan are proposed in light of the submissions received. These include:

1. Minor extension of 'Local Centre' zoned land onto Lot 124 Wattleup Road.
2. Amendment to the Structure Plan text to allow 'office' as a 'D' use on land zoned 'Residential' and coded either 'R60' or 'R80'.
3. Amendment to the Structure Plan text to disallow 'House - Single (R-Code)' on land zoned 'local centre'

These modifications and others deemed necessary are outlined in detail in the following section.



### Modifications

A number of changes are proposed to be made to the Structure Plan map to facilitate a more orderly development outcome, in recognition of the multiple landholdings within the subject area. A number of these modifications flow directly from submissions from affected residents. These are outlined below:

1. The shifting of a residential cell currently on Lot 124 and 125 eight (8) metres west. This will ensure the cell is entirely within Lot 124. The proposal will ensure that land swaps will not be necessary to facilitate the creation of entire lots at subdivision stage. A number of other changes are required in response to this change, these are discussed below.
2. Addition of 624m<sup>2</sup> of Local Centre zoned land on the southern side of the realigned road within the existing Lot 124.
3. Up-coding of the 'R40' development cell adjoining POS area 4 to 'R50'. The upcoding to 'R50' is in response to the new depth of the lots and will assist in the creation of a more appropriate built form outcome.
4. Recoding of a number of development parcels to 'R40' to provide greater flexibility in the delivery of a variety of lot product.
5. Recoding of a development parcel on Lots 114 and 123 from 'R50' to 'R60' to provide greater flexibility in the delivery of home-based business in proximity to the 'local centre' zone.
6. Relocation of a portion of POS area 2 to POS area 3 caused by the shifting of the road, as described in 1 above. There is no overall reduction of the area of POS provided across the subject area.

It is proposed to make the following changes to the use class permissibility within Part 1 of the proposed Structure Plan to facilitate the establishment of 'home-based' businesses as outlined in the SSDSP3.

It is recommended that the Part 1, clause 5 of the Structure Plan text be modified to show the land use 'office' as a 'D' use on all land zoned 'Residential R60' or 'Residential R80'. Such developments would require the City to exercise its discretion by granting a planning approval, any such developments would also be regulated through a Detailed Area Plan.

It is recommended that the Part 1, clause 5 of the Structure Plan text be modified to show the land use 'House - Single (R-Code)' as an 'X' use on all land zoned 'local centre'. The City's Scheme as of right allows the consideration of single detached dwellings on land zoned 'local centre'. Such outcomes are not conducive to creating a vibrant





mixed use town centre precinct nor conducive to the intent of the zone. The City's Local Commercial and Activity Centre Strategy ('LCACS') outlines this approach to land use permissibility in the 'local centre' zone as a recommendation.

### Conclusion

It is recommended that the Council adopt the Structure Plan for Lots 114, 123, 124 and 125 Wattleup Road, Hammond Park, subject to modification and once the modifications are satisfactorily completed; pursuant to Clause 6.2.10 of the Scheme refer it to the Western Australian Planning Commission for their endorsement.

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

#### **Growing City**

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

### **Budget/Financial Implications**

The required fee was calculated on receipt of the Proposed Structure Plan and has been paid by the proponent. The site is subject to Development Contribution Areas No 13 and 9. There are no other direct financial implications associated with the Proposed Structure Plan.

### **Legal Implications**

Clause 6.2.9.1 of the Scheme requires Council to make a decision on the application within 60 days from the end of the advertising period of such longer period as may be agreed by the applicant. The advertising period concluded on 27 August 2013.

### **Community Consultation**

In accordance with Clause 6.2.8 of the City's Scheme, the Proposed Structure Plan was advertised from 6 August 2013 to 21 August 2013. This included a notice in the Cockburn Gazette, letters to landowners within the Structure Plan area, adjoining landowners and State Government agencies.



Analysis of the submissions has been undertaken within the 'Report' section above, as well as the attached Schedule of Submissions (Attachment 4).

**Attachment(s)**

1. Location Plan
2. Structure Plan (as advertised)
3. Structure Plan (as modified)
4. Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 October 2013 Council Meeting.

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

Nil.

**14.6 (MINUTE NO 5143) (OCM 10/10/2013) - CONSIDERATION OF DRAFT WESTERN TRADE COAST INTEGRATED ASSESSMENT STUDY (110/003) (A TROSIC) (ATTACH)**

**RECOMMENDATION**

That Council write a submission to the WTCIC based on the contents of this officer's report, and request that the Council's comments and concerns be appropriately integrated into the Study before finalisation takes place.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The Western Trade Coast Industries Committee ("WTCIC") was established by the State Government in 2011. This reflected an objective to bring together the industrial precincts stretching from Rockingham, through the Kwinana Industrial Area, the new Latitude 32



and Australia's premier ship building / oil and gas industrial hub at Henderson, to become known as the Western Trade Coast ("WTC").

The State Government identifies the WTC as "the most important strategic industrial region in the Perth Metropolitan Area." Local government is also clearly aware of the importance of the WTC, and from the City of Cockburn's perspective the leadership it has shown in planning, development and regulation has (and continues) to play an important role in helping advance the WTC in conjunction with the advancement of all other matters to support the effective local governance for the community.

The City is represented on the WTCIC by the CEO, with other Executive level representation on sub committees including land use planning and infrastructure. A high level task set for the WTCIC from its foundation in 2011 was the preparation of a new Integrated Assessment Study for the region. This takes the form of an assessment looking at performance across environmental, social and economic impacts, and represents the fourth such study of its type on the WTCIC; the first study being the original Dames and Moore Study in 1990.

As the Integrated Assessment Study has now been completed, the City has been provided with the opportunity to comment. It is recommended that Council take the opportunity to comment based upon the key points contained within the officer's recommendation.

### **Submission**

The City has received the Integrated Assessment Study document. The City, as a member of the WTCIC and major local government in the WTC region, has been invited to comment on the report.

### **Report**

The vision stated for the WTC is for it to be an essential, sustainable and strategic (heavy, general and special) industrial region supported by industry, community and Government. This is setting a particular scenario for the future, whereby the WTC has been advanced to secure strategic level industrial development. This appears to elevate thoughts on issues such as industrial ecology and symbiosis; best practice industrial development and operation; pursuit for environmental excellence; supporting employment growth and knowledge in order to secure new industrial competitive advantages that may not currently exist.



This vision is supported through the WTC pursuing the following stated objectives:

1. *Setting standards for similar development across Australia.*
2. *Being highly regarded and respected by all levels of Government and industry within the area.*
3. *Being designed and constructed to the best practicable standards.*
4. *Coordinating resources and investment from all levels of Government industry within the area.*
5. *Successfully integrates with areas outside its boundaries.*
6. *Creates significant employment and economic development opportunities.*
7. *Recognised as the premier industrial area in the state.*
8. *Striving towards BATNEEC (Best Available Technology Not Entailing Excessive Cost).*
9. *Demonstrating alignment with other planning and land use including transportation initiatives in the surrounding areas.*
10. *Developing increased synergies within the core area.*
11. *Generating access to additional funding.*
12. *Definition and protection of a buffer to minimise negative impact of incompatible land use encroachment into the Core and infrastructure corridors.*

These objectives seek an advancement of the WTC, which the City carefully notes. The City however also believes (and has raised previously) that the WTC objectives should also be considering explicitly the relationship with the community, particularly as the WTC is not simply an industry trade coast in isolation. The City recognises that the coast has very important community and social based objectives (recreation, conservation and spiritual connection) which will exist in perpetuity. The City also recognises that the broader region containing the WTC has important growth priorities which are crucial to the growth of the State, and therefore need to inform (and not simply be informed by) decisions on buffers and industrial development etc. Adding to this the uncertainties of climate change makes careful balancing the future of the WTC of utmost importance. These themes influence the following comments made specific to the Integrated Assessment Study.

#### Integrated Assessment Study

The Study seeks to present and review environmental, social and economic performance data of WTC industries, sourced directly from these industries and supplemented by state and local government data and other published reports. Both qualitative and quantitative data has been collected, with 40 interviews conducted and 27 questionnaire responses analysed.



The Study confirms in many respects the importance of the WTC as it is recognised by the City. The Study reminds readers of this importance through findings like:

- *The WTC is a significant contributor to the Western Australian economy with direct sales of \$14.7 billion per annum;*
- *The WTC employs 11,362 people directly, of which 64% live locally within Cockburn, Kwinana or Rockingham;*
- *\$953 million in wages and salaries are paid directly to workers employed within the WTC;*
- *The WTC has indirect inter-industry flow-on effects amounting to an estimated \$10.3 billion in output, \$0.8 billion in wages and salaries paid, and 18,274 jobs.*

**Officer comment:** The City notes these points.

#### Main findings of the Study

The Study provides a list of key findings as follows regarding the WTC:

- *Has a major impact on the Western Australian economy through employment and upskilling of workers, direct sales, and value adding to primary outputs;*
- *Directly produces a larger amount of income than the wages and salaries of their employees through payments of dividends, taxes and royalties;*
- *Has significant inter-industry flow-on effects;*
- *Has a strong positive contribution to the local community by providing employment, training and development, as well as sponsorship of community activities;*
- *Continues to improve environmental performance and advance sustainability initiatives which benefit the local and broader community.*

**Officer comment:** The key findings are noted. Consistent with the earlier observation made about the WTC's broader relationship with the community, it is unfortunate that benefits seem largely focussed upon financial outcomes. A continuing theme from the City's perspective is that community engagement and interaction with the WTC needs to be supported, particularly to try to change community attitudes towards what has typically been a heavy/unsightly industrial area. The engagement of the community is also taking place throughout the coastline itself, and any attempt to portray the area as exclusively a trade coast does not reflect the reality that exists. While noting the key findings, it is recommended that the fourth dot point be expanded to consider community contribution beyond financial terms.



Factors identified as constraints or benefits to the operations of the WTC

The Study and its specific engagement with quantitative and qualitative research of industrial operators, identified a list of factors which were deemed important constraints or benefits to the operations of the WTC. These industrial operator interviews were supplemented by interviews with State Government agencies, particularly those active in the production / facilitation / regulation of industrial development.

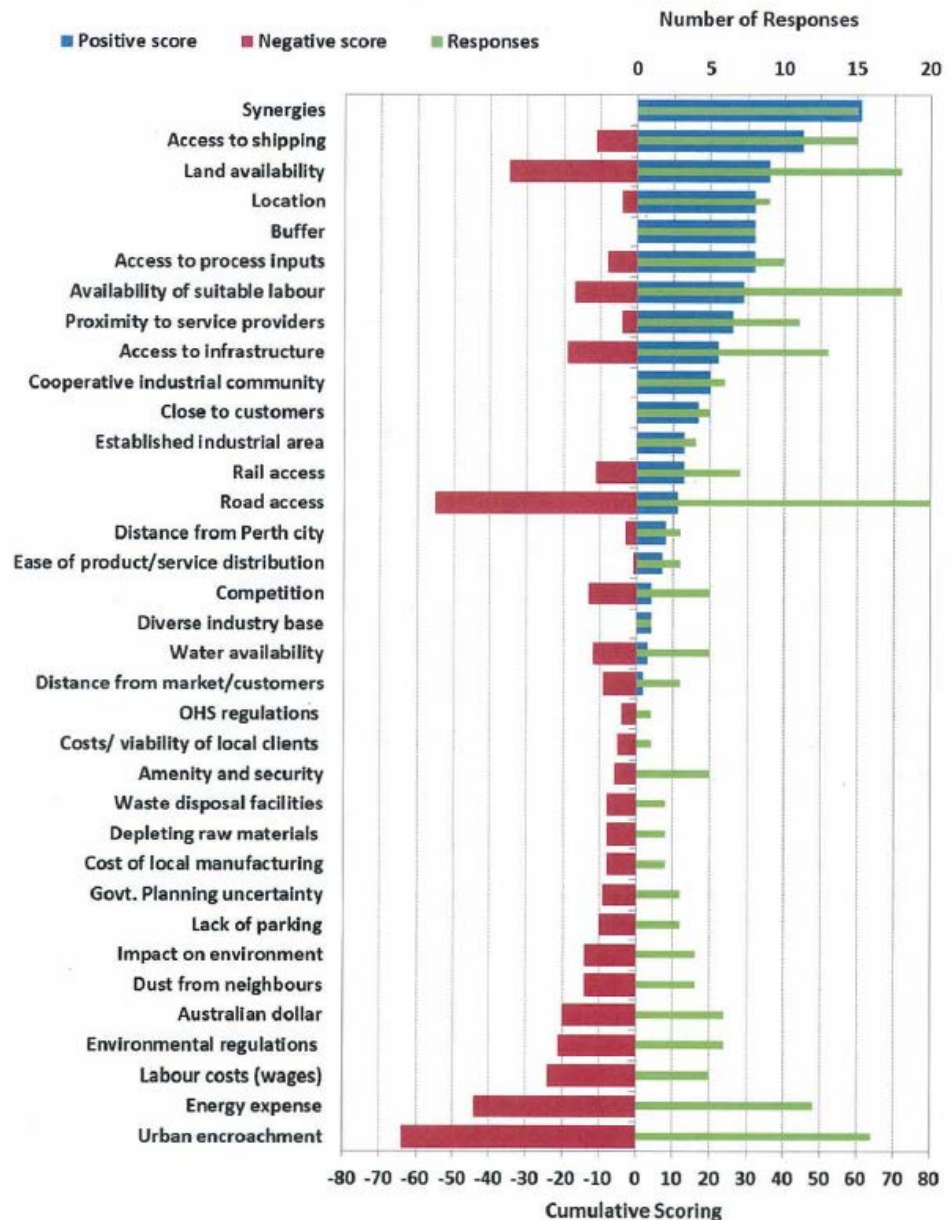
The most important constraints and benefits identified by industrial operators are highlighted following:

- *The available synergies, strategic location of the WTC adjacent to port facilities, protection of a buffer zone, and availability of process inputs are key attractive factors for WTC industries;*
- *Urban encroachment is shown as a significant negative factor, along with energy costs, labour costs, level of environmental regulation and the value of the Australian dollar;*
- *The future prosperity of the WTC should be protected by enhancing the positive attributes identified and addressing the issues of most concern to industry and stakeholders in the region.*

This is supported by the following graphic which shows cumulative scoring for the responses received:



Question: Please list in decreasing order of influence up to five existing benefits and up to five existing constraints that specifically relate to your location



**Officer comment:** The City finds it remarkable that urban encroachment is listed as the most negative factor, above major issues like infrastructure backload, road access, macroeconomic environment issues such as exchange rates, as well as the growth in energy input costs. The City seeks further information on this, as there appears to be a degree of disconnect between what industry (through such avenues as the media) are saying are the major risks to operations within Australia, versus what this Study has concluded specific to the WTC.



### Cumulative synergies in the WTC

Through the unique geographical isolation from other major industrial centres and major resource regions of WA, the Study finds that this has allowed the WTC to evolve a unique connectivity of heavy, fabrication, support and service industries, with utilities and infrastructure to suit. A cooperative and amicable industrial community has also developed in tandem with the growing synergies of the WTC.

The Study reveals growing pairs of interacting communities since 1990, noting that the 158 interactions identified in the course of the Study is well in-excess of the Kalundborg Eco-Industrial Estate in Denmark (30 synergies), which is often held as a global example of industrial symbiosis.

**Officer comment:** The industrial symbiosis is a truly competitive advantage for the WTC. The City sees this as a sustainable competitive advantage, in so much that:

- The WTC enjoys a unique market position which is unlikely to be rivalled by other industrial areas within the State and;
- The internal strengths around innovation, process integration and core competencies are inimitable. Accordingly the State Government should be focussing on the marketing of this from an international perspective, as the sustainable competitive advantage should be capable of attracting new industrial entrants.

### Environmental Performance of the WTC

The Study concludes environmental performance of the WTC as follows:

- *Environmental aspects including noise, air quality, societal risk and the marine environment of Cockburn Sound are being well managed by industry and government;*
- *ISO 14001 accreditation levels in the WTC have increased since 2007, particularly so for KIA industries;*
- *WTC industry are leveraging industrial symbiosis to avoid unnecessary environmental impacts that would occur if they operated in isolation;*
- *WTC industries are continuing to make incremental capital improvements and operational changes that improve their efficiency and reduce environmental and community impacts.*

**Officer comment:** These findings are welcomed, especially the environmental aspects regarding noise, air quality and societal risk being effectively managed. The City again points out that the Study talks extensively about the 'danger' posed from urban encroachment, yet also talks about the effective environmental management of the





WTC. Accordingly the City requests further information regarding why statements about the effective management of environmental issues don't seem to be addressing fears held about urban communities establishing nearby.

### Social benefits of the WTC

The key social benefits derived from the WTC are noted as follows:

- *While the WTC workforce is still a male dominated, gender representation has continued to improve in 2013 from 2007 and 2002, primarily in professional, trades, and production and transport roles;*
- *The average age of the WTC workforce is continuing to increase;*
- *The WTC workforce is increasingly being sourced from suburbs and areas outside the traditional catchment zone of Cockburn, Rockingham and Kwinana;*
- *Private, non-carpool vehicle use has increased in the WTC since 2007. At the same time, bicycle use is also showing signs of increase;*
- *WTC industries provide a variety of positive social services to their workforce and families, with a greater proportion of industries reported providing these services since 2007;*
- *WTC industries contributed over \$1.8 million dollars to the local community in the 2010/11 financial year, over double the donations reported in 2004/05 for the 2007 study.*

**Officer comment:** Similar to the previous statement made, the City sees an important responsibility for the WTC to consider how it can engage more effectively with the broader community, particularly to advance social sustainability imperatives. The coast line which exists within the notional boundaries of the WTC is not just industry focused, and in fact has a strong element of community interaction via recreation, conservation and spiritual connection. This deserves further research and reporting within the document.

### Sustainability of industrial operations

The Study reports the following findings in respect of the role sustainability plays in the operation of industries and the WTC:

- *Sustainability is a real concept for all industries participating in the study, although for 33% of industries this is limited to a business sense;*
- *More than half of participating industries approach sustainability by initiating organisational and management change and by incorporating sustainability assessment into decision-making processes;*



- *Sustainability is increasing in importance to WTC businesses, with a notable increase in personnel dedicated to managing sustainability reported for 2013;*
- *More than half of WTC industries have greenhouse gas emission targets and/or strategies to reduce emissions;*
- *Resource depletion, water scarcity and carbon constraints are of reasonable concern to WTC industry, though lower than reported in 2007.*

**Officer comment:** The sustainability investigations are not considered to emphasise the importance of the industrial ecology which features elsewhere through the document as a key area of competitive advantage for the WTC. Industrial ecology/symbiosis seeks to examine the flows of materials and energy in products, processes and industrial sectors. This should be considering in more detail the interdependencies and relationships that have been formed, and how these have helped contributed towards sustainability of the WTC. It is also recommended that the sustainability section should report on the role of industry in reducing environmental burdens throughout the product life-cycle from extraction of raw materials, to the production of goods, to the uses of those goods and to the management of the resulting wastes. In the absent of this detailed reporting, championing true industrial ecology becomes somewhat fragile. This may provide an impetus to examine in detail the industrial ecology of the WTC, prior to embarking on global marketing efforts to attract new entrants into this unique market place.

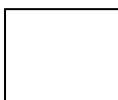
#### Urban encroachment issue

The Study identifies three high priority actions framed under the heading of 'buffer zone'. These are:

- *Stabilise the buffer zone by defining and enforcing the buffer zone boundary;*
- *Manage urban encroachment to reduce risk of community impact;*
- *Investigate protection against urban encroachment or secure long-term storage option within or near the WTC for hazardous materials storage facility.*

These recommendations have accompanying text which states:

*"Perceived threats to the buffer from urban encroachment were a sensitive topic for industry and some state departments during interviews for the current study. Some industry comments were to the effect that further urban encroachment could be the tipping point for certain industries to curtail production or even close doors. Other industries advised they will no longer be exploring expansion options due to the perceived risk to (and from) the residential expansions occurring near the buffer boundary."*



Returning to the earlier points made in this report, the City finds it remarkable that the urban encroachment issue was more seriously affecting the future decision making of industry than other compelling issues. Such other compelling issues as viewed from the perspective of the City include the lack of decision making regarding port operations; the growth in utility costs; exchange rate fluctuations etc. It is unclear how this question was put to respondents, however the City does not agree with the term urban encroachment being used to explain the issue. This creates a false impression that urban development is attempting to 'change the goal posts', which is not the case in respect of the City of Cockburn.

The two examples mentioned in the report regard the State Government's decision making which informed an extension to an interim buffer on land within the suburb of Wattleup, which had a pre-existing approved urban zoning under the State Government's Metropolitan Region Scheme ("MRS") and pre-existing approved Structure Plans by the City of Cockburn. Portraying this situation as an example of urban encroachment is highly inappropriate, and portrays the decision making of local government in a poor light.

In terms of the area within Wattleup, the Study should appropriately reference the State Administrative Tribunal in their decision of [2011] WASAT. The Tribunal found that:

19 *The subject land has consistently been designated for residential development in strategic planning documents produced by the WAPC, the Department of Planning, City of Cockburn and landowner and their predecessors since 1987. These include:*

- *SW Corridor Structure Plan 1993*
- *Jandakot Mandogalup District Planning Study 1993*
- *Southern Suburbs District Structure Plan 1999*
- *Southern Suburbs District Structure Plan - Stage 3 Hammond Park/Wattleup*
- *Local Structure Plan - Lots 121/122/801 - Wattleup Road – 2008*

*The subdivision application for Lots 121, 122 and 801 is consistent with the 2005 Southern Suburbs District Structure Plan - Stage 3 Hammond Park/Wattleup and the Local Structure Plans approved by the City of Cockburn for the subject land.*

20 *The proposed subdivision is also consistent with the Development zoning of the site under TPS 3 and the Urban zoning of the site under the MRS. As noted earlier, the Urban Deferred classification was 'lifted' as recently as 30 October 2008.*



21 *Subject to the weight to be given to the definition of an off-site buffer under State Planning Policy No. 4.1 - State Industrial Buffer Policy (SPP 4.1) (see below), the proposed subdivision is consistent with the strategic and statutory planning framework for the site. Such a finding would usually be a powerful and compelling consideration in deciding whether to grant subdivision approval in the exercise of planning discretion. However, consistency with the strategic and statutory planning framework does not set aside environmental planning considerations in cases where they properly arise for consideration in a planning assessment. In particular, consistency with the planning framework does not negate the precautionary principle in circumstances where it applies.*

Accordingly the City should object to the way in which the Study chose to frame its discussion on this buffer point.

On the other buffer issue associated with the Woodman Point Waste Water Treatment Plant, the City's Scheme has (and continues) to be informed by the State Government's MRS. This designated land within 750m (approximate) of the WPWWTP as 'Urban Deferred', noting that future decisions on land use and development needed to be informed by issues including the proximity of the WPWWTP and its context within the broader WTC. The City's Scheme has performed effectively in this regard; withstanding previous proposals which attempted to introduce residential development on the land zoned Urban Deferred. To suggest this represents encroachment is again inappropriate, given that the statutory framework as established by the State Government via its amendment to the MRS has been appropriately followed by the City.

Overall, it is of a concern that the undertones of urban encroachment coupled with incomplete reporting may be used to inform decision making going forward. It is important that the Study emphasise more prominently the November 2012 parliamentary report by the Standing Committee on Environment and Public Affairs. This is only briefly mentioned within the study, however it is considered a very important document in terms of the expectation it sets for appropriate decision making in terms of the future WTC buffer.

#### Map of the WTC

The City objects to the inclusion of figures which all inaccurately portray the extent of the WTC. The document inaccurately shows the WTC in areas where it hasn't previously existed, particularly within the Wattleup urban area which is currently being proposed for residential subdivision. The lack of finalisation of the Kwinana Air Quality Buffer



document also means that the identification of the WTC area spatially is inappropriate and presumptuous at this point in time.

### Naval Base

The use of the Naval Base shacks at Reserve 24308 for a holiday park has previously been discussed with the State Government, and the City understands that its existence within the WTC is sustainable in the longer term. In this respect, the letter received from the Department of Mines and Petroleum regarding safety issues on the reserve provides an important analysis of the obligation on industry to protect shack owners, and that the reserve can feasibly remain into the future given its location and the nature of the nearby Alcoa alumina refinery. Various legislation applies to secure this. The letter quotes as follows:

*“In relation to public risk from industrial facilities, the existing land use of Reserve 24308 is primarily protected under the Dangerous Goods Safety Act 2004 either via the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007, or where a major hazard facility is concerned, via the Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007. Specifically, any industrial facility near the reserve that is regulated under either of these regulations is obliged to minimize the risk to people, property and the environment to a level as low as is reasonable practicable.”*

*“The Kwinana Alumina Refinery is a dangerous goods site regulated under the Dangerous Goods Safety (Storage and Handling of Non-Explosives) Regulations 2007. The refinery is not a major hazard facility and its operations do not pose a credible risk to occupants, other users or property at Reserve 24308. As such, the refinery does not, and will not adversely influence the continuation of either the current or any other compatible land use at the reserve.”*

This should be reflected in the Study. The Study should also clarify that it does not view the Naval Base shacks as a use requiring relocation.

### Key actions

There is a number of key actions mentioned relating to infrastructure. These are considered of paramount importance to the future of the WTC, especially as they concern:

- Indecision around the future port needs of the State and how these directly affect land based infrastructure investment to support operations;
- The need for upgrading road and rail infrastructure in order to improve flow both into and within the WTC;
- The need for upgrading road infrastructure specific to the AMC.

These are noted and supported, however the lack of commitment and timing to such infrastructure will not help to address situations regarding long term investment decisions by industry. This is



considered an important point needing further analysis in this Study, in order to potentially establish a business case to State Government to fund infrastructure investment. This would in turn help to de-risk a number of projects in the area, particularly Latitude 32, which has not been able to advance according to the original development targets set.

#### AMC Land Supply

An action associated with the AMC looks at the need to develop additional land over the short term for land supply. The City has previously mentioned to Landcorp the need for them to advance the AMC Technology Park Precinct, which is located nearby in Munster and would provide an excellent opportunity for new land to come on stream. This land is ripe for development, having been structure planned for development to take place.

#### Conclusion

There are a variety of concerns raised regarding this Study. It is recommended that the Council write to the WTCIC, requesting that its comments and concerns be appropriately integrated into the Study before finalisation takes place.

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

##### **Growing City**

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

##### **Community & Lifestyle**

- Community environments that are socially cohesive and embrace diversity.

##### **Leading & Listening**

- Effective and constructive dialogue with all City stakeholders.

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

There are no direct financial implications associated with the consideration of the Integrated Assessment Study for the Western Trade Coast.

#### **Legal Implications**

N/A.



**Community Consultation**

There has been no community consultation afforded to the Study at this stage.

**Attachment(s)**

1. Executive Summary of document
2. Map showing WTC

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

N/A

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

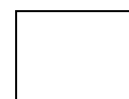
Nil.

**14.7 (MINUTE NO 5144) (OCM 10/10/2013) - TENURE OF ALFRESCO AREA RESERVE 50535 - OCEAN DRIVE, NORTH COOGEE - APPLICANT: PETER WEBB & ASSOCIATES ON BEHALF OF PICKLED FIG CAFE (6011632) (K SIM) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) advise the operator of the Pickled Fig café that the City of Cockburn will not request the excision from Reserve 50535 land for a new lease area;
- (2) request that the Minister of Lands include a power to licence in the Management Order for Reserve 50535;
- (3) following (2) authorise the CEO to negotiate a Licence agreement with the Pickled Fig Café to cover the alfresco area on Reserve 50535 as shown on Western Australian Planning Commission Development approval dated 24 December 2010, subject to any agreement reached being in accordance with the provisions of section 3.58 of the Local Government Act 1995; and
- (4) advise the applicant accordingly.



**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Clr T Romano that Council:

- (1) request that the proponent submit an application for planning approval showing how the proposed alfresco area will be able to comprise a retractable roof and walls, which are only put up during operating hours and retracted outside operating hours;
- (2) subject to the application for planning approval being granted approval by the WAPC, the City request the Minister of Lands to include a power to licence in the Management Order for Reserve 50535;
- (3) subject to the issue of a Building Permit and completion of construction of the retractable roof and sliding walls, the City enter into a licence with the applicant;
- (4) authorise the CEO to negotiate the terms of the Licence agreement with the applicant and subject to compliance with s3.58 of the Local Government Act 1995; and
- (5) advise the proponent that should a permanent roofed structure be required then significant public support for the excision of the subject area would need to be clearly demonstrated to the satisfaction of the Council and the State Land Services.

**CARRIED 10/0**

**Reason for Decision**

This will provide a barrier which will contain patron noise. It will enable greater employment opportunity as the cover allows for extended usage during the winter (cover from the rain and cold). In summer months it will allow shelter from the sea breezes. The café would be able to seat more patrons over a longer period. More patrons require more staff.

**Background**

Council at its meeting held on 13 December 2012 resolved to:

- (1) *undertake public consultation to determine the level of acceptance, from the community and vested interests, of a*





*proposal to excise from Public Recreation Reserve 50535, an area of approximately 70 square metres, in order to facilitate a lease to the café on Lot 9 Strata Plan 52597 for an upgraded café alfresco area;*

- (2) requires the public consultation in (1) above be undertaken in accordance with the 'Cabinet approved guidelines set out in the Crown Land Administration & Registration Practice Manual';*
- (3) require the cost of the public consultation in (1) to be met by the applicant; and*
- (4) advise the applicant accordingly.*

### **Submission**

The public consultation consisted of on-site signage, letters to residents and owners within 400 metres of the site and a notice in the local newspaper.

Each form of engagement included details of the proposal to excise the alfresco area from Reserve 50535 so that the area could be leased to the adjoining café who could then enclose the area. The City received 7 submissions from residents in the adjoining residential complex.

The proponent's consultant Peter Webb and Associates was given a summary of the submissions and invited to provide a response.

### **Report**

The previous Council resolution was designed to gauge the level of acceptance from the community to a proposal to excise from the public recreation reserve an area to be used exclusively by the operators of the adjoining café.

Correspondence sent to affected residents and land owners noted that the proposal if agreed would result in the alfresco area being excised from the public recreation reserve. A new reserve would be created and a lease entered into with the adjoining café. The operator of the café has indicated that an excision is required as the existing arrangement with tables and umbrellas is adversely affected by weather conditions. The café operator were advised by the Department of Lands that if they wanted to construct walls and a roof structure then this would be classified as an exclusive use. The Department of Lands advised the café operator that an exclusive use is not permitted on a public recreation reserve.



The Department has advised that a non- exclusive (Licence) use of the alfresco area is acceptable. A Licence is similar to the use of a portion of the footpath (within the road reserve) by adjoining cafés in popular entertainment precincts. A café typically sets up tables and chairs in the morning and then stacks them away at night. A licence is issued by the agency that the Department has issued the Management of the road reserve or in this case the public recreation reserve to. This would be the City of Cockburn.

The Department of Lands as the Manager of the Crown estate places a very high level of scrutiny on proposals that affect the use by the community of land reserved for their use and enjoyment. They have determined that any application to excise portion of a public recreation reserve will need to follow cabinet approved guidelines. The public consultation undertaken was in accordance with the guidelines.

No submissions received were supportive of the proposal.

Issues raised in the submissions follow with a response from the proponent's consultant:

|    |  |
|----|--|
| 1. | <p>A building structure will detract from a beach foreshore ambiance - the adjoining building is already close to the waterfront so why should exceptions be made.</p> <p><i>The alfresco area is located on a portion of the Reserve and is the subject of a Western Australian Planning Commission Approval. Details of a future structure will be provided in a future application.</i></p> |
| 2. | <p>There is already insufficient parking in the general area caused in part by patrons of the café.</p> <p><i>Parking issues are not relevant to this excision</i></p>   |
| 3. | <p>The proposed enclosed structure will increase occupancy/patronage of the café which will in turn exacerbate problems between the residents of the residential complex and the café.</p> <p><i>The proposed excision process does not increase the capacity or occupancy of the café</i></p>   |
| 4. | <p>Objection to the area being leased and any proposal that will increase the number of patrons visiting the café.</p> <p><i>Irrelevant to the current proposal and is an operational matter</i></p>   |



|    |   |
|----|---|
| 5. | <p>Due to the many issues regarding the current operation of the café I believe any changes that result in an increase in business would further escalate these problems. Strongly oppose any further development to the existing structure.</p> <p><i>The café operators have addressed residents' concerns.</i></p>               |
| 6. | <p>Strong objection against any increase in the area for the Fig café.</p> <p><i>This is a proposal for excision of land not to change the café's operation</i></p>   |
| 7. | <p>Do not support the excision from the reserve and establishment of an enclosed structure that will potentially increase both the capacity and occupancy of the café This will exacerbate a range of problems stemming from the café.</p> <p><i>This is a proposal for excision of land not to change the café's operation</i></p> |

The issues contained within these submissions are considered significant, to the point that officers do not feel convinced that the character and amenity of the locality wouldn't be adversely affected by proceeding with the reserve excision. It must be remembered that this proposal is at the absolute discretion of the City, and that a precautionary approach should carefully consider the concerns raised through public submissions. The intent of the reserve as a public reserve is a clear objective, and that there would need to be very strong reason to consider (even in a small way) excision to permit development of the reserve land.

While the proponent's consultant generally dismisses the objections as being either related to ongoing operational conflicts, or irrelevant to the proposed excision, officers must consider issues like character, amenity and reserve purpose very carefully. It is the officer's position that the alfresco component to the café is an appropriate low magnitude use of the small part of the reserve, and should not be permitted for intensification through built form development. The lack of community support for the project means that it appears contrary to the objective that established the coastal reserve initially.

The Western Australian Planning Commission as the approval agency for regional reserves issued an approval to use the alfresco area and construction of a 2 metre high glass panel enclosure on 24 December 2010. The glass enclosure has not been constructed but the alfresco area has been utilized. The approval advised the applicant that they



would need to consult with the local authority with regard to all necessary approvals and the issue of the requisite building licence. A building licence application would require the signature of the Department of Lands as owner. This has not occurred.

### Conclusion

Following the public consultation it is clear that there is objection to the excision of an area from the public recreation reserve 50535. There were no submissions in favour of the proposal. It is unlikely that a request to the Minister of Lands to excise the alfresco area from the public recreation reserve would be successful.

The Officer recommendation instead pursues licencing of the alfresco area. Recommendation (2) and (3) will, if adopted, allow the use of the alfresco to continue in its current form. A licence agreement between the City of Cockburn and the café operator will be able to address the usual arrangements between a landlord and tenant. Currently there is nothing in place to address such issues as public liability, insurance, rent, rates times when the area and public access. Should this not be achieved, then the alfresco area would need to be removed.

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

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.
- Manage our financial and infrastructure assets to provide a sustainable future.

#### **A Prosperous City**

- Promotion and support for the growth and sustainability of local businesses and local business centres.

### **Budget/Financial Implications**

The licencing of the reserve for the alfresco area would incur a licence fee.

### **Legal Implications**

Provisions of Land Administration Act apply.

### **Community Consultation**

This was undertaken in accordance with Council's previous resolution.



**Attachment(s)**

1. Cabinet guidelines.
2. Site Plan

**Advice to Proponents**

The Proponent has been advised that this matter is to be considered at the 10 October 2013 Council Meeting.

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

Nil.

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

**15.1 (MINUTE NO 5145) (OCM 10/10/2013) - LIST OF CREDITORS PAID - AUGUST 2013 (076/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the List of Creditors Paid for August 2013, as shown in the attachment to the Agenda.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

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

**Submission**

N/A



**Report**

The List of Accounts for August 2013 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

**Leading & Listening**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – August 2013.

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

N/A

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

Nil.

**15.2 (MINUTE NO 5146) (OCM 10/10/2013) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - AUGUST 2013 (071/001) (N MAURICIO) (ATTACH)**

**RECOMMENDATION**

That Council adopt the Statement of Financial Activity and associated reports for August 2013, as shown in the attachment to the Agenda.



**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

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

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

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

Regulation 34(4)(a) prescribes that the Statement of Financial Activity and accompanying documents be presented to Council within 2 months after the end of the month to which the statement relates.

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

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. Council adopted a materiality threshold variance of \$100,000 from the corresponding base amount for the 2013/14 financial year at the August meeting

**Submission**

N/A



## **Report**

### Closing Funds

The City's opening funds of \$10.06M (unaudited) comprises municipal funding of \$6.57M for 2012/13 carried forward capital projects of \$6.57M. The remaining balance constitutes the 2012/13 FY uncommitted budget surplus and both items are the subject of a separate agenda item at this month's Council meeting.

The City's closing funds of \$81.33M are \$7.60M higher than the YTD budget forecast. The main cause for this is under-spending in the capital program and to a lesser extent operating expenditure. These are detailed later in the report...

The revised budget currently shows end of year closing funds of \$0.13M (increased from a balanced budget position of nil). The budgeted closing funds will fluctuate throughout the year, due to the impact of Council decisions. Details on the composition of the budgeted closing funds are outlined in Note 3 to the financial report.

### Operating Revenue

Operating revenue of \$85.62M is slightly above the budget forecast of \$85.19M. However, several significant and compensating variances exist as detailed below:

- FAGS grants of \$0.83M budgeted to the end of August not received. Offsetting this however, is an advance payment for fifty percent of the 2013/14 allocation made in June and currently sitting within restricted funds.
- Rates levied are \$0.55M higher than the YTD budget target.
- Interest earnings exceed YTD budget by \$0.25M.
- Operating grants for Human Services of \$0.46M have been rolled forward from the previous year, resulting in a budget variance. This is being assessed for budgetary treatment.
- Waste Collection levy is \$0.46M more than the YTD budget.
- Commercial income from the HWRP is \$0.56M behind the YTD budget target set.

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

### Operating Expenditure

Operating expenditure for August of \$17.03M was \$1.92M less than the budget target of \$18.95M (inclusive of depreciation). \$1.73M of this





variance is attributed to underspending in material and contracts with significant variances in the following units:

- Parks & Environmental Services - \$0.55M
- Information Services - \$0.40M
- Infrastructure Services - \$0.30M

Insurance costs are \$0.12M over the YTD budget principally due to higher insurance costs for plant.

Employee costs were also generally down across the board by a combined \$0.32M. This is primarily caused by EOFY accrual entries and the budget will be cash flowed next month to eliminate this impact.

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

| Nature or Type Classification | Actual  | Amended Budget | Variance to Budget |
|-------------------------------|---------|----------------|--------------------|
|                               | \$      | \$             | \$                 |
| Employee Costs                | \$6.63M | \$6.95M        | \$0.32M            |
| Materials and Contracts       | \$3.79M | \$5.52M        | \$1.73M            |
| Utilities                     | \$0.67M | \$0.75M        | \$0.08M            |
| Insurances                    | \$1.25M | \$1.13M        | -\$0.12M           |
| Other Expenses                | \$1.57M | \$1.45M        | -\$0.12M           |
| Depreciation (non cash)       | \$3.56M | \$3.66M        | \$0.10M            |

### Capital Expenditure

The City's budgeted capital spend to August was \$11.63M versus actuals of just \$2.3M. This underspending is heavily impacted by the disruption to construction of the GP super clinic. The following shows the underspend variance by asset class:

- Building construction works - \$7.17M
- Roads, footpaths & drainage - \$1.43M
- Computer infrastructure & software - \$0.14M
- Land development and acquisition - \$0.26M
- Plant & Machinery - \$0.14M

Given the 2013/14 budget was cash flowed back in April, there is now a need to review this in light of more certain works and project schedules. This will take place in October and will result in a reduction of the magnitude of budget variances going forward.

The significant spending variances by project are disclosed in the attached CW Variance analysis report.



### Capital Funding

Capital funding sources are highly correlated to capital spending and any sale of assets. Given the current high underspend within the capital budget, capital funding sources were also showing large variances.

Significant variances include:

- Proceeds from land sales are \$0.36M behind the YTD budget relating to lots in Bourbon St and Bellier PI/Erpingham Rd.
- Grants and developer contributions towards roads and other infrastructure projects were \$0.34M below the YTD budget.
- Developer contributions received under the Community Infrastructure plan (DCA13) were \$1.49M more than the YTD budget.
- Transfers from Reserves were \$9.65M behind budget, consistent with the overall underspends in the capital budget for buildings and infrastructure. A primary reason is the disruption to the GP Super Clinic/Success Library project (\$3.82M).

### Cash & Investments

Council's cash and current/non-current investment holding at August month end was \$122.33M, up from \$98.6M in July. This has increased with the receipt of annual rates payments and will continue to increase into September as rates fall due.

\$76.67M represents the balance held in the cash backed reserves and another \$7.17M represents funds held for other restricted purposes such as bonds, restricted grants and infrastructure contributions. The remaining \$38.49M represents the cash/investment component of the City's working capital, ready to fund existing operations and commitments.

The City's investment portfolio made a weighted annualised return of 4.33% in August. This is down from the 4.48% the previous month. Whilst this compares very favourably against the adopted benchmark BBSW result of 2.63%, it reflects the recent cut to the official cash rate by the Reserve Bank of Australia (RBA) to 2.50%.

The majority of investments are held in term deposit (TD) products placed with highly rated APRA (Australian Prudential Regulation Authority) regulated Australian banks. These are predominantly invested for terms ranging between six and twelve months in order to lock in current market rates in a falling interest rate environment.



Factors considered when investing include maximising the value offered within the current interest rate yield curve and mitigating cash flow liquidity risks. With the recent reduction of the cash rate by the RBA, the total reduction in rates over the latest round of quantitative easing equates to 225 basis points (2.25%). However, the City's longer horizon investment strategy has served to moderate negative impact on the City's overall budget performance for interest earnings.

### Description of Graphs and Charts

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

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

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

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

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

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

#### **Leading & Listening**

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

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

Any material variances identified that will impact on Council's closing budget position will be addressed in the mid-year budget review.



**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports – August 2013.

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

N/A

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

Nil.

**15.3 (MINUTE NO 5147) (OCM 10/10/2013) - 2012/13 CARRIED FORWARD WORKS AND PROJECTS & CLOSING MUNICIPAL FUNDS (071/002) (N MAURICIO) (ATTACH)**

|   |  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
|---|--|---|--------------|--|---------------|--|---------------|---|---------------|---------------------------------------|----------------|--------------------------|---------------|--|---------------|
| <b>RECOMMENDATION</b>   |  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| That Council  |  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| (1)   | amend the 2013/14 budget by adding the Carried Forward Works and Projects as set out in the schedule attached to the Agenda and summarised in the following table:   |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
|   | <table border="1"> <tr> <td>Capital Expenditure</td> <td>\$23,790,714</td> </tr> <tr> <td>Operating Expenditure</td> <td>\$868,005</td> </tr> <tr> <td>Transfers to Reserves (from land sales)</td> <td>\$1,852,727</td> </tr> <tr> <td>Capital Income – Sale of Asset Proceeds</td> <td>(\$1,950,227)</td> </tr> <tr> <td>Transfers from Reserves (Funding)</td> <td>(\$14,932,045)</td> </tr> <tr> <td>Grants and Contributions</td> <td>(\$3,061,099)</td> </tr> <tr> <td>Municipal Funding required for carried forwards*</td> <td>(\$6,568,075)</td> </tr> </table> | Capital Expenditure   | \$23,790,714 | Operating Expenditure                                  | \$868,005     | Transfers to Reserves (from land sales)            | \$1,852,727   | Capital Income – Sale of Asset Proceeds                 | (\$1,950,227) | Transfers from Reserves (Funding)     | (\$14,932,045) | Grants and Contributions | (\$3,061,099) | Municipal Funding required for carried forwards* | (\$6,568,075) |
| Capital Expenditure   | \$23,790,714   |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| Operating Expenditure   | \$868,005  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| Transfers to Reserves (from land sales)   | \$1,852,727  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| Capital Income – Sale of Asset Proceeds   | (\$1,950,227)  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| Transfers from Reserves (Funding)   | (\$14,932,045)   |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| Grants and Contributions  | (\$3,061,099)  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| Municipal Funding required for carried forwards*                                | (\$6,568,075)  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| (2)   | amends the 2013.14 budget by bringing in the 2012/13 closing municipal funds and allocating these as follows:  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
|   | <table border="1"> <tr> <td>Closing funds as per June 2013 Statement of Financial Activity (budget surplus)</td> <td>\$10,061,620</td> </tr> <tr> <td>LESS: Municipal funding required for carried forwards*</td> <td>(\$6,568,075)</td> </tr> <tr> <td>LESS: Transfer to Community Infrastructure Reserve</td> <td>(\$3,000,000)</td> </tr> <tr> <td>LESS: Transfer to Major Buildings Refurbishment Reserve</td> <td>(\$498,545)</td> </tr> <tr> <td>Net impact on closing budget position</td> <td>Nil.</td> </tr> </table>   | Closing funds as per June 2013 Statement of Financial Activity (budget surplus) | \$10,061,620 | LESS: Municipal funding required for carried forwards* | (\$6,568,075) | LESS: Transfer to Community Infrastructure Reserve | (\$3,000,000) | LESS: Transfer to Major Buildings Refurbishment Reserve | (\$498,545)   | Net impact on closing budget position | Nil.           |                          |               |  |               |
| Closing funds as per June 2013 Statement of Financial Activity (budget surplus) | \$10,061,620   |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| LESS: Municipal funding required for carried forwards*                          | (\$6,568,075)  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| LESS: Transfer to Community Infrastructure Reserve                              | (\$3,000,000)  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| LESS: Transfer to Major Buildings Refurbishment Reserve                         | (\$498,545)  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| Net impact on closing budget position   | Nil.   |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |
| <b><u>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</u></b>                  |  |   |              |  |               |  |               |   |               |                                       |                |                          |               |  |               |



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr Y Mubarakai that the recommendation be adopted.

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

**Background**

When Council adopted its Budget for the 2013/14 financial year at the June meeting, carried forward works and projects were not included as these were unknown at that time. Post 30 June 2013 end of financial year processing and reconciling has been completed for the 2012/13 FY, allowing for the closing municipal position and value of carried forward works and projects to be declared (subject to external audit). In the remote likelihood that audit determines any material change to these amounts, this will be dealt with in the mid-year budget review.

**Submission**

N/A

**Report**

The interim statement of financial activity presented to the August Council meeting showed closing municipal funds of \$10,015,521. Now that the end of financial year processing has been completed and the final figures calculated, the closing funds position has changed to \$10,061,620 (only a net increase of \$46,099). An updated statement of financial activity as at 30 June 2013 is attached to the Agenda.

The closing funds incorporate the municipal funding requirement for carried forward works and projects. A schedule of the carried forwards is also attached to the Agenda, showing a net municipal funding requirement of \$6,568,075.

This leaves an uncommitted balance of \$3,493,545 to be addressed. This is comprised of extra operating revenues and savings in operating expenditure across the City's budget. As per Council Policy SC34 'Budget Management', surplus closing municipal funds identified at the end of each financial year are to be transferred to financial reserves or other financial contingencies with the objective of attaining the target values set for them. Accordingly, it is proposed that \$3,000,000 be transferred into the Community Infrastructure Reserve in accordance with Council's adopted long term financial plan provisions for the Cockburn Central West development. It is proposed that the remaining



balance of \$493,545 be allocated into the Major Building Refurbishments Reserve to help address the funding gap identified within the Asset Management Plan for this asset class.

Council is required to formally adopt the carried forward works and projects and this is being achieved through amendment to the 2013/14 budget. The carried forward works and projects include capital and operating expenditure totalling \$24,658,719. These are funded by financial reserves, grants and contributions, in addition to the municipal funding.

Whilst there are 166 projects carried forward, 45 of these comprise 92% of the total expenditure value and the top ten comprise 73% of the value. \$11.3M relates to the delayed GP Super Clinic project with a further \$6.1M in seven other large scale infrastructure projects.

Also carried forward are outstanding land sales totalling \$1.8M for two outstanding developments in Hamilton Hill. These funds are channelled into the Land Development and Investment Fund Reserve as per Council's Land Development Strategy.

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

#### **Leading & Listening**

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

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

The 2013/14 Budget will be amended to include \$10,061,620 of opening funds brought forward from 2012/13 and the unfinished carried forward works and projects from 2012/13.

#### **Legal Implications**

N/A

#### **Community Consultation**

N/A



**Attachment(s)**

1. 2012/13 Schedule of Carried Forwards.
2. Statement of Financial Activity – June 2013.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 5148) (OCM 10/10/2013) - EXPENDITURE OF PUBLIC OPEN SPACE CASH-IN-LIEU FUNDS (068/004) (A LEES) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) endorse the proposed expenditure of Public Open Space Cash-In-Lieu Funds listed in the attachment to the agenda;
- (2) refer the proposals to the Western Australian Planning Commission for consideration and recommendation to the Minister of Planning and Infrastructure; and
- (3) upon receipt of advice from the Minister of Planning and Infrastructure on the proposed expenditure of public open space cash-in-lieu funds, receive a final report on the approved expenditure and delivery timeframes.

**COUNCIL DECISION**

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

**CARRIED 10/0**



## **Background**

Under the provisions of section 153 of the Planning and Development Act 2005, the Western Australian Planning Commission (WAPC) may agree to cash in lieu of public open space (POS), where the 10% contribution would not provide a functional amenity and there is already adequate distribution of POS within the suburb. The cash in lieu value is confirmed through land valuations and agreed to by the land owner, council and WAPC.

As a result of cash in lieu payments, there is a total of \$4,022,341.19 (as at 31 May 2013) in the POS account.

The administrative requirements for POS cash in lieu payments are set out in section 154 of the Planning and Development Act 2005. There are very specific purposes for which cash-in-lieu monies can be used for and approvals that are required.

## **Submission**

N/A

## **Report**

Section 154 of the Planning and Development Act 2005 provides that where the local authority, the Western Australian Planning Commission and the subdivider all agree, the owner may make a cash payment to the local authority in lieu of POS, which is to be paid into a separate account and is only to be used for the following purposes;

1. For the purchase of land for parks, recreation grounds, or open spaces generally, in which the land included in the plan of subdivision for which the cash in lieu payment is situated.
2. To repay loans raised by the local authority for the purchase of such land.
3. With the approval of the Minister, for the improvement or development of parks, recreation grounds or open spaces generally of any land in the locality of the subdivision that is administered by the local authority for any of those purposes.

All requests to expend cash in lieu monies under (c) are submitted to the Western Australian Planning Commission in the first instance. All applications are accompanied by a map and schedule showing the following:

1. Location and Commission reference from which the funds were obtained.





2. The amount obtained.
3. The location of where the funds are to be expended.
4. The nature of the expenditure.
5. The program for the expenditure.

Section 154, states that the use of cash in lieu would not normally be acceptable for community halls or indoor recreation centers, enclosed tennis courts, bowling greens for clubs, facilities for private clubs or similar facilities where access by the general public is 'restricted'. Acceptable expenditure of funds may be for:

- Clearing and earthworks
- Grass planting, landscaping and reticulation
- Seating / Shelter and spectator cover
- Community Halls, readily available for public use
- Toilets and change rooms
- Lighting
- Play equipment
- Pathways and walk trails
- Fencing
- Car parking
- Signs relating to recreation pursuits

Expenditure of cash in lieu funds must be directly related to the use or development of land for public open space purposes, which is vested or administered for recreation purposes with unrestricted public access. Accordingly it cannot be used for general POS maintenance, entry statements unless associated with POS land or streetscape projects.

The Parks & Environment Business unit has consulted with Engineering, Community Services, and Strategic Planning and has developed a strategy for the expenditure of funds for each POS Reserve Area. The proposals are based on providing a range of recreational pursuits for the community in that area and are readily accessible to the majority of residents within a catchment of 400 meters to 500 meters. The full allocation of funds within some of the POS Reserve Area has not been fully utilized based on the following:

- Future developers may not embellish POS to a level which is not functional for the community and may require additional park infrastructure.
- Future purchase of land for POS in areas where a deficiency of POS exists or land for carparking, i.e. Beeliar Community Centre Carpark, Land adjacent to Lopresti Park.
- Funds could be used for future developments, i.e. Cockburn Central West, Coogee Beach, etc.



The proposed works for each POS Reserve location, which are outlined in the Agenda attachments, are as follows:

| <b>POS Reserve Location</b>  | <b>Funds Available</b> | <b>Proposed Expenditure</b> | <b>Funds Remaining for future POS purchase, council strategies or works</b> |
|------------------------------|------------------------|-----------------------------|---|
| Aubin Grove POS Reserve      | \$806,058.08           | \$120,000.00                | \$686,058.08  |
| Atwell POS Reserve           | \$625,332.66           | \$625,332.66                | \$0   |
| Beeliar POS Reserve          | \$868,205.30           | \$100,000.00                | \$768,205.30  |
| Coogee POS Reserve           | \$347,161.24           | \$0.00                      | \$347,161.24  |
| Cockburn Central POS Reserve | \$148,295.62           | \$0.00                      | \$148,295.62  |
| Hamilton Hill POS Reserve    | \$51,200.68            | \$51,200.68                 | \$0.00  |
| Hammond Park POS Reserve     | \$11,650.90            | \$11,650.90                 | \$0.00  |
| Jandakot POS Reserve         | \$264,153.97           | \$26,500.00                 | \$237,653.97  |
| General POS Reserve          | \$113,970.63           | \$0.00                      | \$113,970.63  |
| Munster POS Reserve          | \$303,627.36           | \$200,000.00                | \$103,627.36  |
| Southlake POS Reserve        | \$279,908.07           | \$279,908.07                | \$0.00  |
| Spearwood POS Reserve        | \$0.00                 | \$0.00                      | \$0.00  |
| Yangebup POS Reserve         | \$202,776.68           | \$0.00                      | \$202,776.68  |
| <b>TOTAL</b>                 | <b>\$4,022,341.19</b>  | <b>\$1,414,592.31</b>       | <b>\$2,607,748.88</b>   |

The works will be carried out as follows:

| <b>Department</b> | <b>Financial Years</b> |                     | <b>Total \$</b>       |
|-------------------|------------------------|---------------------|-----------------------|
|                   | <b>2014/15 \$</b>      | <b>2015/16 \$</b>   |                       |
| Parks             | \$551,832.66           | \$526,108.75        | \$1,077,941.41        |
| Recreation        | \$325,000.00           | \$0.00              | \$325,000.00          |
| Environment       | \$11,650.90            | \$0.00              | \$11,650.90           |
| <b>TOTAL</b>      | <b>\$885,483.56</b>    | <b>\$526,108.75</b> | <b>\$1,414,592.31</b> |



The following expenditure for each suburb has been identified.

Aubin Grove POS Reserve

- **Radiata Park** (*Exercise Equipment, Playground Extension*) - Radiata Park is centrally located within the Aubin Grove Suburb and provides an attractive environment for the community. The installation of exercise equipment and extensions to the playground will enhance the existing features and functionality of the park.
- **Bologna Park** (Park Seating & Shelter) - Bologna Park received minimal embellishment by the original property developer and additional park infrastructure will enhance the functionality and characteristics of the Park.

Atwell POS Reserve

- **Tapper Reserve** (*Bridge across Lake, Playground Shade Sail, Carpark, Exercise Equipment*) - Tapper reserve is located in a prominent location and provides a large range of activities for the broader community. A bridge over the water body would enable additional accessibility through the reserve and link the playground with the skate facility. A shade sail to the playground would enable greater usability and is consistent with the City Shade Sail Strategy. The skate jumps at Tapper reserve are a highly utilised facility by kids of all ages. It is common for parents with younger children to drive to the skate park and without appropriate parking facilities are causing significant deterioration to the grassed verges. Exercise equipment will provide another dimension to the reserve which will ensure greater usability by all the community.
- **Atwell Reserve** (*Clubroom Extensions and Exercise Equipment*) - Due to unprecedented growth in the sporting club accessing the Atwell clubrooms, an extension of the existing facility is required. Design are currently being developed with anticipated expenditure for the 14/15FY. Indicative estimates put the extension at \$750k with CIL funds contributing 50%. Tapper reserve is located in a prominent location and provides a large range of activities for the broader community. A shade sail to the playground would enable greater usability and is consistent with the City Shade Sail Strategy.
- **Harmony Park** (*Exercise Equipment*) - Harmony Park is centrally located within the Atwell Suburb and provides an attractive environment for the community. The installation of exercise equipment will enhance the existing features and functionality of the park.



- **Goodwill Park** (*Playground Shade Sail*) - Goodwill Park is located in a prominent location and provides a large range of activities for the broader community. A shade sail to the playground would enable greater usability and is consistent with the City Shade sail Strategy.
- **Freshwater Reserve** (*Soccer Goals*) - Public requests have been received to provide additional facilities into this reserve and will further enhance the existing facilities.
- **Kurrajong Reserve** (*Playground Shade Sail*) - A shade sail to the playground would enable greater usability and is consistent with the City Shade Sail Strategy

#### Beeliar POS Reserve

- **Wanarie Park** (*Playground equipment & sand softfall, shelter & seating, drinking fountain, paths, landscaping*) - Wanarie park received minimal embellishment from the land developer and subsequently requires the provision for infrastructure to meet the community needs.

#### Hamilton Hill POS Reserve

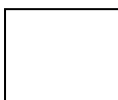
- **Enright Reserve** (*Playground Shade Sail*) - A shade sail to the playground would enable greater usability and is consistent with the City Shade Sail Strategy
- **Goodchild Reserve** (*Playground Shade Sail*) - A shade sail to the playground would enable greater usability and is consistent with the City Shade Sail Strategy.
- **Wheeler Reserve** (*Exercise Equipment*) -the addition of exercise equipment to this reserve would improve its functionality and provide an aesthetic environment to conduct his activity.

#### Hammond Park POS Reserve

- **Roper Reserve** (*Seat & Shelter*)- Roper reserve provides a bushland setting amongst the surrounding residential properties and the installation of a seat & shelter will ensure the community obtain a greater appreciation of the environment.

#### Jandakot POS Reserve

- **Turnbury Park** (*Playground Shade Sail*) - A shade sail to the playground would enable greater usability and is consistent with the City Shade Sail Strategy.



- **Prinsep Park (Park Furniture)** - Prinsep Park has a unique quality in an irrigated grass area surrounded by bushland. The installation of park furniture will complement the winding footpath through the Park and will enable resident to sit and appreciate the bush /natural environment.

#### Munster POS Reserve

- **Albion Park (Playground Shade Sail)** - A shade sail to the playground would enable greater usability and is consistent with the City Shade Sail Strategy.
- **Lake Coogee Reserve (Park Furniture)** - Lake Coogee is a regional environment reserve with installation of shelter and seats will enable the community to sit and enjoy this pristine location.
- **Solta Park (Playground Shade Sail)** - A shade sail to the playground would enable greater usability and is consistent with the City Shade Sail Strategy.
- **Riverina Reserve (Exercise Equipment)** – The installation of exercise equipment will enhance the existing features and functionality of the park.

#### South Lake POS Reserve

- **Koojarra Reserve (Park Lighting)** - the reserve is located at the edge of a residential area & is traversed by local residents to the local shopping precinct. The site is well treed & lighting would improve the amenity and increase security of the area for residents at night.
- **Broadwater Reserve (Park Lighting)** - the reserve is located at the edge of a residential area & is traversed by local residents to the local shopping precinct & would increase security of the area for residents at night.
- **Hopbush Park (Exercise Equipment)** – Hopbush Park is located in close proximity to a school and will be one of three site to receive exercise equipment in the South Lake area. The installation of exercise equipment will enhance the existing features and functionality of the park.
- **Anning Park (Exercise Equipment)** – Although Anning Park is an active reserve it provides park infrastructure and community facilities which can be readily accessed by the community. The installation of exercise equipment will enable resident's ready



access to fitness equipment and bolster the existing features and functionality of the park.

- **Bloodwood Park (*Exercise Equipment*)** – Bloodwood Park is one of the larger POS areas and although it is in the north eastern portion of the suburb is readily accessible by the community and users of the footpath network adjacent to the Kwinana Freeway.

It is anticipated the approval from the Minister to expend cash-in-lieu funds will take up to 10 months to be approved, therefore commencement of works are indicative only. These timeframes may need to be adjusted to reflect the Minister's approval date.

As the proposals comply with the Western Australian Planning Commissions Policy it is recommended that Council endorse the schedule of works that are proposed to be undertaken with funds from the public open space account and submit the proposals to the Western Australian Planning Commission and the Minister for Planning and Infrastructure for approval.

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

#### **Infrastructure**

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

#### **Community & Lifestyle**

- Promotion of active and healthy communities.

#### **A Prosperous City**

- Creation and promotion of opportunities for destination based leisure and tourism facilities.

#### **Environment & Sustainability**

- A community that uses resources in a sustainable manner.

#### **Moving Around**

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

### **Budget/Financial Implications**

The total funds available in the POS account (as at 31/5/2013) are \$4,022,341.19. The proposals put forward in this agenda item total \$1,414,592.31. The remaining funds \$2,607,748.88 will be retained in the respective reserve POS accounts for the future acquisition of land



for public open space and future embellishments to existing Parks or Reserves.

The proposal is to expend the funds for the respective POS Reserve Trust account over the next 2 financial years (i.e. July 2014 –June 2016).

Council will be required to transfer the respective funds into the 2014/15 and 2015/16 Capital Works Programs of the Parks, Recreation and Environment service units from the POS cash-in-lieu trust account.

Expenditure of cash-in-lieu funds will require an increase to the Parks, Environment and Facilities operating and depreciation budgets.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

1. City of Cockburn Proposed Expenditure of Public Open Space Cash-in-Lieu Funds
2. Public Open Space Reserve Expenditure Implementation

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

N/A

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (MINUTE NO 5149) (OCM 10/10/2013) - PROPOSED WESTERN SUBURBS SKATE PARK (016/011) (G BOWMAN) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the Market Garden Swamp North Reserve as the location for the Western Suburbs Skate Park; and



- (2) allocate \$20,000 from the community facilities reserve fund for the detailed design and costing of the 1000 sqm Western Suburbs skate park facility and 12 bay car park.
- (3) amend the 2013/2014 adopted Municipal Budget by transferring \$20,000 from the Community Infrastructure Reserve to Capital Works Expenditure – Western Suburbs Skate Park Design.

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

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that the recommendation be adopted.

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

**Background**

Council resolved at the OCM in June 2013 to commence a process of public consultation, pursuant to Policy AEW4, on the proposal to:

- (1) locate the Western Suburbs Skate Park at Market Garden Swamp North Reserve, Spearwood;
- (2) upgrade the existing skate park facilities located at Market Garden Swamp North Reserve, Spearwood to include a 1,000 sq.m. skate park facility, and a 12 bay car park;
- (3) further consider the allocation of funding from the Community Infrastructure Reserve Fund for the detailed design, and construction of the Western Suburbs Skate Park and requisite facilities following the community consultation process; and
- (4) further consider the allocation of funding from the DCP 13 contribution for the Western Suburbs Skate Park and requisite facilities following the community consultation process.

**Submission**

N/A





## Report

The City commenced a process of public consultation pursuant to policy AEW4 in June 2013. In accordance with the policy, a sign with a brief outline of the proposed upgrade and a concept plan of the approximate size and location of the skate park was installed on the site. The sign remained in position for 16 days.

The City also wrote to 93 residents who live within 60 metres of the proposed development which exceeds the minimum requirement of the policy to notify residents within 50 metres of the proposed development.

The City received 3 letters of support from residents living within 60 metres of the proposed development, and no letters of objection. Two of the residents who wrote to the City requested that Council also consider the provision of a barbecue and some additional seating for the site. One resident was supportive of the development but also requested that Co-safe provide regular patrols to the site if it is developed.

The City developed a survey questionnaire to determine whether young people and the general community were supportive or against the proposed skate park location at Market Garden Swamp North Reserve Spearwood.

The results of the survey also showed strong support for the proposed Market Garden Swamp location for the skate park facility.

Table 1.0 Survey Respondents Response regarding proposal to develop a 1000sqm skate park and car park facility at the Market Garden Swamp North, Spearwood location.

| Response to recommended location | Number of Respondents | Total Number of Respondents | Percentage of Respondents |
|----------------------------------|-----------------------|-----------------------------|---------------------------|
| Supportive or Neutral            | 354                   | 383                         | 92.4%                     |
| Against                          | 29                    | 383                         | 7.6%                      |
| Total                            |                       |                             | 100%                      |

For a summary of the survey results see the attachment.

In total 386 people responded to the survey or wrote to the City.

The overall response to the proposed development at Market Garden Swamp North reserve was that 92.5% of respondents to the letter and survey were either neutral or supportive and 29 people or 7.5% were



against the development at that location. None of the respondents who were against the development, identified that they lived within 60 metres of the site.

The City therefore recommends that the development of the westerns suburbs skate park proceed at the recommended location at Market Garden Swamp North Reserve Spearwood.

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

#### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.
- Community infrastructure that is well planned, managed, safe, functional, sustainable and aesthetically pleasing.

#### **Community & Lifestyle**

- People of all ages and abilities to have equal access to our facilities and services in our communities.
- Promotion of active and healthy communities.

#### **Leading & Listening**

- A responsive, accountable and sustainable organisation.

### **Budget/Financial Implications**

The projected original total cost estimated in the Developer Contribution Plan 13 was \$350,000. The cost to construct the 1000 square metre Coolbellup and Atwell Skate Park facilities in 2006 was \$90,000 per skate park.

Due to increased price competition in the Australian skate park industry the City now considers that an estimated budget of \$250,000 may be sufficient for a sub- regional skate park facility of 1000 sq. m., a 12 bay car park and drinking fountain.

The revised projected cost estimate is \$250,000 for the design and construction of the skate park, car park, and drinking fountain.

The costs estimates are:

- \$210k for the Detailed Design, Site Works, and construction of the 1,000 m<sup>2</sup>. skate park facility:
- \$28k for the Design and construction of a 12 bay Car Park; and
- \$12k for the connection and Installation of a drinking fountain.



Total Estimated Cost \$250,000

The proposal will be funded from both Council sources and DCP contributions. The DCP13 percentage contribution for the Western Suburbs skate park was 31.594% leaving the remainder to be funded from Council sources, through the Community Infrastructure Reserve Fund.

Council share (68.406%) = \$171,015

DCP13 share (31.594%) = \$78,985

However, in order to determine a more precise cost estimate it is recommended that a budget be allocated for the detailed design stage and a quantity surveyor report. This will then provide the basis for a recommendation to Council for a budget request at the December 2013 Budget review.

The detailed design and Quantity surveyor report will require a budget allocation of \$20,000.

**Legal Implications**

N/A

**Community Consultation**

Public consultation was conducted in accordance with Policy AEW4 'Installation of Playground / Recreation Equipment on Reserves' for the proposed location of the Western Suburbs skate park at Market Garden Swamp North Reserve.

The Policy required that a sign be erected on the site advertising the proposed location and type of recreation equipment for two weeks, and that neighbours within 50 metres of the site will be notified in writing of the intention to locate the recreation equipment on the site. The City installed the sign in July 2013 and removed it 16 days later. The City wrote to 93 residents notifying them of the proposed development, and asked for their written feedback about whether they would like to object or support the proposal.

Three residents living within 60 metres of the proposed development responded to the correspondence stating their support, and no objections were received from nearby residents.

The City also conducted a survey to determine the views of young people and the broader community. The Youth Development Officer contacted schools in the western suburbs to invite them to participate in the on-line survey. The officer distributed and collected copies of the



survey at the Star Shopping Centre Spearwood, the St Jeromes Primary School, the Spearwood Alternative School, the Cockburn Youth Centre, and at the Cockburn Youth Outrage Program.

In total 393 people responded to the on-line and hard copy surveys. Of these respondents 92.4 % were supportive or neutral and 7.6 % were against the proposed location of Market Garden Swamp North Reserve Spearwood.

**Attachment(s)**

1. Summary of Survey results
2. Copy of Minute No. 5073 – June 2013 Ordinary Council Meeting

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 10 October 2013 Council Meeting.

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

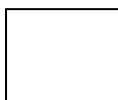
Nil.

**17.2 (MINUTE NO 5150) (OCM 10/10/2013) - FREMANTLE HOCKEY CLUB - PROPOSED RELOCATION TO LAKELANDS RESERVE (41221), SOUTH LAKE (41221) (A LACQUIERE) (ATTACH)**

**RECOMMENDATION**

That Council supports a proposed relocation of the Fremantle Hockey Club (FHC) to Lakeland Reserve subject to:

1. An agreement being sought from the Department of Education Western Australia to the proposed location of a hockey club on part of the proposed site which is owned by the Department.
2. The FHC being responsible for coordinating the necessary funds for the associated capital works required to be carried out for the development.
3. The FHC being able to demonstrate it has the financial capacity to contribute to the initial construction and ongoing maintenance of the facility, including outgoings.
4. Public consultation being conducted with surrounding residents and property owners on the proposed development, prior to final approval being formalised.



5. The anticipated financial commitment from Council (\$1.4m) is subject to funds being brought forward from 2021/22 to 2015/16 and allocated in the City's Long Term Financial Plan.

#### **COUNCIL DECISION**

MOVED Cllr C Reeve-Fowkes SECONDED Cllr S Portelli that Council defer this item until:

- (1) a full briefing from the Proponent is provided to Elected Members; and
- (2) a briefing is provided by the Director of Finance and Corporate Services to:
  1. Identify potential impacts on the City's long term Financial Plan.
  2. Clarify potential costs and other financial liabilities and associated risks to the City.
  3. Clarify potential impacts on other scheduled projects.

**CARRIED 10/0**

#### **Reason for Decision**

It is clear that discussions have taken place with the proponent with no preliminary advice provided to Elected Members. Whilst this project initially appears worthy of support, we must ensure Council wishes to commit to provide the funding requested and both clarify and quantify the impacts of delaying and rescheduling other projects. The consequences and implications must also be clarified for the City if the State Government does not provide sufficient funding.

#### **Background**

In February 2012 the City met with a representative of the FHC expressing their interest to relocate the club within the boundaries of the City of Cockburn. The relocation was primarily considered due to the lack of opportunity for the club to further expand at their current



location at Stevens Reserve in Fremantle and to relocate into an area that would see the club continue to maintain its growth in the south west region.

The City has been keen to provide facilities that would allow hockey to be offered as an alternative winter sport into the future. This objective was endorsed through the adoption of the *Sport and Recreation Strategic Plan (SRSP) 2009* in May 2010. The SRSP identified Atwell Reserve as the potential future location for a new hockey club, subject to the relocation of the existing football clubs to Cockburn Central West. Due to a subsequent decision of Council in May 2010 to retain the Cockburn Lakes Football Club at Anning Park (200m from Cockburn Central West), the relocation of the football clubs from Atwell could not be achieved due to the close proximity to the senior club at Anning Park. As a result football remains at Atwell and therefore the proposed hockey development has been compromised at Atwell Reserve. There is no intention now to relocate the football clubs at Atwell and the City is investing funds in the upgrade of the clubrooms for football clubs based there.

An alternative option in Lakelands reserve was explored by the City and presented to the FHC for consideration. This was well supported by the club as there were opportunities to link the club with Lakelands Senior High School. A portion of Lakelands reserve is owned by the Department of Education which have an in principal shared use agreement with the City for access to the reserve during school hours. The City met with the Lakelands Senior High School and the Department of Education to seek their support for such development. Both the school and the Department were supportive of the proposal and further investigation has now taken place by the club to explore the feasibility of the proposal.

### **Submission**

The Fremantle Hockey club have written to the City (refer attachment 1) recently requesting support for the proposed relocation to Lakelands Reserve. A draft business case has been submitted by the FHC to the City in support. (refer attachment 2).

A letter from the WA Hockey Association (refer attachment 3) in support of the proposed relocation of the Fremantle Hockey Club to Lakeland Reserve has also been received.

### **Report**

The key points for the club to relocate to Lakelands Reserve would be to have access to a dedicated synthetic hockey turf pitch, 2 grass fields with the option to convert one to a second synthetic pitch and new club



rooms to service club operations. This proposal may also require additional fields to be located under the power line easement at as the club grows. The club have indicated that they would like to be in the position to relocate by 2016.

As a portion of the reserve is owned by the Department of Education the City would need to formally enter into an agreement to develop that portion of the DoE reserve. Initial discussions have confirmed that the DoE would be willing to support this, subject to another party paying for upgrades to the enclosed grass fields at Lakelands Senior High School to compensate for the school's loss of playing space.

From a financial perspective the City does not have funds allocated in the Long Term Financial Plan for this development with the total project estimated to cost \$4.27M. The club would be seeking the City and the State Government to contribute \$1.4M each towards the project. The SRSP identifies a clubhouse development at Lakelands reserve in the year 2021 with an allocation of \$1.7M. Council's Long Term Financial Plan (LTFP) allocates \$1.7m towards the development of unspecified community facilities on this Reserve, of which approximately \$1m is estimated in the Development Contribution Schedule of Council's Town Planning Scheme. Concurrently, an amount of \$2.5m was estimated in the SRSP for this development – again for non-specified community facilities. In addition, an amount of \$1m was allocated in the SRSP for a synthetic hockey pitch to be installed at Atwell Reserve, however, Council decisions in the ensuing period have superseded this initiative. The scheduled timeframe in the LTFP for these developments is listed as 2021/22.

Given the current financial commitments identified by the City of Cockburn for the next 5 years, Council would need to consider this proposal and financial commitment upon receiving further detailed documentation by the FHC, during the review of its Long Term Financial Plan for 2014 /15, in order for the club's timeframe (2016) to be achieved.

## **Strategic Plan/Policy Implications**

### **Infrastructure**

- Community facilities that meet the diverse needs of the community now and into the future.
- Partnerships that help provide community infrastructure.
- Facilities that promote the identity of Cockburn and its communities.



### **Community & Lifestyle**

- Promotion of active and healthy communities.

### **Budget/Financial Implications**

The initial estimates provided by FHC for this project amount to \$4.27m, for which the Club proposes be met through a contribution from Council of \$1.42m, the same amount from the State Government (through the CSRFF) with the balance from the Fremantle Hockey Club and Hockey WA totalling \$1.43m.

### **Legal Implications**

N/A.

### **Community Consultation**

No community consultation has taken place to date however consultation will be required with the surrounding residents and property owners before further commitment can be made.

### **Attachment(s)**

1. Letter from FHC
2. FHC Business Case
3. Letter from Hockey WA

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

The Proponent(s) have been advised that this matter is to be considered at the 10 October 2013 Council Meeting.

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

Nil





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

**19.1 (MINUTE NO 5151) (OCM 10/10/2013) - DRIVEWAY AT 19 BUSHY ROAD, SPEARWOOD ( J KIURSKI) (157/002) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) not fund the replacement of the driveway at 19 Bushy Road on the basis that:
  1. The crossover is bitumen and naturally deteriorates over time.
  2. The crossover has been serviceable for in excess of 20 years.
  3. Deterioration cannot be attributed to trolleys.
  4. Funding this crossover would set an unreasonable precedent for the City and would give all properties with bitumen driveway justification to have Council fund their crossover replacement.
  5. Funding this crossover does not meet Council's Policy for crossover contribution.
  6. The quoted cost for replacement is excessive.
- (2) provide a financial contribution of \$300 towards the costs of replacement; and
- (3) Council advise Mr & Mrs Fedele of Council's decision.

**COUNCIL DECISION**

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

- (1) authorise repairs to the Fedele family driveway at 19 Bushy Road, Spearwood in accordance with the quote provided by Beauchamp Bitumen (Quote 2) dated 17 June 2013 for the amount of \$3,619.00 inclusive of GST; and
- (2) advise the Fedele family of Council's decision.

**MOTION LOST 2/8**



MOVED Cllr Y Mubarakai SECONDED Cllr S PRATT that Council adopt the recommendation with the addition of sub-recommendation (4) as follows:

- (1) as recommended;
- (2) as recommended;
- (3) as recommended; and
- (4) if the residents believe that the damage caused to the driveway at 19 Bushy Road is attributed to trolleys, they should seek reimbursement of their costs from the individual traders from the Phoenix Shopping Centre who own and are responsible for use of the trolleys.

**CARRIED 8/2**

### **Reason for Decision**

The residents claim that the shopping trolleys have caused the deterioration to their driveway. Notwithstanding that the City does not believe that the trolleys are the sole cause of damage, the City does not own the trolleys and does not control their use. Trader's (eg. Woolworths, Coles etc) from the Phoenix Shopping Complex own and are responsible for provision of trolleys. If an argument can be sustained that trolleys are the cause of damage then the individual traders who own the trolley should be approached to reimburse the costs of that damage. This however is a matter for the resident and not the City.

### **Background**

Council has received a request via Hon. Fran Logan's office to replace a driveway at 19 Bushy Road Spearwood. This request was also lodged as part of a customer request RDM13/1408. 19 Bushy Road abuts a PAW and provides access to the Phoenix Shopping Centre by the residential community. Mr. Fedele, who owns the property, has attributed the damage to shopping trolley's being pushed across the driveway over the years. In RDM13/1408 Mr Fedele requested resurfacing of the driveway and a barrier to stop trolleys rolling into his drive. The barriers were installed in August; however, Mr Fidele was advised that officers did not believe that deterioration of the crossover was attributed to trolleys and that replacement was not approved and in any event, was outside of Council's policy.



*Mayor Howlett has subsequently raised a Notice of Motion as follows.*

*That Council:*

1. *authorise repairs to the Fedele family driveway at 19 Bushy Road, Spearwood in accordance with the quote provided by Beauchamp Bitumen (Quote 2) dated 17 June 2013 for the amount of \$3,619.00 inclusive of GST; and*
2. *advise the Fedele family of Council's decision.*

#### Reason for Decision

There has been an on-going matter of concern for Mr and Mrs Fedele who reside at 19 Bushy Road, Spearwood whose property abuts a pedestrian access way. Complaints have been received from the Fedele family for many years about continual damage being done to their fence abutting the pedestrian access way, shopping trolleys (as many as 20) being left in the access way or thereabouts. The City spent a significant amount of money upgrading the pedestrian access way including the replacement of the fence for the complete length of the pedestrian access way, installing lighting, bituminising the area between the pedestrian access pathway and the Fedele family's bitumen driveway. Bollards were also installed at this point to prevent trolleys from being pushed across their driveway. The Fedele family are claiming that the constant movement of shopping trolleys over their bitumen driveway has led to damage to the surface requiring resurfacing at the very least. This motion seeks to have the driveway repaired (quotes attached).

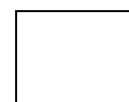
#### **Submission**

N/A

#### **Report**

The City has received numerous requests from Mr and Mrs Fedele regarding the pedestrian access way adjacent to their property over the years. Concerns have been received regarding the continual damage being done to their fence, shopping trolleys being left by community members which are not promptly collected by the respective businesses etc.

The City has invested significant funds in upgrading the pedestrian access way including the replacement of the entire length of the boundary fence, installation of lighting and bituminising the area between the pedestrian access pathway and the bitumen driveway to



19 Bushy Road. Furthermore, bollards were installed to prevent trolleys from being pushed across the driveway.

Officers have liaised with Mr Fedele regarding the request for the resurfacing and explained that the crossover is outside of Council's specification. The current Policy PSEW12 'Standard Specification and Cost of Crossovers' specify that a standard crossing place is concrete or brick construction. Also where a crossing place is the first crossing to a property, the Council will bear one-half of the cost of the standard specifications detailed in Council's annual schedule of fees (currently \$300). Officers have offered to contribute \$300 towards the cost of replacement as a sign of good faith.

The claim for crossover deterioration cannot be attributed to shopping trolleys as bitumen naturally deteriorates over time. This crossover has been in place for in excess of 20 years and continues to be serviceable. From a technical view, roughness tends to increase as bitumen approaches the end of its useful life. This crossover has an appearance of structural cracking and roughness associate with traffic load, age and environmental factors.

Funding this crossover would set an unreasonable precedent for the City and would give all properties with bitumen driveways justification to have Council fund their crossover replacement. There are many driveways in similar situations throughout the City and officers would see little difference in circumstances.

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

#### **Leading & Listening**

- Quality customer service that promotes business process improvement and innovation that delivers our strategic goals.
- Manage our financial and infrastructure assets to provide a sustainable future.

#### **Moving Around**

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

### **Budget/Financial Implications**

The quoted cost is excessive. The quote would suggest a rate of approximately \$53/m<sup>2</sup>. The Road Service Unit has an allocation for the construction and contribution of the crossover for requests which comply with PSEW12 'Standard Specification and Cost of Crossovers'



**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Quotes from Mr Pothole, Beauchamp Bitumen and Anything Goes Asphalt.

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

N/A

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

Nil.

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

Nil

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

Nil

**22 (OCM 10/10/2013) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Clr Reeve-Fowkes has requested that a report be prepared to a future Council meeting that deals with the status of the ammunition jetty at Woodman Point and its future use.

**23. CONFIDENTIAL BUSINESS**

Nil



**24 (MINUTE NO 5152) (OCM 10/10/2013) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Clr S Pratt SECONDED Clr B Houwen the recommendation be adopted.

**CARRIED 10/0**

**25 (OCM 10/10/2013) - CLOSURE OF MEETING**

Mayor Howlett acknowledged that this was the last Council Meeting for Clr Val Oliver since she was elected to the position in 2000. Mayor Howlett recognised the contribution made to the Council and 40 years made to the community.

On behalf of all Elected Members with whom she has served, he wished both her and her husband all the very best in retirement.

Clr Oliver thanked Mayor Howlett for his kind words. She said she enjoyed the 13 years she had been on Council, although sometimes challenging. She thanked all for the help and friendship that was shown to her during this time.

Mayor Howlett also acknowledged those Elected Members who were up for election and thanked all for their contributions and the great work that had been done during their term. He wished the best to those who have nominated in the up-coming elections.

Meeting closed at 8.53 pm



**CONFIRMATION OF MINUTES**

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

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

