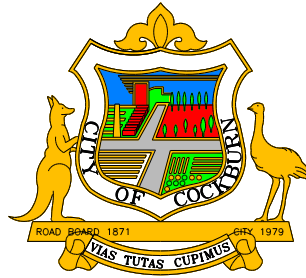


CITY OF COCKBURN



ORDINARY COUNCIL

AGENDA PAPER

FOR

THURSDAY, 13 APRIL 2006

CITY OF COCKBURN

SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 13 APRIL 2006 AT 7:00 PM

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CITY OF COCKBURN

AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 13 APRIL 2006 AT 7:00 PM

1. DECLARATION OF MEETING

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

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

5 (OCM 13/04/2006) - APOLOGIES AND LEAVE OF ABSENCE

Clr A Tilbury - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7. PUBLIC QUESTION TIME

8. CONFIRMATION OF MINUTES

8.1 (OCM 13/04/2006) - ORDINARY COUNCIL MEETING - 09/03/2006

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 9 March 2006, be accepted as a true and accurate record.

COUNCIL DECISION

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

10. DEPUTATIONS AND PETITIONS

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

Nil

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

13. COUNCIL MATTERS

13.1 (OCM 13/04/2006) - APPLICATION FOR LEAVE OF ABSENCE - CLR TILBURY (1705) (DMG)

RECOMMENDATION

That Council grants leave of absence to Clr Tilbury from attending the Ordinary Council meetings scheduled for April, May and June, 2006 for medical reasons.

COUNCIL DECISION

Background

By letter received 17 March, 2006 Cllr Tilbury has requested leave of absence from Council for the period 1 April, 2006 – 30 June, 2006 on medical grounds. A medical certificate issued by Jandakot Medical Centre accompanies the request.

Submission

To grant Cllr Tilbury leave of absence from attending Council meetings, as requested.

Report

Council may grant leave of absence to members, thus enabling them not to attend Council meetings for a period up to and including 6 Ordinary Council meetings. Cllr Tilbury's application is to cover the next 3 meetings scheduled for April, May and June, 2006 if necessary. However, she will resume duties prior to then if her condition improves.

Strategic Plan/Policy Implications

Key Result Area "Managing your City" refers.

Budget/Financial Implications

N/A

Legal Implications

Sec. 2.25 of the Local Government Act, 2005 refers.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil

13.2 (OCM 13/04/2006) - MINUTES OF THE MUSEUM ADVISORY COMMITTEE MEETING - 28 FEBRUARY 2006 (1960) (DMG) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Museum Advisory Committee Meeting dated 28 February 2006, and adopts the recommendations contained therein.

COUNCIL DECISION

Background

The annual meeting of the Museum Advisory Committee was conducted on 28 February 2006, to consider recommendations on the budget submissions for 2006/07.

Submission

N/A

Report

Refer to Committee minutes. In summary, the Committee supports proposals for Council funding to the level presented for the 2006/07 financial year, which will assist the Committee in achieving its objectives contained in its Strategic Plan. The Committee requests the funding to be acquitted as a lump sum and accounted for by the Historical Society with receipts being provided to Council for monies expended on the projects completed.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

As per budget submission.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

Minutes of the Museum Management Committee Meeting held 28 February 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

13.3 (OCM 13/04/2006) - REVIEW OF THE ENGAGEMENT OF FREEHILLS IN THE MATTER OF MADRIGALI VS CITY OF COCKBURN (1030; 1157) (AG) (ATTACH)

RECOMMENDATION
That Council:

- (1) receive the report;
- (2) require a revised Policy AES3 – ‘Industrial Relations’ to provide greater flexibility to engage specialist advice as required and be presented to the next Delegated Authorities, Policies and Position Statements Committee Meeting; and
- (3) not amend its legal panel to include a designated labour law firm, but that this flexibility be made available to the Chief Executive Officer through a revised Policy AES3.

COUNCIL DECISION

Background

At its Meeting held on 8 December 2005 Council resolved to:

- (1) *note the action of the CEO in engaging the services of Freehills in the matter of Madrigali vs City of Cockburn;*
- (2) *direct the CEO to provide a report to a future Council meeting regarding:*
 - (i) *why it was decided that no member of Council's panel of lawyers was chosen to represent Council in the matter;*
 - (ii) *whether Council should consider amending its panel tender arrangements to ensure appointed panel members are adequately able to represent Council in relation to both workplace relations matters, and other general legal matters in which local governments are commonly involved;*
 - (iii) *whether Council should review Policy AES3 in view of Council's experience in this action.*

Submission

N/A

Report

A confidential report on the engagement of Freehills in the matter of Madrigali vs City of Cockburn has been prepared by the Manager, Corporate Development.

Strategic Plan/Policy Implications

Managing Your City refers.

Budget/Financial Implications

Council provides funds in its Budget for legal advice.

Legal Implications

The Local Government (Functions and General) Regulations 1996 apply to the calling of tenders.

Community Consultation

N/A

Attachment(s)

Confidential report provided to Elected Members under separate cover.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

13.4 (OCM 13/04/2006) - MOTION - ANNUAL ELECTORS MEETING 31 JANUARY 2006 - CHANGE OF USE FROM ANCILLARY ACCOMMODATION TO A GROUPED DWELLING - LOT 5 FAWCETT ROAD, MUNSTER - OWNER: M & R O'BRIEN (3411306) (VM) (ATTACH)**RECOMMENDATION**

That Council:

- (1) note the motion carried at the Annual Electors Meeting conducted on 31 January 2006;
- (2) refuse the application to change the Ancillary Accommodation to a Grouped Dwelling on Lot 5 Fawcett Road, Munster for the following reasons:
 1. Approval to the proposal is likely to adversely impact on the amenity of future occupants due to the land being within the odour buffer of the Woodman Point WWTP where there is a presumption against increased residential development and where such a proposal would be inconsistent with orderly and proper planning.
 2. Approval to the proposal is likely to result in the separate occupancy of the land which represents defacto development.
 3. The proposal gives rise to the possibility of a future subdivision application which is inconsistent with the intent of preparing a structure plan for the land referred to as Development Area 5 in the City of Cockburn Town Planning Scheme No. 3. A Structure Plan is required to guide subdivision and development. The proposal also has the potential to prejudice the specific purposes and requirements of the Development Area that would properly recognise the planning constraints to development within areas affected by odour from the Woodman Point Waste Water Treatment Plant.
 4. Approval to the proposal is likely to set an undesirable

precedent for other landowners within the odour buffer to develop and subdivide their land on a similar basis.

5. The proposal is contrary to the intent of the approval granted by Council on 29 August 2002 for Ancillary Accommodation that was binding on the owner, his/hers heirs and successors in title, requiring that the occupier of the ancillary accommodation to be a member of the family of the occupier of the main dwelling.
- (3) issue a Form 2 Notice of Refusal pursuant to the MRS and a Schedule 9 Notice of Refusal pursuant to Town Planning Scheme No. 3 for a change of use from Ancillary Accommodation to Grouped Dwelling;
 - (4) notify the O'Brien family that:
 1. a recent review of their ancillary accommodation approval dated 29 August 2002 has revealed that condition 1 has not been complied with and allow 60 days notice to comply with the terms of this condition (at no cost to Council) as follows:-
 - "1. *The owner of the property is required to enter into a legal agreement, which shall bind the owner, his/her heirs and successors in title, requiring that the occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.*"
 2. it does not consider their claims made against relevant Council Staff in response to the City's letter of 14 November 2005 can be substantiated.
 - (5) Investigate the building alterations and additions that appear to have been undertaken without prior planning approval to ensure compliance with the approval granted by Council on 29 August 2002, notwithstanding that a building licence was granted for the ancillary accommodation.

COUNCIL DECISION

Background

At the Annual Electors' Meeting conducted on 31 January 2006, the following motion was carried:-

*“MOVED Murray O’Brien (5 Fawcett Road, Munster)
SECONDED Robyn O’Brien (5 Fawcett Road, Munster) that
the item that we wished to be placed on the December 2005
Agenda be put before a future meeting of Council.*

MOTION CARRIED 28/1”

As it is a requirement for resolutions of Electors' Meetings to be considered by Council as soon as practicable following their adoption, the matter was presented for deliberation by Council at the March 2006 meeting. The matter was subsequently deferred until April 2006 Meeting for further consideration.

Mrs O'Brien at the Electors Meeting requested that Council consider their request to change the Development Approval for Ancillary Accommodation to a Grouped Dwelling use, as the O'Brien family cannot rent out the existing house on site.

Background to the proposal

In August 2002 - Planning approval for the Ancillary Accommodation was granted with the condition that a legal agreement be prepared, which shall bind the owner, his/her heirs and successors in title, requiring that the occupier of the ancillary accommodation to be a member of the family of the occupier of the main dwelling. A review of planning conditions more recently revealed that this condition has not been satisfied. A Notification was lodged under section 70A of the Transfer of Land Act 1893. Section 70A Notification was signed by the landowners M & R O'Brien.

In May 2005 – Mr O'Brien contacted the City's Ranger Services to report that his tenant's dogs were causing a nuisance. A search of the City records for Dog Registrations revealed that the property is listed as a single lot with only the O'Brien's dogs having been registered at the property.

The matter was then internally referred from Ranger Services to Development Services for compliance relating to the occupancy of the main dwelling. The City's Development Compliance Officer (DCO), conducted an inspection of the property that revealed the O'Brien's were in dispute with the tenants of the main dwelling and had commenced proceedings to have them evicted.

The tenants advised the City's DCO that they were only renting part of the main dwelling and that the house had been divided into two with a

separate residence to the other side of the dwelling with the swimming pool.

In May 2005 – Mrs O'Brien phoned the City's DCO regarding the tenant occupation of the main dwelling. Mrs O'Brien said that the main house had only been rented out since January 2005, due to financial hardship. Mrs O'Brien explained that the ancillary accommodation was built for her father but he had become too ill to live there alone. The O'Brien's then decided that Murray, Robyn and their daughter would occupy the ancillary accommodation.

The City's DCO advised Mrs O'Brien there was a breach of the planning approval that was issued for the ancillary accommodation if non-family members occupy the main dwelling. It was also mentioned that an inside inspection of the main dwelling was required to determine the extent of inside changes.

On the 17 May 2005 – The City sent a letter to the O'Brien's requesting information on the present development and for a written undertaking to be provided to the City for compliance with the Town Planning Scheme No.3 within 14 days.

On the 1 June 2005 - The City's DCO received an email from Mrs O'Brien advising that the main dwelling was vacant and her husband, their daughter and herself occupied the ancillary accommodation. The City's DCO in response phoned and left a message with the O'Brien's that an inspection was required of the property.

On the 15 June 2005 - Mrs O'Brien attended the City's Administration Centre and spoke to the City's DCO requesting why the DCO was investigating this matter further. The DCO explained that he had not received sufficient information in the email that Mrs O'Brien had provided in response to his letter dated 17 May 2005.

Mrs O'Brien then explained that the ancillary accommodation had been built for her mother and that her mother had provided them funds to finance the construction. Her mother then became too ill to live there alone and was unable to reside at the property.

The City's DCO advised Mrs O'Brien that when he had spoken to her previously on the phone that she had then told him it was her father that had become too ill to live in the ancillary accommodation. Mrs O'Brien explained that was also correct, as her parents are divorced, her father had then intended to move in when her mother was not able to.

The City's DCO advised her that he would need to inspect the inside of the main dwelling as soon as possible. Mrs O'Brien said she would arrange a suitable time for the inspection and she would speak to the media if the City pursued the matter.

On the 17 June 2005 - Mr O'Brien then phoned the City's DCO and told him that he refused to allow the City access to the property until he was able to obtain legal advice. The City's DCO explained to Mr O'Brien the City is permitted to enter any building or land within the district to observe compliance with the City's Town Planning Scheme No. 3.

On the 23 June 2005 – Mr O'Brien allowed an inspection to be conducted, by the City's DCO and an Environmental Health Officer. This identified that a kitchen doorway and window opening were sealed with a separate kitchen and bathroom installed on the adjoining side of the wall. Mr O'Brien refused to answer any questions regarding the renovations at this time.

Investigations by the City's DCO into the leasing of the main dwelling uncovered multiple tenants from 25 June 2004 which clearly contradicted the advice received on 17 May 2005 from Mrs O'Brien that the main house had only been rented out since January 2005. The tenants shared the power and other utilities with the O'Brien's, including the rubbish collection bin with only a single bin being allocated to the property. It is also noted that Grouped Dwelling development which includes multiple tenants are required to have separate rubbish collection service fees from Council. Additional rubbish collection fees were not paid to Council by the O'Brien's.

Council issued a Prosecution Notice to the O'Brien's for a Court Hearing on the 23 September 2005. The O'Brien's failed to inform the City or its Solicitor that they would not be available to attend Court on that date because they were on holidays and interstate. The City had legal representation at this hearing, incurring additional legal costs before the matter was adjourned for 21 October 2005.

On the 21 October 2005 - The matter was heard in the Fremantle Magistrate's Court. The O'Brien's entered a plea of guilty to the four charges against them. The legal counsel for the O'Brien's stated to the Court, that Mr and Mrs O'Brien were both presently unemployed. The Magistrate ordered penalties of \$1,000 each for Mr Murray and Mrs Robyn O'Brien, together with payment of legal costs of \$1,152.80

On the 3 November 2005, the City received a request from Mr O'Brien to accept payments of \$100 per week. The offer was initially refused because the City was required to use additional resources in this matter. The City reconsidered its position following further discussion with the O'Brien's on 17 November 2005, to receive payments of \$400 per month from the O'Brien's that are now being received. It was also agreed following further discussion between the Acting Director Planning and Development and Council's Solicitors not to proceed with any further legal action relating to the ancillary accommodation provided that there was only one family (eg O'Brien's) living on the property (see attached letter dated 17 November 2005).

Submission

The O'Brien's have lodged an application for a change of use from an Ancillary Accommodation approval to a Grouped Dwelling on Lot 5 Fawcett Road, Munster. Emails and a facsimile dated 23 March 2006 were also received from the O'Brien's. (Refer to attachments to the Agenda)

The O'Brien's have rigorously pursued their desire to change the use of Ancillary Accommodation to a Grouped (Second) Dwelling since the prosecution matter was completed in 2005. The O'Brien's have sent several emails and a facsimile dated 23 March 2006 to Council in relation to Ancillary Accommodation. The Chief Executive Officer gave specific instructions to R O'Brien that only a submission could be considered by Council if it was lodged by Thursday 23 March 2006 (midnight). Emails received late were not accepted by the City and this was communicated to R O'Brien on several occasions in response to these late emails.

Report

Council's approval for ancillary accommodation was consistent with the O'Brien's development application for ancillary accommodation. The City was not notified by the O'Brien's of a change in family circumstances and in any event could not have granted approval for a second house which is now being sought. A change in family circumstances is not sufficient basis for Council to suddenly change the current approval that has been reflected as a notification on the land title that Mr and Mrs O'Brien accepted. This was also explained in detail to the O'Brien's by the Acting Principal Planner before approval was granted, that the accommodation could not be used as a second dwelling and could not be rented out.

The subject land is zoned "Development " in the City of Cockburn Town Planning Scheme No. 3 and is zoned "Urban Deferred" in the Metropolitan Region Scheme ("MRS"). Under clause 6.2.4.1 of Town Planning Scheme No. 3 ("TPS3") a Structure Plan must be adopted by Council as a prerequisite to subdivision and development. A structure plan has not been adopted that applies to this land and therefore Council would normally be prevented from approving development. Notwithstanding this provision under clause 6.2.4.2 of TPS3 Council could approve a development if in its opinion such a proposal would not prejudice the preparation of a structure plan.

The development of land under sub-clause 6.2.3.2 of TPS3 within a Development Area is to comply with Schedule 11.

The provisions of Schedule 11 for the DA5 Development Area are as follows:-

- “1. *An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.*
2. *To provide for residential development except within the buffers to the Woodman Point WWTP, Munster Pump Station and Cockburn Cement.*
3. *The local government will not recommend subdivision approval or approve land use and development for residential purposes contrary to Western Australian Planning Commission and Environmental Protection Authority Policy on land within the Cockburn Cement buffer zone.”*

It has subsequently been accepted on legal advice that as no Structure Plan has been adopted, Council has the discretion to either approve (with or without conditions) or refuse the proposal. This legal opinion was previously circulated to Elected Members as a confidential attachment prior to the March 2006 meeting. Clause 2 provision above does not prohibit a change of use per se but this doesn't suggest that the proposal is appropriate on planning grounds.

As the subject land is within the current WWTP odour buffer combined with the absence of a structure plan and an Urban Zoning in the MRS a second dwelling is not appropriate on planning grounds. An approval for a second dwelling could also give rise to a defacto subdivision of the land being sought based on dual occupancy and would introduce more families to an area affected by the Woodman Point Waste Water Treatment Plant buffer.

The land is also within the 750m generic buffer zone around the Woodman Point Waste Water Treatment Plant. It would be an unacceptable situation for Council to approve residential development within the current odour buffer from the Woodman Point Waste Water Treatment Plant, which includes Lot 5. Even though this proposal represents changing the form of residential use to another form of residential use, this represents a potential intensification of residential occupation and subdivision where two separate and unrelated families could live on the same property, both wanting security in land tenure and separate mortgages. The O'Brien's have asserted that there is no odour buffer around the WWTP but the Urban Deferred zoning in the MRS reflects the current 750m generic odour buffer required by the Water Corporation as a separation distance to future residential development. The odour buffer is the subject of review by the Department of Environment (DoE) based on the Strategic Environmental Review by the Water Corporation and until this review is complete it would be premature to support the change of use to a second dwelling if the odour buffer implications on Lot 5 don't change, which has already been implied in the SER.

The City contacted the relevant government agencies (Water Corporation and Department of Environment) involved with the buffer area for comments. The Water Corporation and DoE have both recommended that the applications for further grouped dwellings within the buffer should not be supported, for the following reasons as summarised:-

Water Corporation Comments:- Strongly oppose.

- The Lot is within the existing odour buffer for Woodman Point WWTP and receives levels of odour from the plant which are not appropriate for residential intensification.
- This constraint is recognised by the zoning of the land in both the MRS and the City's TPS.
- Woodman Point Plant is southern Perth's key waste water treatment asset which underpins growth and development of the region. The importance of this asset is reflected in the Urban Deferred zoning in the MRS of the odour buffer east of Lake Coogee.
- The Corporation recognises the odour footprint from the Plant is excessive and currently extends beyond the buffer. The Corporation is proposing to implement odour control works in three stages over the next three years at a cost in excess of \$100 Million to the WA community.
- The Minister for the Environment recently determined that if it is not practicable to further reduce odours from the Plant to enable the buffer to be reduced to the eastern margin of Lake Coogee, the Corporation will need to work to resolve any land use conflicts.
- The Corporation considers that the proposal for Lot 5 is premature and not appropriate.

Department of Environment:

The following quote was taken from the DoE advice to Council:-
"The DoE does not support the proposed grouped dwelling use for this site due to the close proximity of the Woodman Point Waste Water Treatment Plant (WPWWTP). This recommendation is supplied on the understanding that the proposal would facilitate further subdivision of the land in the future. This scenario would result in an increase in the number of odour receptors residing at the site, thereby potentially increasing the frequency and severity of odour impacts and complaints from such residents."

The Water Corporation and DoE letters are attached to this Agenda.

The fundamental issue for Council is the introduction of more families to an odour buffer area increasing the likelihood of odour complaints.

It was previously accepted that provided a single family lives on the property this would be a reasonable position and this response has

been provided to the O'Brien's to assist them in this matter relating to compliance with TPS3. If the owners are placed under financial constraint then they could of course sell their property to a family that genuinely need a house and ancillary accommodation.

Having reviewed the Water Corporation and Department of Environment advice and the planning implications in relation to the O'Brien's request it is clearly inappropriate for Council to authorise a change of use from Ancillary Accommodation to a Grouped Dwelling. The City's response to this proposal was previously communicated to Mrs O'Brien by letter on 13 December 2005, which is why the matter was not raised at the Ordinary Meeting in December 2005. As a Development Application for a change of use was received by Council on 27 March 2006 it is recommended that Council formally refuse the application and issue a Form 2 Notice of Refusal to the applicants.

Other Matters Contained in the letter dated 31 January 2006 tabled at the Annual Electors Meeting by Mr O'Brien.

Furthermore the responsibility for the placement of agenda items before Council in the normal course of business lies with the Chief Executive Officer. It is the Chief Executive Officer who ultimately determines those matters, which will be put for consideration to Council.

If there is an item of business after the close of the agenda that the Chief Executive Officer considers to be of an urgent nature the Chief Executive Officer is required to seek leave from the Mayor for the item to have late inclusion on the agenda. The Mayor may also have late items placed on the agenda.

Also under extraordinary circumstances as described in the City of Cockburn Standing Orders 4.11 a member of Council can have a matter debated subject to the Presiding Member (Mayor) agreeing to a motion of an urgent nature being moved.

An alternative open to Elected Members is to have an issue considered through "Matters to be noted for investigation, without debate" Agenda Item 22. This will result in the matter being placed on the agenda at a future meeting of Council.

The following is submitted with regard to matters raised in the emails and facsimile submitted by Mr and Mrs O'Brien:-

- The Acting Principal Planner and the Development Compliance Officer have at no stage agreed that Council should vary the development application as stated by the O'Brien's.
- The development conditions in the Council approval for an Ancillary Accommodation are valid as a Section 70A notification is required

under Council Policy APD11 – “Aged or Dependent Persons Dwellings and Ancillary Accommodation on Rural Lots” adopted by Council on 9 August 1997. The statement made by the O’Brien’s is incorrect.

Council Policy APD11 requires a notification under Section 70A of the Transfer of Land Act notifying purchasers that the occupier of the ancillary accommodation must be a member of the family of the occupier of the main dwelling.

In light of the concerns of bias raised by Mr O’Brien initiating from staff claims that the O’Brien’s made dishonest and misleading statements in response to the City’s investigations into the unlawful occupation of the dwelling, the Chief Executive Officer reviewed all correspondence on file and can see no evidence of bias from the Acting Director Planning and Development or other staff (see attached letter dated 14 November 2005).

The reason for reaching this conclusion was on the basis that Mrs O’Brien claimed the house had only been rented out since January 2005 but on further investigation this was found to be incorrect. The house had been rented to tenants earlier than this date. The facts surrounding this matter have to some extent been distorted. There had also been conflicting and confusing comments from Mrs O’Brien regarding who would be living in the ancillary accommodation. The City still isn’t sure exactly which family member intended to live there. For these reasons the staff claims appear to be justified to some extent, but with the benefit of hindsight could have been written in another way.

The O’Brien’s are also required to comply with an outstanding development condition requiring a legal agreement and must carry out further work to ensure the ancillary accommodation complies with their approval, as it appears the garage was filled in as a living area, which is contrary to the planning approval.

Strategic Plan/Policy Implications

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

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

APD29 DEVELOPMENT COMPLIANCE PROCESS

Budget/Financial Implications

Council has incurred legal costs of \$1,152.80 to prosecute unlawful occupation of the Ancillary Accommodation which constituted a breach of the City's TPS3 and an offence under the Town Planning and Development Act. The City has also devoted resources to ensure the O'Brien's comply with the City's Town Planning Scheme No. 3

Legal Implications

Town Planning and Development Act 1928
Town Planning Scheme No. 3.

Community Consultation

N/A

Attachment(s)

- (1) Letter from Mr Murray O'Brien dated 31 January 2006.
- (2) Section 70A Notification.
- (3) Email from Mrs Robyn and Mr Murray O'Brien dated 23 March 2006 and extracts from related facsimile dated 23 March 2006.
- (4) Letter from the Water Corporation dated 22 March 2006.
- (5) Letter from Department of Environment dated 28 March 2006.
- (6) Development Application for a change of use.
- (7) Letter from City of Cockburn dated 14 November 2005.
- (8) Letter from City of Cockburn dated 17 November 2005.

Advice to Proponent(s)/Submissioners

The Proponent of the motion carried at the Electors Meeting has been advised that the matter will be considered at the Council meeting to be conducted on 13 April 2006.

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES**14.1 (OCM 13/04/2006) - RAMSAY PLACE, BIBRA LAKE - REQUEST TO CLOSE ACCESS TO NORTH LAKE ROAD (451384) (KJS) (ATTACH)****RECOMMENDATION**

That Council:

- (1) not support the closure of pedestrian access from Ramsay

- Place to North Lake Road, Bibra Lake; and
- (2) advise the petitioners and Submissioners of Council's decision accordingly.

COUNCIL DECISION

Background

Ramsay Place is a 10 metre wide road incorporating a 4.5 metre roadway and a 1.6 metre footpath. The footpath continues via an opening in an estate wall to a railway crossing in North Lake Road.

Submission

A petition calling for the closure of Ramsay Place walkway was received. The petition contained 32 signatures coming from 24 households.

Report

A sign was placed at the estate wall opening seeking response to the proposed pedestrian accessway closure. Eleven letters objecting to the closure have been received. Most letters point out that the footpath at the end of Ramsay Place leads to a pedestrian railway crossing in North Lake Road. Although there is an alternative railway crossing at the end of Prout Way, the North Lake Road crossing is preferred as it is adjacent to the boom gates and flashing lights for the roadway rail crossing. The respondents feel safer crossing the railway line next to the boom gates and lights.

The letters also point out that the Prout Way crossing leads to the rear of the shopping centre which is not as visible as the North Lake footpath.

Many of the letters including the one from the Retirement Village in Bibra Drive make reference to the many elderly residents using "goffers" who prefer to use the North Lake rail crossing.

One letter from the Bibra Lake Residents Association (Inc) asked that if Council was to close the access from Ramsay Place that it considers installing an after hours gate so that residents can still use the access during daylight hours.

The cost implications for such a measure would be approximately \$3,000 for the gates and ongoing costs of \$750 per annum for the security patrol to open and close the gates each day.

Although the request for closure is supported by 24 households this is in stark contrast to the submissions, all seeking to keep the walkway open. There has been sufficient objection from users of the access way to warrant keeping the access to North Lake Road rail crossing open. Inspection of the site does not indicate any property damage or social discord.

Upon consideration of all the issues raised by this matter it is recommended that the pedestrian access from Ramsay Place to the rail crossing in North Lake Road stay open.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*

The matter is not a PAW closure and would be dealt with as a temporary road closure pursuant to Section 3.50 of the Local Government Act if proceeded with.

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

Feedback received from affected landowners by way of a request for closure and signage on the site.

Attachment(s)

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

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 April 2006 Council Meeting.

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

Nil.

14.2 (OCM 13/04/2006) - PROPOSED CHILD CARE CENTRE - LOT 132; 65 COOLBELLUP AVENUE (CNR COUNSEL ROAD), COOLBELLUP - OWNER: 77 PTY LTD, ANGELA OLIFENT, KINGSTAR PROPERTY GROUP PTY LTD - APPLICANT: SUZANNE HUNT ARCHITECT (1104176) (JW) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to the proposed Child Care Centre on Lot 132; 65 Coolbellup Avenue in accordance with the revised plan dated 7/3/2006 subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. No building construction activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7:00am Monday to Saturday and not at all on Sunday or Public Holidays.
5. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to Council prior to the erection of any signage on the

site/building.

6. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
7. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of Council.
8. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved by Council.
9. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing and appropriate measures shall be implemented within the time and in the manner directed by Council, in the event that sand or dust is blown from the site.
10. All stormwater being contained and disposed of on-site.
11. Works depicted on the approved parking plan shall be maintained to the satisfaction of Council.
12. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of Council.
13. The site car parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of Council.
14. A minimum of 1 disabled carbay designed in accordance with Australian Standard 2890.1 – 1993 is to be provided, in a location convenient to and connected to a continuous accessible path to the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 – 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the building licence application.

15. Car bay grades are not to exceed 6% and disabled car bays are to have a maximum grade 2.5%.
16. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the Council's satisfaction.
17. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use, or to such alternative system of effluent disposal as may be approved by the Department of Health prior to commencement of any use.

CONDITIONS TO BE COMPLIED WITH PRIOR TO APPLYING FOR A BUILDING LICENCE

18. 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 and designed on the basis of a 1:100 year storm event.
19. An acoustic report prepared by a suitably qualified acoustic consultant shall be submitted to the City's Health Service for approval demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 prior to the submission of a building licence application.
20. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (i) the location, number and type of existing and proposed trees and shrubs including calculations for the landscaping area;
 - (ii) any lawns to be established;
 - (iii) any natural landscape areas to be retained those areas to be reticulated or irrigated; and
 - (iv) verge treatments.

SPECIAL CONDITIONS

21. No more than 62 children are permitted at the centre at any time.
22. Provision of a minimum of 16 on-site car parking bays.

23. Provision of visual and acoustic screen walls to adjoining residential properties along the southern and western boundaries of the property.
24. The existing crossover being removed from Counsel Avenue and Coolbellup Avenue and the footpath and kerb being reinstated properly, with the exception of the portion of crossover required for this approval.

FOOTNOTES

Standard Footnotes to the recommended approval will be added to the approval as advice to the applicant;

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise those who lodged a submission of Council's decision.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS:	Mixed Business
LAND USE:	Vacant Medical Centre	
LOT SIZE:	0.1568 ha	
AREA:	N/A	
USE CLASS:	Child Care Premises "A"	

The former use of the site was a medical centre.

Submission

The applicant seeks approval to demolish the Medical Centre and develop the site into a child care centre on the corner of Counsel Avenue and Coolbellup Avenue, Coolbellup (see Agenda attachments).

The key components of the proposal are:-

- The centre would cater for a maximum of 62 children including 11 babies, 24 toddlers and 27 preschool children;
- Up to 8 qualified staff plus a manager will care for the children;

- The hours of operation would be between 6am to 7pm maximum Monday to Friday;
- Access into the site is proposed from Coolbellup Avenue;
- Car parking is provided at a rate of 1 car by per 10 children. In this case 62 children required 6 bays and an additional 10 bays are provided for staff. A total of 16 bays are provided in accordance with TPS3;
 - The proposed design is a single storey, rendered brick and tin building with a contemporary domestic appearance;
 - The outdoor play areas are located to the north near Counsel Avenue. Brushwood fencing between piers with some areas of open piers are proposed to the north and part of the east boundaries adjacent to the play areas.
- All existing landscaping is to be retained and enhanced with extensive planting to screen the car parking, verge area and in the play areas to provide shade.

Report

The applicant initially sought approval for the proposed child care centre in November 2005. The original design was for a two storey building to cater for 66 children.

The original child care centre proposal was advertised for public comment for a period of 14 days. Owners of the property near the subject land were invited to comment by letter. At the close of the advertising period six submissions were received, all objecting to the proposal for various reasons which have been collectively summarised as follows:-

- Location (on a busy corner and close to elderly residents);
- Traffic and safety issue as vehicle arriving and departing at the centre will be disruptive to a road safety;
- Number of children;
- Noise level generated from the operation;
- Overlooking and privacy issue; and
- Hours of operation.

Following public consultation the applicant has amended the proposal to address the above issues.

Location

The location of the proposed Coolbellup Child Care Centre is ideal because it would be adjacent to the Coolbellup Shopping Centre and close to the new primary school on Len Packham Reserve. The location also complies with Council's Policy APD 44 – Location of Child Care Centres within Residential Areas. The site is also adjacent to public transport routes along both Counsel Road and Coolbellup Avenue.

Traffic and Safety

The site was formerly used as a medical centre with similar car parking provisions. Vehicular access to the medical centre was from both Counsel Road and Coolbellup Avenue. With the removal of the existing crossover from Counsel Road and reduced crossover width from Coolbellup Avenue as shown in the proposal, it is expected that the traffic situation and road safety at the corner of Counsel Road and Coolbellup avenue would be enhanced. The proposal also complies with the car parking requirements of TPS3.

Number of Children

The number of children has been reduced slightly from the original proposal from 66 to 62. The applicant has advised this is the minimum number possible to make the centre viable. The number of children this centre would cater for is also significantly less than other more recent child care centres in the district with 100 or more children.

Noise

All the outdoor play areas have been located to the north to minimise the impact on adjoining houses and also take advantage of the solar orientation.

Appropriate boundary fencing to the neighbouring properties, together with enhanced landscaping along the car parking area, would assist in reducing noise transference.

An acoustic report prepared by a suitably qualified acoustic consultant must be submitted to the City's Health Service for approval prior to the submission of a building licence application. The report must detail the design and construction features, to reduce noise emissions received at nearby noise sensitive premises within acceptable levels under the Environmental Protection (Noise) Regulations 1997.

Overlooking and Privacy Issue

The original design of the child care centre was a two storey building. The design has been amended to remove the secondary storey and to reduce the building height. Therefore, the height of the building will not reduce privacy to the adjoining properties.

Hours of operation

The hours of operation would be between 6am to 7pm maximum Monday to Friday. This complies with Council Policy APD 44 - Location of Child Care Centres within Residential Areas.

The concerns raised in the public submissions can be addressed as conditions of approval. It is recommended that the proposal for a child care centre be approved, as the development complies with the City's Town Planning Scheme No. 3 and Policy requirements.

Strategic Plan/Policy Implications

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

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

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*

The Planning Policies which apply to this item are:-

APD44 Location of Child Care Centres within Residential Areas.

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No.3.

Community Consultation

Consultation was carried out in accordance with Clause 9.4 of Town Planning Scheme No.3.

Attachment(s)

- (1) Aerial Photograph.
- (2) Site Plan.
- (3) Ground Floor Plan.
- (4) West and East Elevations.
- (5) North and South Elevations.
- (6) Sections 1 & 2, 3 & 4, 5

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 13 April 2006 Council Meeting.

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

Nil.

- 14.3 (OCM 13/04/2006) - PROPOSED AMENDMENT NO. 48 TO TOWN PLANNING SCHEME NO. 3 FOR CONSISTENCY WITH AN AMENDMENT TO THE METROPOLITAN REGION SCHEME - LOTS 4995-4997, 500-502, 400, 303 & 4620 COCKBURN ROAD, LOTS 4291, 21, 2-5 & 101 RUSSELL ROAD, LOTS 4896 & 4898 JESSIE LEE STREET, LOTS 106 & 105 RUSSELL ROAD - OWNERS: VARIOUS - APPLICANT: DPS (93048) (JW) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the following amendment:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED) RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME NO.3 (TPS3)

AMENDMENT NO. 48

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

1. Amending the Scheme Map by extending 'Special Use Zone No.2' and 'Development Area No.15' to include lots 4995 – 4997 Cockburn Road and portions of Quill Way & Stuart Drive.
2. Amending the Scheme Map by zoning Lots 500 – 502, 400, 303 & portion of Lot 4620 Cockburn Road, portions of Lots 4291, 21, 2 – 5 & 101 Russell Road, portion of 4895 Success Way, portion of Lot 4896 & 4898 Jessie Lee Street, and portions of the Success Way, Jessie Lee Street & Crane Street road reserves 'Industry'; and
3. Amending the Scheme Map by zoning Lot 106 and portion of Lot 105 Russell Road 'Light and Service Industry'

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A) (1) of the Town Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (7) advise the applicant of Council's Decision and request the applicant to prepare five (5) copies of the amendment documents.

COUNCIL DECISION

Background

The land subject to this proposal measures 10.5 hectares in area and stretches along 3 kilometres of Russell Road and Cockburn Road within the Henderson Industrial Area (see agenda attachment 1).

The land is in a variety of ownerships, including both private and public, with various portions of the former MRS reservations having been

acquired by the State Government in order to facilitate construction of the Fremantle Eastern Bypass.

Subdivision approvals have been granted over lots 4995 & 4997 Cockburn Road whereby the land is to be amalgamated and developed in conjunction with adjoining lots, which form portion of the Henderson Industrial Area (Australian Marine Complex).

Submission

The scheme amendment under consideration for the land in the Henderson Industrial area that will be affected by the gazettal of MRS Amendment 1071/33. The MRS Amendment proposes the rezoning of the land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Industrial', and is in its final stages of approval in Parliament.

A copy of the applicant's full submission should be read in conjunction with this report and is contained in the agenda attachments.

Report

The subject land is currently reserved under the Metropolitan Region Scheme (MRS) as either 'Primary Regional Road' and 'Other Regional Road'. The City of Cockburn Town Planning Scheme No.3 (TPS3) currently reflects the existing regional road reservations over the subject land (see agenda attachment 2 & 3).

Upon gazettal of MRS Amendment 1071/33, the land will be rezoned to 'Industrial' under the MRS (see agenda attachment 4).

However, the subject land will become 'unzoned land' under the TPS3 as a result of its removal from the Fremantle – Rockingham Highway Primary and Other Regional Road Reserve upon the gazettal of MRS Amendment 1071/33. The Scheme Amendment seeks to extend the current TPS3 zones of the adjoining industrial estates to encompass the 'unzoned' land. The Scheme Amendment proposes the rezoning of the land from 'Primary Regional Roads' and 'Other Regional Roads' to 'Special Use' (SU2) and 'Development Area' (DA15) as well as 'Industry' and 'Light & Service Industry' Zone (see agenda attachment 5).

The Scheme Amendment will provide the Council with development control commensurate with that, which guides the adjoining industrial estates.

It is recommended that Council initiate the proposed TPS3 Amendment and refer the document the Environmental Protection Authority (EPA) for assessment. Following the receipt of formal advice from the EPA that the Scheme Amendment should not be assessed under Section

48A of the Environmental Protection Act, Council advertise the Amendment under Town Planning Regulation 25.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - "To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."
 - "To ensure that the development will enhance the levels of amenity currently enjoyed by the community."
3. Conserving and Improving Your Environment
 - "To conserve the quality, extent and uniqueness of the natural environment that exists within the district."
 - "To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."
4. Facilitating the needs of Your Community
 - "To facilitate and provide an optimum range of community services."

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3
Metropolitan Region Scheme
Town Planning and Development Act
Town Planning Regulations

Community Consultation

To be undertaken as part of the Amendment process.

Attachment(s)

- (1) Location Plan
- (2) MRS Zoning Plan
- (3) TPS3 Zoning Plan
- (4) MRS Amendment 1071/33 Plan
- (5) The Scheme Amendment Submission

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 13 April 2006 Council Meeting.

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

Nil.

14.4 (OCM 13/04/2006) - VARIATION TO THE APPROVED STRUCTURE PLAN FOR PORTION OF DEVELOPMENT AREA NO. 4 (CELL 9) LOT 1009 SPINNAKER HEIGHTS, YANGEBUP - OWNER: NORFOLK HOLDINGS PTY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES (9620; 4413993) (VM) (ATTACH)

<p>RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none"> (1) adopt the proposed modifications to the Cell 9 Structure Plan pursuant to Clause 6.2.9 of the City of Cockburn Town Planning Scheme No. 3, as shown on the plan included in the Agenda attachments; (2) refer the modified Cell 9 Structure Plan to the Western Australian Planning Commission for endorsement; (3) advise the submissioners and the petitioner of Council's decision; and (4) require the applicant to prepare Detailed Area Plans for Lots 168 and 167 Spinnaker Heights, Yangebup for adoption by Council, which must comply with the requirements of the Codes and ensure that there is no adverse impact on the privacy of neighbours.
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<p>COUNCIL DECISION</p>

Background

ZONING:	MRS:	Urban
	TPS3:	Development Zone Development Area No. 4 – Yangebup (DA4)

		Development Contribution Area No. 5 – Yangebup East (DCA5)
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In 2000 Council prepared a structure plan for Cells 9 & 10 Yangebup which included the subject land. The structure plan was a composite of proposals prepared by Urban Focus and BSD Consultants for various landowner groups.

On 30 October 2001 the WAPC advised that the Structure Plans generally conform to the Commission's applicable Development Control Policy Principles and Liveable Neighbourhood's principles. The Structure Plan for Cell 9 was endorsed as a guide for the subdivision and development of the land.

In January 2006 the City received a submission from Development Planning Strategies (DPS) on behalf of the landowner "Norfolk Holdings Pty Ltd" to modify the R-Code for Lot 1009 Spinnaker Heights, Yangebup.

Submission

The proposed variation involves recoding of the subject land from R20 to R25. The proposed increase in density aims to provide greater flexibility in lot size and house design for the subject land the proposal is also compatible with the existing design and layout of the approved Structure Plan and will not necessitate any changes to the existing / approved access and road network within Cell 9.

Report

The intent of the coding change is to provide greater flexibility in lot size and house design for the subject land, delivering upon the general objectives of the Structure Plan to provide a mixture of densities in areas of high amenity.

The subject land is within the walkable distance of four public open space sites and a proposed neighbourhood commercial centre and is therefore ideally located in terms of its suitability for an increase in density due to the high level of amenity.

The increase in density would be compatible with a variety of the *Liveable Neighbourhoods Edition 3 (Operational Draft)* document key aims including:-

- To provide a variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services;
- To provide for walkable neighbourhoods to reduce car dependency for access to employment, retail and community facilities;

- To provide for access generally by way of an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving;
- To facilitate active street-land use interfaces to improve personal safety through increased surveillance and activity;
- To facilitate new development which supports the efficiency of public transport systems;
- To maximise land efficiency wherever possible.

There are no proposed changes to the access and road network within the Cell. The recoded lots are sufficiently robust to be served by the current proposed movement system and will not affect the alignment of Spinnaker Heights.

The proposed variation to the approved Structure Plan is of a minor nature and aims to provide greater flexibility in lot size and house design for the subject land. The changes are compatible with the existing design and layout of the approved Structure Plan. The proposed R20 development could accommodate 5 lots (500m² average lot size) whereas the R25 code would allow the addition of two lots, therefore making a total of 7 lots or an extra 2 lots (average lot size of 400m²).

The following is a summary residents concerns raised in public submissions which have largely raised invalid objections on the basis of some fundamental aspects of the approved Structure Plan that are not relevant to the changes proposed with the Structure Plan. The Structure Plan was established by Council well before the subject land was subdivided. There has been a misunderstanding of residents that Spinnaker Heights would not be extended to Beeliar Drive. There is also a separate desire in the petition to cul-de-sac Spinnaker Heights to the detriment of a bus route, which is totally unacceptable. All of the City's Planning staff are fully aware of the approved Structure Plan which clearly shows the extension of Spinnaker Heights and its important function as a bus route. The adopted Structure Plan is available for inspection at the City's Administration building during normal office hours.

1. Guaranteed Loss of Views and Extension of Spinnaker Heights to Beeliar.

The petition states that when they bought into the area they were told that Spinnaker Heights would never continue through to Beeliar Drive. This is clearly not the case since the Council's adopted Structure Plan for the area shows Spinnaker Heights connecting from Yangebup Road to Beeliar Drive as a main Local Distributor to ensure easy access for residents of Cell 9 to the proposed Local Centre identified on the intersection of Spinnaker Heights and Beeliar Drive.

With regard to the views, the landowners of Lot 1009 could build large two storey houses which would obstruct the views from properties located to the east of Spinnaker Heights. It is acknowledged that the average lot size would reduce from 500m² to 400m² and frontages reduced from 18 metres to 12 metres to the street. The applicant has indicated that the development of the lots would probably be a two storey development. However, the developer has stated that they would develop the lots and are prepared to introduce design guidelines/Detailed Area Plans to ensure the upper storey development of lots 168 and 167 (refer to attached plan) is setback a greater distance from the boundary to ensure the current vistas of No. 25 (Lot 381) Spinnaker Heights are not substantially reduced. This may be introduced subject to WAPC approval as a condition of subdivision approval.

2. Continuation of Spinnaker Heights for Bus Route.

The Council adopted Structure Plan for the area designates Spinnaker Heights as a bus route connecting Yangebup Road to Beeliar Drive. The rationale for the bus route along Spinnaker Heights (not fully constructed) was to provide easy accessibility to a proposed Local Centre located on the intersection of Spinnaker Heights and Beeliar Drive. The current proposal for this intersection is to be signalised. Spinnaker Heights is to be a local Distributor Road for Cell 9. Therefore there is no proposal to cul-de-sac Spinnaker Heights. Furthermore the constructed roads and roundabouts on Spinnaker Heights have been constructed to ensure for easy manoeuvring of buses. Approval of this proposal will also facilitate the ultimate connection of Spinnaker Heights with Beeliar Drive and its use as a bus route.

3. Public Open Space and Beautification.

Subdividers in the area currently are under no obligation to landscape public open space which is very frustrating from a Council perspective. Unfortunately the subdividers have decided not to landscape the POS and therefore Council must make separate budget allocations to carry out this work guided by Works programs in the City's Parks Services.

Comments regarding using the developers land as public open space is clearly inappropriate and not possible as the land has been identified for residential development.

Given that the proposed recoding to R25 will only generate an additional two lots and a subdivision condition could ensure appropriate setbacks for two storey development, the variation to the Structure Plan is supported. It is recommended that the Council endorse the modifications to the Structure Plan.

Strategic Plan/Policy Implications

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

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

The Planning Policies which apply to this item are:-

SPD4 'Liveable Neighbourhoods'

APD4 Public Open Space

Budget/Financial Implications

Nil.

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

The application was referred to nearby landowners for a period of 21 days in accordance with the requirements of Clause 6.2.8.1 of Town Planning Scheme No. 3.

A petition signed by 9 landowners was received by Council. Ten late proforma submissions of objection were received just prior to writing this report from residents on Spinnaker Heights objecting to:-

1. Not in keeping with single resident housing nearby.
2. Not associated with public open space usage.
3. Sets a precedent for poor planning.

Refer to Schedule of Submissions contained in the Agenda attachments.

Attachment(s)

- (1) Proposed modification to Structure Plan.
- (2) Structure Plan adopted by Council.
- (3) Proposed development of Lot 1009 Spearwood Avenue.

- (4) Schedule of Submissions.
- (5) Petition – Proposed Minor Variation for Cell 9 and attachments.

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 13 April 2006 Council Meeting.

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

Nil.

14.5 (OCM 13/04/2006) - SATELLITE DISH - LOT 550; 68 BARRINGTON STREET, SPEARWOOD - OWNER/APPLICANT: J & M MONTES (3313725) (SS) (ATTACH)

RECOMMENDATION

That Council:

- (1) grants its approval for a 3 metre diameter domestic satellite dish on Lot 550 (No. 68) Barrington Street, Spearwood in accordance with the approved plans subject to the following conditions:-

STANDARD CONDITIONS

- 1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
- 2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- 3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

SPECIAL CONDITIONS

- 5. The maximum pole height for the satellite dish is not to exceed 1.7 metres above natural ground level.
- 6. The maximum height of the satellite dish is not to exceed 2.7 metres above natural ground level.

FOOTNOTES

- 1. The development is to comply with the requirements of

the Building Code of Australia.

- (2) issue a Schedule 9 Notice of Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the submissioners of Council’s decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R-20
LAND USE:	Existing House	
LOT SIZE:	700m ²	
USE CLASS:	Permitted Use “P” – Single House	

The applicant seeks approval for a 3 metre diameter satellite dish on the subject property (refer to Attachment 1). The application was referred to Council’s Ordinary Meeting of 9 March 2006 where the application was deferred to allow the City to visit the neighbouring properties and consult with adjoining neighbours.

Submission

The applicant seeks approval for a 3 metre diameter satellite dish which has a pole height of 1.7 metres above natural ground level and an approximate maximum height of 2.7 metres above natural level of the property (refer to Attachment 2).

Report

Council’s Domestic Satellite Dish Policy (APD14) requires Planning Approval for all dishes in excess of 1.2 metres in diameter. The policy also specifies general guidelines to minimise the visual impact of satellite dishes and details the procedure for considering applications.

The application was initially referred to four (4) adjoining property owners in accordance with Council policy. Two (2) letters of objection was received from adjoining landowners (refer to Attachment 3), which raised the following concerns: -

1. The satellite dish will look unsightly from the objector's backyard;
2. The dish proposed is second-hand;
3. The dish could de-value my property; and
4. The dish will reduce my view to the ocean.

A site visit was conducted at two of the adjoining properties the source of objections, and it revealed that the proposal would not significantly detract from the visual amenity of the adjoining neighbours. As demonstrated in Attachment 4 & 5, the view to the satellite dish is hindered by the alignment of existing outbuildings on both properties. Although not a valid consideration, the proposal does not minimise views to the ocean. The proposed dish is located in the corner of the applicant's property on the lower side of existing retaining walls and fence atop which together measure 2.2m in height (refer to Attachment 3).

The satellite dish has purposely been positioned to take advantage of the location of outbuildings, which act as a visual barrier to the dish from neighbouring properties (refer to Attachment 6). The applicant originally intended for the satellite dish to be located in the centre of their backyard and relocated the dish upon concerns received from an adjoining neighbour.

The applicant has also agreed to a reduced pole height of the satellite dish from 2.2 metres to 1.7 in a further effort to ameliorate the visual impact from adjoining properties. These measures demonstrate the owner's spirit of cooperation and intentions to erect the dish as close to the ground and below the height of adjoining structures without diminishing the capacity of the satellite dish to receive international signals.

The photos in Attachment 4 also demonstrate the appearance of the proposed satellite dish. Although second hand and from another property, the applicant has stated that the dish still functions and the dish does not appear visually obtrusive or flawed.

It is recommended that Council support the application on the basis that the satellite dish complies with Council's Domestic Satellite Dish Policy (APD14). The proposal has been located in a position that minimises the visual impact of the dish on the street and the amenity of adjoining landowners.

The applicant has also been very cooperative in addressing the neighbours concerns by relocating the dish to a less visible location and on a shorter pole height which is considered to be reasonable under the circumstances.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the character and historic value of the human and built environment."*

The Planning Policies which apply to this item are:-

APD14 Domestic Satellite Dishes Policy
 APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No.3

Community Consultation

Application was advertised to adjoining properties for comment for a period of 14 days in accordance with the City's Town Planning Scheme No. 3. At the close of the submission only two submissions was received.

Attachment(s)

- (1) Location Plan
- (2) Elevation Plan
- (3) Site Plan
- (4) View Lines for Adjoining Neighbours
- (5) Photographs from Adjoining Properties
- (6) Photographs from Applicants Property

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 13 April 2006 Council Meeting.

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

Nil.

14.6 (OCM 13/04/2006) - INFILL SEWERAGE PROGRAM - PRIORITY AREAS (4908) (CW) (ATTACH)

RECOMMENDATION

That Council:

- (1) acknowledge Spearwood as a priority area as reflected in the report for the provision of sewerage as part of the review of the State Government Infill Sewerage Program as previously advised to the Department of Health on 6 February 2006; and
- (2) correspond with the Premier, Minister for Health, Minister for Water Resources and Local State Members seeking support to allocate additional State Government funding to expedite the provision of infill sewerage to unsewered areas of the Cockburn District, particularly the Spearwood area which should be considered as a program priority within the Perth Metropolitan Area;
- (3) seek a meeting with the Minister for Water Resources to be attended by Mayor Lee and the Chief Executive Officer to discuss the State Government giving greater priority to the provision of sewerage within the Cockburn District, particularly the Spearwood area; and
- (4) seek the co-operation of the Western Australian Local Government Association to lobby the State Government to allocate more funds for the provision of sewerage in Urban and Industrial Areas under the State Government Infill Sewerage Program.

COUNCIL DECISION

Background

On 21 February 2006, a petition was forwarded to the Chief Executive Officer by Mr Colin Crook concerning the current Infill Sewerage

program and the status of works in Spearwood. Mr Crook was advised that the matter would be listed for the April Ordinary Council Meeting.

On 27 January 2006, the City's Health Service was requested by the Department of Health (WA) to provide additional information on unsewered areas within the City to assist the Department in reviewing the Sewerage Infill Program throughout Western Australia and determine priority areas based on health and environmental grounds. The Principal Environmental Health Officer provided a response on 6 February 2006 indicating that the Spearwood area was considered to be a priority area.

The Infill Sewerage program commenced in 1994 with priorities for provision of sewer being based on health and environmental grounds. Those areas which posed the greater risk were ranked higher than those areas which posed little threat to the environment or Public Health. The budget for the program this financial year is approximately \$38 million with near to 5000 residences being provided with a connection. There are 9 program areas within the City of Cockburn which have been considered for future connection these being:-

Spearwood 27A	-	Tender/commencement 2011
Spearwood 4E	-	Tender/commencement 2012
Spearwood 12P	-	Tender/commencement 2011
Spearwood 16PP	-	Tender/commencement 2011
Spearwood 28A	-	Tender/commencement 2009
Spearwood 19J	-	Tender/commencement 2011
Spearwood 3N	-	Tender/commencement 2009
Spearwood 16ZZ	-	Tender/commencement 2009
Spearwood 2E	-	Tender/commencement 2006

Please note that these dates may be subject to change due to budgetary constraints.

On 14 June 2005, Mayor Lee was contacted by a resident of Spearwood seeking assistance in amending the Sewerage Infill program to raise the priority of the Spearwood locality. Correspondence was forwarded to various Government Ministers and the Premier on this subject in an effort to raise the profile of the Spearwood residents. Responses were received from the Minister Assisting the Minister for Water Resources and also the Federal Member for Fremantle. Both indicated that funding for the Infill Sewerage program had been reduced due to higher priority projects to combat our drying climate, however the project would continue.

On 27 January 2006, the Department of Health (DoH) (WA) sought the City's assistance in determining Infill Sewerage Priority Areas within the City of Cockburn. The Department sought advice on localities with a high rate of onsite effluent disposal system failure, any health problems related to residential onsite effluent disposal system and

heavy soil/high groundwater issues. In determining priority areas, the DoH would consider Public Health issues only. At this time, the City's Health Service was not aware of any significant numbers of onsite effluent disposal system failures within the Spearwood locality.

Apart from anecdotal evidence, the City's Health Service was unaware of failing systems and residents re-building onsite effluent disposal systems since most undertake the works without advising the City. Generally these works are of an urgent nature, with repairs/new systems being installed in the position of the failed system.

At the time that the DoH correspondence was received, the City's Health Service was contacted by Mrs Francesca Fedele (referred to in Mr Crooks correspondence). She advised that she had a petition signed by residents of the Spearwood area which would be forwarded to the Water Corporation and local state members. She was advised that the City would be providing advice to the DoH and that the correspondence could include a copy of her petition as supporting evidence. The petition was not addressed to the City of Cockburn therefore was not submitted to the Council.

The City responded to the DoH on 6 February 2006 identifying two large areas within Spearwood as being a priority, these being:-

- (a) the area bordered by Spearwood Ave, Rockingham Road, Phoenix Road and Hamilton Road (Spearwood 28A & 3N); and
- (b) the area bordered by Stock Road, Rockingham Road, Freeth Road and the railway reserve (Spearwood 27A & 4E)

The unsewered area of Coogee (Spearwood 12P & 16PP) was also identified as an area to be considered. Attached with the correspondence was Mrs Fedeles petition, 3 letters from residents requesting connection to sewer and an article from the local media.

After this original letter was forwarded to the DoH, the City's Health Service received a number of letters from residents (approx 15) requesting that sewer be provided to the Spearwood area as a matter of urgency. This response was mainly due to several reports in the local media and a lack of understanding as to which authority was responsible for the provision of sewer.

Submission

Two petitions totalling approximately 600 signatures were forwarded to the Chief Executive Officer on 21 February 2006. (refer to attachment to the Agenda)

Report

In each case, the City's Health Service responded to the residents advising that the City believed that the Spearwood area was considered to be a high priority area due to the age and subsequent failures of onsite effluent disposal systems. The correspondence also made reference to both the DoH and Water Corporation as being the government departments responsible for determining sewerage priority areas and ultimately providing a sewer connection.

The Health Act 1911 does allow for the Local Government to provide sewerage to unsewered properties within the district. Section 54 of the Act permits Local Government to:

- (a) formulate or combine with any other local government in formulating a scheme or joint scheme for the construction and maintenance of all sewers, drains, and appliances necessary for carrying away or disposing of or treating any noxious or waste matter within its or their district or districts, or any portion or portions thereof;
- (b) formulate a scheme for the installation of, and install on premises generally or in any specified portion of the district, apparatus for the treatment of sewage;
- (c) subject to the provisions of this Part exercise beyond the district for the purpose of outfall or distribution of sewage all or any of the powers conferred by this Part;
- (d) alter or improve any such works from time to time;
- (e) install on any lands which such works are designed or intended, or capable of serving all such drains, fittings, ventilating shafts, pipes, or tubes as may be necessary effectually to enable noxious or waste matter on the said lands to be discharged into any such sewer.

Preliminary advice from the Water Corporation indicates that the approximate cost of providing a sewerage service to each property would be in the order of \$8,000 which includes the construction of pumping stations. In the case of the unsewered areas of Spearwood (approx 1100 residences) the cost of providing such a project would be approximately \$8.8 million. The Act provides for the recovery of such monies by the Council from the residences provided with the sewerage connection, however such residences would also be required to pay the Water Corporation for the removal and treatment of any wastewater generated on their properties. Essentially this would be a duplication of the service provided by the Water Corporation, however this could be integrated with the current Water Corporation Infill Sewerage Program.

The City's Health Service does not believe that this is a viable option to consider.

It is recommended that the City continue to lobby the Water Corporation and state members of Parliament to expedite the provision of sewer to residential areas within Spearwood and similar areas within the City.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Should Council consider funding the provision of sewer, significant financial implications will arise. An accurate costing has not been provided in this report, therefore further investigation would be required.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

- (1) Extract of Petition and attachments requesting Special Electors' Meeting to discuss infill sewerage program.
- (2) Correspondence forwarded to the Department of Health (WA) by the City's Health Service – Priority areas for the Infill Sewerage Program
- (3) Infill Sewerage Program maps provided by the Water Corporation.

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 13 April 2006 Council Meeting.

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

Nil.

14.7 (OCM 13/04/2006) - STRUCTURE PLAN AMENDMENT - AUSTRALIAN MARINE COMPLEX TECHNOLOGY PRECINCT - NORTH OF RUSSELL RD, WEST OF ROCKINGHAM RD, SOUTH OF FROBISHER AVE AND EAST OF LAKE COOGEE, MUNSTER - OWNER: LANDCORP & OTHERS - APPLICANT: THE PLANNING GROUP (9525) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the modified Structure Plan for the Australian Marine Complex (Technology Precinct) affecting the land bounded by Rockingham Road, Russell Road, Frobisher Avenue and Lake Coogee, Munster, subject to the following Structure Plan changes being made:-
 1. updating the report to reflect the changes on the modified structure plan (including road name changes) adopted by Council;
 2. providing indicative road reserve specifications for consideration by the City for the southern POS perimeter road and amending the structure plan as necessary in order to facilitate the retention of the "Dadley Home - Stone Sheds" into the development;
 3. provide a connection between the Wetland Enhancement Areas located on the Department of Industry & Resources common user facility site;
 4. reflect the range of compatible and incompatible land uses within the WPWWTP odour buffer, as determined through proposed Scheme Amendment No.36.
- (2) advise the applicant that the Environmental Management Plan approved for the Marine Technology Precinct to be updated as a result of the structure plan modification.
- (3) investigate the closure of Wright Road and for a report being prepared to a future meeting of Council;
- (4) provide advice to the applicant on the advisory comments in the Schedule of Submissions;
- (5) adopt the comments made on the Schedule of Submissions in

- the Agenda Attachment;
- (6) advise the applicant and submissioners of Council's decision accordingly; and
 - (7) subject to satisfactory completion of the above amendments to the Structure Plan, forward a copy of the revised Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Development, Development Area No.6, Special Use 9, Parks & Recreation, Public Purpose (Primary School, Civic)
LAND USE:	Vacant land, existing and former market gardening operations, dwellings and outbuildings	
AREA:	49 ha approximately	

The Council at its Ordinary meeting on 15 February 2005 resolved to adopt a structure plan for the Australian Marine Complex (Technology Precinct), subject to modifications.

The City referred the structure plan to the Western Australian Planning Commission ("WAPC") on 13 July 2005 for endorsement.

By letter dated 12 October 2005 the WAPC noted the intent of the proponent to review the Structure Plan, and resolved to endorse the Stage 1 portion of the structure plan, for the land south of Gardiner Avenue for the time being.

The structure plan area is also the subject of proposals to amend the zoning and Town Planning Scheme provisions (proposed TPS Amendment No.36) and to cancel the South Coogee "A-Class" Reserve (Reserve No.15741), for incorporation of the land into the Technology Precinct. Reports regarding both these issues have been presented to Council previously (refer to Item 14.3 OCM 9/2/2006 and Item 14.10 OCM 12/1/2006 respectively), whereupon it was resolved to defer decision-making until the structure plan modification is reported

to the Council for adoption. These matters are the subject of separate reports in the current Agenda.

The WAPC issued approval to subdivide Stage 1 of the structure plan area on 14 October 2005 (WAPC ref:128478).

The WAPC also issued development approval for the construction of a TAFE on the corner of Gardiner Avenue and Rockingham Road on 6 December 2005. Earthworks are currently underway.

Submission

Application has been received from The Planning Group on behalf of Landcorp to vary the Australian Marine Complex (Technology Precinct) Structure Plan in the following respects:

- The Department of Industry and Resources (DoIR) common user facility site has been reorientated from the corner of McGrath Road (i.e. formerly Coogee Road) and Gardiner Avenue to the corner of McGrath Road and Russell Road.
- The Public Open Space (Wetland Enhancement Area) around the DoIR site has been reconfigured to address the changes to the DoIR site.
- The proposed road from McGrath Road to the "A-Class" reserve (proposed developable land) has been relocated from McGrath Road to Gardiner Avenue.
- The road servicing the lots to the west of the Raytheon site has been relocated from McGrath Road to Russell Road.
- The roundabout adjacent the Raytheon site has been deleted given that the proposed roads no longer form an intersection.
- The proposed roundabout at the corner of McGrath Road and Gardiner Avenue has been deleted in favour of a T-intersection.
- The width of the proposed active open space reserve (to replace the existing South Coogee "A-Class" reserve) has been increased to meet City of Cockburn requirements.
- The north-south road from the POS has been moved in an easterly direction to provide adequate separation from the corner. The road has also been reduced to 20 metres in width.
- Amendments to the structure plan in accordance with the WAPC endorsement letter.

A copy of the proposed amended structure plan is contained in the agenda Attachments.

Report

The modified structure plan was referred for comment to all landowners within Development Area 6 (Technology Precinct) as well as to relevant government agencies and service authorities. Five submissions were received, which are summarised in the Schedule contained in the agenda Attachments.

While no submissions oppose the structure plan modifications, the submission received from N & V Di Lazzaro (723 Rockingham Road) expresses concern regarding the proposed upgrading of Gardiner Avenue and the impact this would have on their property adjoining to the north. The issue raised is being addressed through the subdivision approval process, where the City has sought to ensure, through consideration of engineering plans, that road upgrading (including drainage) does not adversely impact on the submitters land.

The Heritage Council of WA submission encourages the retention of the “Dadley Home & Stone Sheds”, which are buildings listed in the City’s Municipal Heritage inventory. This issue is discussed further below.

Other issues relating to the modifications sought to the structure plan are discussed as follows:

Relocation of the DoIR Site:

The Department of Industry and Resources (DoIR) common user facility site has been reorientated from the corner of McGrath Road and Gardiner Avenue to the corner of McGrath Road and Russell Road. This follows from geotechnical investigations undertaken which determined that the original DoIR site is not suitable for support of the intended building structure. It has been submitted that the cost to stabilise the land is too expensive given the site conditions encountered. The original DoIR site will be used as a car park in association with the relocated common user facility.

Although not as central within the structure plan as originally proposed, the amended location on the corner of McGrath and Russell Roads is on land more suitable for development; has good accessibility and parking potential and is still reasonably central given the potential inclusion and development of the South Coogee reserve land into the Technology Precinct.

Reconfiguration of POS and the Road Accessing the A-Class Reserve:

The Public Open Space (Wetland Enhancement Area) around the DoIR site has been reconfigured to address the change in location of the DoIR common user facility site. The proposed road from McGrath Road to the South Coogee A-Class reserve has been relocated from McGrath Road to Gardiner Avenue.

Various road alignment options to serve the new common user facility site were considered with the preferred option depicted on the amended structure plan. This option results in fragmenting the Wetland Enhancement Area and could reduce its effectiveness for wildlife habitat; increase potential maintenance costs and reduce its long-term viability. However, the proposed option has the least impact on existing established vegetation identified to be of higher order conservation

value within the Technology Precinct. In order to mitigate the effects of POS fragmentation in terms of wildlife habitat values, it is recommended that the DoIR site be developed in such a manner as to provide a wildlife corridor connection between the fragmented cells of the Wetland Enhancement Area (eg. via a vegetated swale connection). Such a measure could easily be incorporated given the constraints for building on the land; would assist with drainage and serve to enhance the amenity of the site.

The Department of Environment Wetlands Program has indicated preliminary support for the preferred road realignment option, though a formal submission from the Department on the structure plan amendment was not received.

Relocation of Road Servicing Lots West of the Raytheon Site:

The road servicing the lots to the west of the Raytheon site has been relocated from McGrath Road to Russell Road. As a result of the Raytheon development, the amount of fill (and batter) required to construct the original proposed east-west road (including roundabout) from McGrath Road north of the Raytheon site would have significantly impacted on the proposed Wetland Enhancement Area. The letter from Main Roads WA submitted with the structure plan amendment does not object to the creation of the alternative road access from Russell Road and has requested that the City arrange for the closure of Wright Road, located west of the proposed alternative access point. The roundabout originally proposed on McGrath Road adjacent the Raytheon site has been deleted given that the proposed roads no longer form an intersection.

McGrath Road/Gardiner Avenue Intersection Treatment:

The proposed roundabout at the corner of McGrath Road and Gardiner Avenue has been deleted in favour of a T-intersection. Detailed investigation of this intersection has demonstrated a T-intersection treatment will facilitate appropriate traffic movement and minimise impact on the adjoining Wetland Enhancement Area.

Increased Width of POS in North-eastern Corner of the Structure Plan:

The width of the proposed active open space reserve (to replace the existing South Coogee "A-Class" reserve) has been increased to meet City of Cockburn requirements. The proposed Public Open Space (POS) in the north-eastern corner of the structure plan area has been amended to increase dimensions to facilitate the development of an AFL oval, maximising flexibility for the reserve to accommodate a range of active sporting facilities.

A consequence of increasing the POS width is shifting the southern POS perimeter road further south and the deletion of another east-west road abutting the eastern side of the Transit Square. The southern perimeter road would then encroach partially over the "Dadley Home", which is listed in the City's Municipal Heritage Inventory (MHI) as a

category “B” building (updated Category), having local heritage significance. In respect to Management Category “B” buildings, the City’s MHI states as follows:

“ High level of protection appropriate: provide maximum encouragement to the owner under the City of Cockburn Planning Scheme to conserve the significance of the place. A more detailed heritage assessment to be undertaken before approval given for any major redevelopment. Incentives to promote conservation should be considered”.

It seems that the retention of the Dadley Home can be facilitated as there is scope to consider a reduced reserve width for the southern POS perimeter road. Further detailed consideration of this matter is required prior to formally adopting the modified structure plan. The submission received from the Heritage Council of WA encourages the Council to retain the building while indicating that it does not have sufficient cultural heritage significance at the State level to warrant entry onto the Register of Heritage Places.

WAPC Issues:

Various technical details outlined by the WAPC in its letter of endorsement dated 12 October 2005 have largely been addressed. Issues such as land use type need to be considered in relation to proposed Scheme Amendment 36.

Conclusion:

The proposed modified Structure Plan generally accords with planning principles and is responsive to detailed design issues. The modifications proposed to the Australian Marine Complex (Technology Precinct) structure plan are considered to be acceptable on the following basis:

- wildlife habitat values can be maintained through the connection of the fragmented Wetland Enhancement Area cells on the Department of Industry and Resources site;
- measures will be considered to retain the Dadley Home which is a building of local heritage value, included on the Municipal Heritage Inventory;
- the modified plan proposed does not constitute a major change or change to the intent of the structure plan;
- the modified plan does not have a detrimental impact upon any person other than the proponent;
- the modified plan does not affect the interest of any authority or body providing or likely to provide services within the area of the plan;
- the modified plan does not conflict with any adopted Council policy.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
SPD3	NATIVE FAUNA PROTECTION POLICY
SPD5	WETLAND CONSERVATION POLICY
APD20	DESIGN PRINCIPLES FOR INCORPORATING NATURAL MANAGEMENT AREAS INCLUDING WETLANDS AND BUSHLANDS IN OPEN SPACE AND / OR DRAINAGE AREAS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS
APD35	FILLING OF LAND

Budget/Financial Implications

Longer term maintenance costs associated with the public open space.

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

Comment was sought from all persons, government departments and agencies considered affected by the proposed changes. Five submissions were received and none objected to the proposed changes.

In addition, the proponent submitted correspondence from Main Roads WA and the Wetlands Program of the Department of Environment, with neither agency objecting to the proposed changes.

Attachment(s)

- (1) Amended Structure Plan
- (2) 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 13 April 2006 Council Meeting.

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

Nil.

14.8 (OCM 13/04/2006) - CANCELLATION OF THE SOUTH COOGEE 'A' CLASS RESERVE - RESERVE NO.15741 RUSSELL ROAD, MUNSTER - OWNER: THE CROWN, MANAGED BY THE CITY OF COCKBURN - APPLICANT: THE PLANNING GROUP (3411643) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) agree to proceed with the cancellation of the 'A' Class Reserve 15741 (South Coogee), subject to:
 - 1. The proponent providing written agreement to:
 - (i) provide a replacement reserve of at least an equivalent size to the current South Coogee Reserve in a location to the satisfaction of the City;
 - (ii) replacing all facilities and infrastructure from the South Coogee Reserve to a value, in a location and within a timeframe to the satisfaction of the City;
 - (iii) allow the existing sporting groups using the South Coogee Reserve to remain there until suitable facilities are constructed on the replacement reserve.
 - 2. Western Australian Planning Commission endorsement of the MTP Structure Plan amendments which include a relocated oval;

3. Ministerial endorsement of Amendment No.36 (MTP) to Town Planning Scheme No.3;
- (2) upon completion of (1) above, forward a request to the Department of Planning and Infrastructure to formally initiate the cancellation of the 'A' Class South Coogee Reserve;
- (3) acknowledge that the proposal to cancel the 'A' Class Reserve status must receive formal approval from Parliament and further advise the applicant that should this approval be secured the land accommodating the relocated oval must be ceded at the time of subdivision as a reserve for recreation free of cost without payment of compensation by the Crown; and
- (4) advise the proponent of the Council's decision.

COUNCIL DECISION

Background

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

At its Ordinary meeting on 12 January 2006, Council considered a report on a proposal by LandCorp to cancel the 'A-Class' reserve classification on the South Coogee Reserve (Reserve No. 15741), situated on Russell Road Munster, to facilitate the land being incorporated into the proposed Australian Marine Complex Technology Precinct.

The Council resolved as follows:

- “(1) *defer consideration of the item until the Structure Plan amendment relative to the subject site is lodged with the City and is reported to the Council for adoption; and*

- (2) *instruct the Acting, Director Planning and Development to prepare a report to Council on the Structure Plan amendment referred to in (1) above.*

The reason for the decision was given as follows:

“There appears to be a little uncertainty as to whether Council wishes to have an active or a passive reserve established in the north eastern quadrant of the AMC Marine Technology Precinct. The current Structure Plan does not provide a piece of land of the correct dimensions to facilitate development of an oval. Council Officers are meeting with LandCorp Staff to discuss this issue next week and it is anticipated that the outcomes will come before Council for consideration in March, we should await the outcomes of this meeting before proceeding further with this item.

There is also a significant stand of mature Olive Trees located on the proposed POS site and if Council decides not to proceed with an active reserve on this site then provision should be made to protect these trees and incorporate them into the passive open space.

The report also mentions possibly relocating the existing users from South Coogee Reserve to either Radonich or Visko Parks. Given that Council is currently investigating relocating the Cockburn Bowling Club to Visko Park and Radonich Park is completely surrounded by existing residential uses, we should investigate the possibility of the current users being permitted to remain at South Coogee Reserve until such a time as the new facilities are constructed in the north eastern quadrant of the AMC, should Council confirm its intention to establish an active reserve in this corner. Subsequently, the applicant (Planning Group) has written to Council seeking for the matter to be deferred pending the submission of a Structure Plan for the area.”

The history of the South Coogee Reserve and justification for the request to cancel the reserve classification is reported in agenda Item 14:10 to the OCM 13/04/2006.

The reserve is currently zoned Parks & Recreation in the City’s Town Planning Scheme, however, measures are underway to rezone the reserve and adjoining former school site and the nearby Agricultural Hall site to “Development Zone” to allow the land to be incorporated into the structure plan for the proposed MTP.

Report

The need for an active recreation reserve within the Marine Technology Park is confirmed due to the possibility that the Cockburn Bowling Club may be relocated to Visko Park, thus precluding Visko Park as a transitional option for clubs using South Coogee Reserve. To enable a smooth transition for the relocation of the affected sporting groups, it

will therefore be necessary for the replacement reserve to be constructed to a suitable standard prior to relocation of the clubs from the South Coogee Reserve.

It is important to ensure the replacement of all facilities and infrastructure from the South Coogee Reserve to a value, in a location and within a timeframe to the satisfaction of the City. This will entail an appropriate contribution by the proponent towards replacement facilities on the new reserve.

The need for a replacement active recreation reserve within the Marine Technology Park, and development of sporting fields and facilities precludes the ability to retain the stand of mature Olive Trees located on the site.

The requirement for a suitably dimensioned area of land for active open space to replace the South Coogee Reserve has been addressed through amendment of the proposed structure plan for the Marine Technology Park.

Conclusion:

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

- The proposal is consistent with previous Council resolutions anticipating the land being incorporated into the MTP, in terms of the adoption of the Structure Plan and Scheme Amendments affecting the area;
- Justification provided in support of the request is considered valid;
- Provision will be made for affected sporting groups to remain using the South Coogee Reserve until replacement facilities are provided.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*

4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*
 - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

Budget/Financial Implications

Potential reserve development & maintenance costs.

Legal Implications

Land Administration Act, 1997 refers.

Community Consultation

Where the Minister proposes to cancel a reserve or its 'Class A' classification, the Minister must advertise the intention in a State newspaper, and no sooner than 30 days later table the proposal before Parliament with an explanation. After doing so, either House of Parliament then has 14 sitting days to pass notice of disallowance.

Attachment(s)

Locality plan

Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the 13 April 2006 Council Meeting.

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

Nil.

14.9 (OCM 13/04/2006) - LOCAL STRUCTURE PLAN - LOT 1 LYON ROAD, AUBIN GROVE - OWNER: AUBIN GROVE PTY LTD - APPLICANT: CARDNO BSD (9645G) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Local Structure Plan for Lot 1 Lyon Road, Aubin Grove pursuant to clause 6.2.9 of the City of Cockburn Town Planning Scheme No.3 subject to the following Structure Plan modifications:
 1. provide for an appropriate mix of medium density coded residential lots between the density range of R30 and R60. A residential density coding of R60 shall also be allocated to the Local Centre to guide development.
 2. Detailed Area Plan requirements being included in the Structure Plan for all of the residential and Local Centre land to control the development identifying:
 - (i) How the streetscape will not be dominated by car parking and access.
 - (ii) To ensure that any built form in the Local Centre is robust to facilitate changes in land use over time.
 - (iii) The rear lane access to the Local Centre must include considerations of crime prevention strategies.
 - (iv) DAP's must be prepared and adopted by Council prior to applying for subdivision approval.
 3. reference being made to the draft Statements of Planning Policy (Road and Rail Transport Noise & Metropolitan Freight Network) and the need for an acoustic report to be prepared and implemented prior to subdivision.
 4. address the issues raised by the Department of Planning and Infrastructure in their email of 12 December 2005.
- (2) notify the applicant of the advisory comments in the summary of submissions;
- (3) adopt the comments made in the Schedule of Submissions attached to the Agenda;
- (4) advise submissioners of Council's decision; and

(5) subject to the Structure Plan being amended accordingly seek the endorsement of the Western Australian Planning Commission pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

COUNCIL DECISION

Background

ZONING:	MRS:	Urban
	TPS3:	Development, Development Area 11
LAND USE:	Vacant land	
LOT SIZE:	2.7269ha	

Submission

A proposed local structure plan has been submitted for Lot 1 Lyon Road, Aubin Grove (refer to the Agenda attachments).

The Structure Plan provides a framework for subsequent subdivision and development of the land. Key elements of the Structure Plan include:

- Predominantly residential Lots, served by a centralised local street, connecting between Lyon Road and the western side of Lot 2 Lyon Road to the north.
- residential density codings, ranging between R20 and R40.
- Lots for the development of a Local Centre designated in the north eastern corner of the site.
- rear laneway access to the Local Centre lots.
- stormwater draining to a sump proposed at the lowest point of the site, in the south east corner of the site adjacent the intersection of Rowley & Lyon Roads.
- the provision of cash in lieu of land for Public Open Space.
- facilitating pedestrian and cycle access between the subject land and the potential future Railway Station to the north west.

Report

The draft Structure Plan was advertised for public comment on 18 November 2005 and submissions were invited until 13 December. Six submissions were received, a summary of which is contained in the Schedule in the agenda Attachments.

Southern Suburbs District Structure Plan

The planning affecting the site and the land along Lyon Road to the north is largely influenced by the potential development of a railway station north of Rowley Road within the Kwinana Freeway reserve (Mandogalup Station) and the strategic placement of local centres along the southern suburbs corridor. The Southern Suburbs District Structure Plan - Stage 2 ("SSDSP2") promotes higher than normal (i.e. medium) density residential development within walkable catchments of these features.

The proposed structure plan is generally consistent with the SSDSP2 with the exceptions that:

- the Local Centre site has been shifted north along Lyon Road from the intersection of Rowley Road and Lyon Road due to the need to achieve adequate separation distance for access purposes from the above intersection. Embayment car parking is proposed along the Local Centre frontage. In addition, the south eastern corner of the site, being the lowest point, is a suitable location for a drainage sump.
- the local structure plan proposes low density (R20) residential development in part.
- the proposed structure plan proposes 'cash in lieu' of land for Public Open Space.

These issues are the subject of an objection received and are discussed further below.

Local Centre:

The Local Centre is intended to accommodate 'mixed use' development, in the form of commercial land use (local shops), with potential for an upper level residential component. Depending on market demand, it is proposed that the Local Centre lots may be used as live/work units in the short term. A Detailed Area Plan ("DAP") is recommended to control the development of the Local Centre and to ensure that any built form is developed in a robust manner to facilitate changes in land use over time. DAPs are also required for land in the residential precinct.

The location of the centre has been shifted for the reasons outlined above. The intention in SSDSP2 to locate the Local Centre on the corner was to maximise exposure for commercial viability, though this is constrained by traffic management and safety issues. Placement of the centre further to the north is considered justified in the circumstances. The proposed location also facilitates extension of the centre northwards onto Lot 2 Lyon Road if necessary.

Residential Density Codings:

In order to provide the population necessary to support a railway station and local centre, it is important to ensure the residential density targeted in SSDSP2 is achieved. While promoting variety in Lot size to cater for market demand, the structure plan does not currently achieve the 'medium' density codings envisaged in SSDSP2. It is recommended that the Structure Plan be amended to increase residential density codings to achieve the objectives to SSDSP2. It would be expected that densities be increased to R60 in places, though overall a variety of medium density codings would be acceptable.

Public Open Space:

The Structure Plan proposes the provision of 'cash in lieu' of land to satisfy Public Open Space (POS) requirements.

SSDSP2 indicates the coordinated provision of POS between Lot 1 and Lot 2 Lyon Road along their common property boundary. On the other hand, developers of 'The Walk Estate' (Lots 3, 4, 5, 6, 7, 27, 26 & 25 Lyon Road) to the north of Lot 2 Lyon Road have previously prepared a Structure Plan providing POS in the form of land adjacent the southern boundary of Lot 3 Lyon Road, which would facilitate the coordinated provision of POS with Lot 2 Lyon Road. While Stages 1 & 2 of The Walk structure plan have been adopted, the structure plan affecting Lots 3, 4 & 5 Lyon Road has been on hold due to uncertainty created by the review by the Department for Planning & Infrastructure regarding the development of the Mandogalup railway station.

In the meantime, the structure planning for Lot 1 Lyon Road has progressed on the basis of the local structure plans and information prepared to date for the land to the north. As such, and recognising the 'notional' placement of POS in SSDSP2, the City has indicated support in principle for 'cash in lieu' of land for POS for Lot 1 Lyon Road on the following basis:

- the indicated potential to coordinate provision of POS on the north side of Lot 2 Lyon Road, additional POS in the form of land in close proximity on Lot 1 Lyon Road is considered unnecessary;
- the proximity of Lot 1 Lyon Road to the POS referred to above means that good accessibility to passive recreational open space is maintained for future residents in the estate;
- the intent of SSDSP2 can be achieved through the provision of POS in the form of land on Lots 2 & 3 Lyon Road as described above;
- there is sufficient open space for the area as a whole to accommodate the needs of future residents;
- cash in lieu funds are required to assist in the development of the proposed active recreational reserve on Lot 416 Gaebler Road, Aubin Grove, 800m to the north.

Any subsequent amendments to The Walk structure plan will need to take account of the implications of the Council decision for the Lot 1 Lyon Road structure plan.

Railway Station Review:

As mentioned above, the Department for Planning & Infrastructure is reviewing the future of the previously proposed Mandogalup railway station north of Rowley Road, together with other potential station sites in the district.

Although Lot 1 Lyon Road is located within the walkable catchment of the railway station, it is also located wholly within the catchment of the local centre being developed on the site. As such, approval of the structure plan proposed is not dependent upon the outcome of the railway station review. The proposed structure plan is considered robust enough to remain in the event that the railway station is not developed.

Freight Network Traffic Noise

The Structure Plan abuts Rowley Road on the eastern side of the Kwinana Freeway. Rowley Road west of the freeway is designated a future primary freight route to service Hope Valley Wattleup industrial area and possibly the Outer Harbour project.

As such, the Rowley Road off-ramp from the southbound freeway carriageway can expect increased heavy traffic. This is located immediately to the west of Lot 1 Lyon Road. This close proximity means that the draft Statements of Planning Policy – Road and Rail Transport Noise & Metropolitan Freight Network are relevant.

Transport noise from the Kwinana Freeway and amenity implications for future residents can be addressed at the subdivision stage upon the completion of an acoustic report based upon the relevant draft Statements of Planning Policy.

The structure plan report should be amended to refer to the draft Statements of Planning Policy and the need for an acoustic report to be prepared prior to subdivision, and the recommendations being implemented.

Other Matters:

In response to referral of the structure plan to the Western Australian Planning Commission for comment, an email was received from DPI outlining various issues to be addressed in the structure plan, including justification for cash in lieu for POS; residential development densities and identifying various technical modifications required. It is appropriate that the structure plan is amended to address these issues.

Conclusion:

In conclusion, the proposed Structure Plan generally accords with sound planning principles and can be supported subject to the changes outlined in the recommendation.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
3. Conserving and Improving Your Environment
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Council Policies which apply to this item are:-

SPD4	'LIVEABLE NEIGHBOURHOODS'
APD4	PUBLIC OPEN SPACE
APD16A	STANDARD SUBDIVISION CONDITIONS AND REASONS FOR REFUSAL
APD30	ROAD RESERVE AND PAVEMENT STANDARDS
APD31	DETAILED AREA PLANS
APD34	UNIFORM FENCING SUBDIVISION AND DEVELOPMENT
APD35	FILLING OF LAND

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

The proposal was advertised for public comment on 18 November 2005 and submissions were invited until 13 December. Six submissions were received, of which one objected to the proposal.

Attachment(s)

- (1) Locality Plan
- (2) Proposed 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 13 April 2006 Council Meeting.

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

Nil.

14.10 (OCM 13/04/2006) - PROPOSED SCHEME AMENDMENT NO. 36 - THE LAND BOUNDED BY FROBISHER AVENUE, ROCKINGHAM ROAD, RUSSELL ROAD AND LAKE COOGEE - OWNER: LANDCORP AND OTHER - APPLICANT: THE PLANNING GROUP (93036) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;
- (2) adopt the amendment subject to modifications outlined below:-
 1. amending the Scheme Text by deleting 'Primary and Secondary Schools' from Schedule 11 item 4(b) of the Development Area 6 provisions;
 2. amending the Scheme Text by inserting 'Primary and Secondary Schools' within Schedule 11 under item 4(a) of the Development Area 6 provisions; and
 3. amending the Scheme Text by inserting '(but excludes Primary and Secondary Schools)' after the words 'educational establishment' under item 2(a) point 1 of Schedule 4 - Special Use 9 provisions;

- (3) proceed to sign and seal the documents and forward these to the Western Australian Planning Commission in anticipation of the Hon. Minister's advice that final approval will be granted;
- (4) write to the applicant (Landcorp) advising of the necessity to update the Environmental Management Plan, Drainage and Nutrient Management Plan and Site Contamination Management Plan to include Lot 48 Rockingham Road and Lots 4897 & 4436 Russell Road, Henderson prior to subdivision and/or development; and
- (5) advise those who made submissions of Council's decision accordingly.

COUNCIL DECISION

Background

ZONING:	MRS:	Lot 48: Urban Lot 4897: Urban Lot 4436: Urban
	TPS3:	Lot 48: Public Purposes Lot 4897: Public Purposes Lot 4436: Parks & Recreation
LAND USE:	Lot 48: Agricultural Hall Lot 4897: Former South Coogee Primary School Site Lot 4436: South Coogee Reserve	
LOT SIZE:	Lot 48: 0.9105 ha Lot 4897: 0.9221 ha Lot 4436: 3.2479 ha	

Proposed Amendment No.36 to Town Planning Scheme 3 was reported to Council at its Ordinary meeting on 9 February 2006, where the following was resolved:

- (1) *defer consideration of this item until Item 14.10 from the January 2006 Council Meeting, dealing with the issue of the 'A' Class reserve cancellation, is resolved; and*
- (2) *request an extension from the Western Australian Planning Commission until 18 April 2006 to the requirements of Regulation 18(1) that would*

otherwise require the Council to forward its advice to the Commission on its decision on the Scheme amendment by 2 March 2006.

The following reason for the decision was given:

Item 14.10 from last month's Council Agenda and Item 14.3 from this month's Agenda are linked together by dealing, in the main, with the same parcels of land.

Council resolved at last month's meeting to seek more information before relocating the 'A' Class reserve. This process is an important and integral part of the success of the AMC and should be supported by Council but the adoption of this amendment is something that could and indeed should await the impending conclusion of Item 14.10 from last month's Council meeting and then both processes can run in parallel.

Council will not proceed with both amendments but having decided to seek more information this would give Elected Members the opportunity to receive that information before proceeding further.

The proposal to cancel the "A Class" South Coogee Reserve and the proposed amendment to the Marine Technology Park Structure Plan are discussed in separate agenda items in the current agenda.

Council at its meeting held 14 July 2005 resolved to adopt Amendment 36 for the purpose of advertising.

Submission

The amendment has been advertised to the community and referred to relevant government agencies for a period of 42 days. This report seeks Council support to final adoption of Amendment 36.

Report

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

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the *Environmental Protection Act*, however the EPA provided advice and recommendations with respect to environmental buffers, noise, acid sulphate soils and soils and groundwater contamination.

It is recommended that the scheme amendment documents be modified to address the advice received from the EPA by ensuring that sensitive uses such as 'Primary and Secondary Schools' are uses that are not permitted in both the odour buffer surrounding the Woodman Point Waste Water Treatment Plant and the Kwinana Air Quality EPP buffer.

The EPA comments regarding child care premises not being permitted within the Kwinana Air Quality Buffer are not supported for the following reasons:-

1. Child care premises have been identified as an integral component of the Marine Technology Park from the beginning of the structure plan and rezoning process and such facilities will be potentially developed as part of the common user facilities;
2. TPS 3 currently provides for child care premises as a 'D' use within Schedule 4 - Special Use 9 provisions;
3. The EPA/DoE have not previously raised issues of sensitive land uses within the Kwinana Air Quality buffer (i.e. in the Structure Plan process and at the TPS review); and
4. Council previously resolved to permit "Childcare Facilities" outside the Waste Water Treatment Plant odour buffer. (OCM 15/2/05 Item 14.10)

The Schedule of submissions contained in the Agenda attachments addresses the EPA advice and recommendations and the submissions received from Landcorp and the Department of Industry and Resources.

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

Conclusion

The purpose of this amendment is to provide appropriate zoning and development provisions to accommodate the development of the land that forms the Technology Precinct of the Australian Marine Complex at Cockburn Sound.

The proposed rezoning of portion of the subject site to 'Development Area 6' and 'Special Use (9) Zone' and modifications to Schedule 4 – SU9 and Schedule 11 – Development Area (6), are considered to be logical in order to facilitate the development of the Marine Technology Precinct.

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

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
5. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*
 - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

Budget/Financial Implications

N/A

Legal Implications

Rezoning of Lot 4436 Russell Road (South Coogee Oval) from "Parks & Recreation" to "Special Use 9" will not affect the reserve classification. Reclassification of the reserve will be addressed as a separate matter pursuant to the Land Administration Act.

Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 36 concluded on 22 December 2005. At the close of the advertising period 2 submissions were received. One submission being from the developer – Landcorp and the other submission being from the Department of Industry and Resources.

Refer Schedule of submissions contained in the Agenda attachments.

Attachment(s)

- (1) Site Plan
- (2) Amendment report
- (3) Zoning Map
- (4) Schedule of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 April 2006 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (OCM 13/04/2006) - LIST OF CREDITORS PAID - FEBRUARY 2006 (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors paid for February 2006, as attached to the Agenda.

COUNCIL DECISION

Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

N/A

Attachment(s)

List of Creditors Paid – February 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.2 (OCM 13/04/2006) - STATEMENT OF FINANCIAL ACTIVITY - FEBRUARY 2006 (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated documents for the period ended 28 February 2006, as attached to the Agenda.

COUNCIL DECISION

Background

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

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

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

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for February 2006.

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

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

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

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

Material Variance Threshold

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

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

Strategic Plan/Policy Implications

Key Result Area *Managing Your City* refers.

Budget/Financial Implications

As the mid-year budget review has already been conducted and was based on financial information as at 31 December 2005, any further material variances of a permanent nature will now impact upon Council's end of year surplus/deficit position.

Legal Implications

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

Community Consultation

N/A

Attachment(s)

Statement of Financial Activity and associated reports for February 2006.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.3 (OCM 13/04/2006) - DISTRIBUTION OF RATES AND BUDGET INFORMATION BROCHURE (5230) (KL)

RECOMMENDATION

That a Budget and Rating Brochure be distributed with Rates Notices for the 2006/07 financial year.

COUNCIL DECISION

Background

At its meeting held on 11 August 2005, under 'Matters to be Noted for Investigation, Without Debate', Cllr Limbert requested that a report be prepared on producing a Rates and Budget Information Brochure that would go out annually with the Council Rates Notices to Ratepayers.

Submission

To adopt a position on the method of dissemination of Budget information on Rating, New Works and Services, and other appropriate financial information to ratepayers.

Report

Administration has been providing ratepayers with detailed budget expenditure information since the early 1990's when Budget information was provided via a two page article that was published in the September edition of the Cockburn Soundings.

After Council adopts the budget, the Director, Finance and Corporate Services, produces a press release which appears in both local newspapers circulated within the City.

In 2003, a decision was made to produce a special edition of the Cockburn Soundings devoted to advising ratepayers in greater detail of budget expenditure break-up by Council divisions. This edition is now a 12 page booklet which provides a thorough overview to the reader on the roles, responsibilities and expenditure levels of Council Divisions.

The issue does not contain critical information on what the various Divisions are planning in regards to the undertaking of works and projects. In some instances, the information on each Division's role, responsibilities, and financial information is repeated in the City's Annual report. The content would have to be critically examined if the special edition continues to ensure that it contains all relevant information.

The City, has for a number of years, inserted a brochure with the annual rates notice, that contains brief information on increases in rates and charges, options to pay rates, rates incentive scheme and prizes, and other essential information that is required to be conveyed to ratepayers by legislative requirement.

The 2005/06 Rates Notices were distributed to ratepayers on 9 August 2005. A total of 32,200 copies of the special edition of the Cockburn Soundings were distributed by Australia Post on 5 September 2005. The last day for the payment of rates and charges to receive the rates discount was 13 September 2005. The special edition of the Cockburn Soundings is posted to all residents (both ratepayers and residents).

A survey has been undertaken to ascertain what other Councils do in regards to the dissemination of information to ratepayers on this issue. The results is as follows:

Council	Action	Method of distribution
Joondalup	Produces A3 document	Sent with rates notice
Stirling	Produces small brochure	Sent with rates notice
Wanneroo	Produces small brochure	Sent with rates notice
Armadale	Produces small brochure	Sent with rates notice
Gosnells	Produces A 4 document	Sent with rates notice
Fremantle	No Information sent	N/A
Melville	Produces small brochure	Sent with rates notice
Canning	Produces A3 document	Sent with rates notice
Perth	Produces small brochure	Sent with rates notice
Swan	Produces A 4 document	Sent with rates notice
Belmont	Produces small brochure	Sent with rates notice
Nedlands	Produces A 4 document	Sent with rates notice

The inclusion of a Budget Information Booklet that would be inserted with the Rates Notice, has the following advantages, over the separate distribution and mail out of a special edition of the Cockburn Soundings:

- Having a Budget/Rates Booklet delivered with the Rates Notice could be seen as more efficient use of Council resources by ratepayers as key Council's decisions regarding fees, charges, new works and projects etc are conveyed to ratepayers a lot sooner than in the past.
- Appropriate information on new works, services and projects can be highlighted to ratepayers, excluding broad expenditure details on each Division at the time they receive their rates notices.
- Duplication of producing separate publications will be eliminated. The rates newsletter information and the Bushfire Awareness Brochures will be inserted within the Budget Information Booklet.
- Savings of \$11,700 to Council could be achieved by not producing the special edition of the Cockburn Soundings.
- Mayoral message will be the lead into the newsletter.

Council therefore has two options:

1. Continue with the special budget edition of Cockburn Soundings but critically examine the content of the edition to ensure that all works and services are explained; or
2. produce a Budget and Rating Information Brochure for inclusion with Rates Notices at the time the Notices are sent out.

Strategic Plan/Policy Implications

Managing Your City refers.

Budget/Financial Implications

The current cost to print and distribute the special edition of the Cockburn Soundings is approximately \$14,500.

The cost to print a Rates/Budget newsletter and insert with the Rates Notice is \$2,800, a saving to Council of \$11,700.

Legal Implications

N/A

Community Consultation

Widespread use of inserting information brochures with rates notices is common practice in a number of Council, and is seen as an effective method of communicating with ratepayers.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

15.4 (OCM 13/04/2006) - SOUTHERN CROSS CARE (WA) (INC.) - RATES TO BE WRITTEN OFF (5000; 5515381) (KL)**RECOMMENDATION**

That Council:

- (1) grant rates exemption to Southern Cross Care (WA) (Inc.) on the property at 27 Pearson Drive, Success; and
- (2) write off outstanding rates of \$188,560.58 levied on 27 Pearson Drive, Success, owed by Southern Cross Care (WA) (Inc.).

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

Council at its meeting held on 21 December 2004 resolved to:

- (1) *advise Southern Cross Care (WA) Inc. that:*
 1. *it is not prepared to waive rates levied on 27 Pearson Drive, Success;*
 2. *it is not prepared to grant any future concessions on rates levied at 27 Pearson Drive, Success;*
 3. *an updated completion date for the reconstruction of Pearson Drive, Success will be negotiated with Gold Estates who are responsible for contributing most of the remaining funds necessary for the work to be undertaken;*

4. *it requests immediate payment of all outstanding charges.*
- (2) *write to the residents of the Southern Cross Care Village, advising that the revised timetable for the reconstruction of Pearson Drive, Success will be forwarded to them after negotiations with Gold Estates and with pre-funding by Council.*

Submission

As a result of the decision made by the SAT in respect of City of Stirling and Uniting Church Homes, Jackson McDonald has requested that:

- (1) the instalment of \$21,582.42 paid by Southern Cross Care be returned and the existing Rate Notices withdrawn. Jackson McDonald advise that if that does not occur, the matter will be referred to the SAT for determination.
- (2) Council acknowledges that the property is used for charitable purposes and is therefore exempt from rates.

Report

The rateability of the Retirement Complex at 27 Pearson Drive, owned and operated by Southern Cross Care has a long and complex history in the determination as to the property being exempt from paying Council Rates.

Southern Cross Care (WA) (Inc.) is the registered proprietor of 27 Pearson Drive, Success (which is more formally described as Lot 804 on Plan 34167, being the whole of the land comprised in Certificate of Title Volume 2532 Folio 566).

In December 2003, for the first time the City issued a rate notice to Southern Cross for the property at 27 Pearson Drive.

The issue of the rating of the complex was considered by Council at its December 2004 Council Meeting.

Since then the State Administrative Tribunal (SAT) in a recent case between the City of Stirling and the Uniting Church Homes found that rates were not payable on a number of properties owned by the Church. Since this decision, Southern Cross Care has written to Council advising that they believe that rates are no longer payable on its property in Success. Southern Cross Homes paid \$21,582.48 as a first instalment in 2005/06 and now request that this be refunded.

If Council grants exemption from rates to Southern Cross Care (WA) (Inc.), it is intended to apply monies received to date against outstanding Rubbish Charges, ESL Charges and Security Levy.

Strategic Plan/Policy Implications

Managing Your City refers.

Budget/Financial Implications

Summary of Outstanding Rates levied:

2002/03	\$22,011.52
2003/04	\$50,139.60
2004/05	\$56,749.76
2005/06	\$59,659.70
TOTAL	<u>\$188,560.58</u>

It is anticipated that increased revenue from interim rates may off-set the amount of rates being written off, however this will be clarified when the end of year position is determined.

Legal Implications

Local Government Act Section 6.26(2) (g) – Land used exclusively for charitable purposes.

Community Consultation

N/A

Attachment(s)

A confidential report and copies of legal advice received have been forwarded to all Elected Members under separate cover.

Advice to Proponent(s)/Submissioners

Southern Cross Care (WA) (Inc) has been advised that this matter will be considered at the 13 April 2006 Council Meeting.

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

Nil.

15.5 (OCM 13/04/2006) - VARIOUS DEBTS - WRITE OFF (5651) (KL)

RECOMMENDATION

That Council write off the following debts:

- B.W. Ives \$135.00
- A.Figuera \$169.60
- Nordic Lunch Bar \$386.18

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council's Auditor has in the past suggested that where all avenues for the recovery of outstanding charges have been fully examined and exhausted that those debts be removed from the debtors ledger.

Submission

To obtain Council approval to write off debts.

Report

The following is a summary of Debts that have been outstanding for some time, due to attempts in trying to recover Debts.

B. W. Ives

This debt relates for the construction of a firebreak by a Council appointed contractor at 113 Banning Ave Success. Mr Ives disputed the need to have the firebreak done. The property was sold by Mr Ives in January 2005. Dun and Bradstreet were engaged to recover the outstanding debt, but has been unable to locate Mr Ives, which has impeded the recovery process.

A Figuera

Mr A Figuera hired Memorial Hall in Oct 2004. Attempts to locate him have failed. Mr Figuera incurred costs of \$264 for hall hire at the Memorial Hall between September 2003 and November 2003. His karate business failed and he was unable to pay this outstanding

amount. He arranged to pay it off in instalments and managed \$94.40, at which point, he promised more when he could afford it. This was never forthcoming and his phone was disconnected.

The debt was referred to Dun and Bradstreet at this point. They have since advised of the inability to continue with the debt collection and advised that the debt be written off as it would be uneconomical to continue in order to collect \$169.60 still outstanding.

Nordic Lunch Bar

Outstanding eating house payment (license and registration). This premise was successfully prosecuted by Health Services for operating without an eating house license and registration. The Magistrate fined the premise's proprietors \$895.40 which was paid prior to sale of the business. The premises have since changed hands. The current owners do have a valid eating house license.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Loss of revenue of \$1,626.78.

Legal Implications

Debts which are non-recoverable require Council's authorisation under the provisions of the Local Government Act, Section 6.12 (1) (c).

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (OCM 13/04/2006) - PROPOSED AMENDMENTS TO ROAD NETWORK CELL 9 AND INTERSECTION OF SPEARWOOD AVENUE AND YANGEBUP ROAD, YANGEBUP (450007, 450008) (ML/SL) (ATTACH)

RECOMMENDATION

That Council:

- (1) notes the contents of the report;
- (2) adopts Option 1 – a ‘Seagull’ island treatment for the intersection of Spearwood Avenue and Yangebup Road as shown in Plan No. 2606B06 and proceeds with the detailed design and construction;
- (3) advertise the closure of Yangebup Road (West) at the railway crossing in accordance with Section 3.50 of the Local Government Act 1995 and, subject to no objections being received, institute the closure;
- (4) prior to closure of Yangebup Road (West) at the railway crossing, complete an upgrade of the intersection of Beeliar Drive and Birchley Road to facilitate the right turn movement out of Birchley Road; and
- (5) notifies the community, Public Transport Authority and emergency services of Council’s decision and that Yangebup Road will remain closed on the western leg of the Spearwood Avenue intersection.

COUNCIL DECISION

Background

Council at its Meeting held on 8 December 2005 considered possible treatments at the Spearwood Avenue/Yangebup Road intersection to reduce the accident rate and allay community safety concerns. It was resolved (Minute No. 3047) that Council:

- “(1) as a result of objections received to date adopt Option 2 allowing the left turn in and out as the preferred treatment for

the temporary closure of Yangebup Road on the west side of Spearwood Avenue;

- (2) *Note the refusal received by Main Roads WA for the installation of signals at the intersection of Spearwood Avenue and Yangebup Road;*
- (3) *monitor traffic movement at the intersection over the next 3 months, review available crash data, identify appropriate options for the redevelopment of the intersection, undertake community consultation and present a report to the April 2006 Ordinary Council Meeting detailing the information;*
- (4) *close the left turn access (in Option 2) from Yangebup Road (west) to Spearwood Avenue (north), if illegal traffic movements become prevalent, such as crossing double white lines to make U turns in Spearwood Avenue (north); and*
- (5) *advise the Yangebup Progress Association and those residents affected by the temporary closure of the Council decision accordingly."*

Temporary closure of the intersection was instituted on the 13th December 2005. The prominence of illegal movements through the closed intersection prompted the closure of the left turn out facility from Yangebup Road west into Spearwood Avenue north on the 20th December 2005.

Since the temporary closures, staff have been analysing the available traffic data and determining solutions to safely facilitate traffic movement in this area.

Submission

3 alternative design options have been considered for this intersection and reviewed from a technical and practical perspective. Any solution identified needed to be cognisant of the fact that Spearwood Avenue will be upgraded to a dual lane road at some point in the future. The options considered are as follows and are attached for consideration (Attachment 16.1 (2)):

- Option 1 'Seagull' island treatment
- Option 2 Traffic signals treatment
- Option 3 Roundabout treatment

Of the options considered, Option 1 the 'seagull' island treatment provides the best short to medium term solution for this intersection. It provides for the optimum movement of traffic whilst maintaining the efficiency of the intersection and of Spearwood Avenue. When established in conjunction with the proposed closure of Yangebup

Road west of the railway line, roads in Cell 9 will largely cater for local traffic only with the majority of through movement being dispersed to the District Distributor Roads of Beeliar Drive and Spearwood Avenue (which should be the goal).

In the long term, i.e. when Spearwood Avenue becomes a 4-lane carriageway, the City may consider establishing traffic signals at the intersection if the traffic demand warrants it at that time.

Report

The closure of Miguel Road and the subsequent closure of Yangebup Road west of Spearwood Avenue, has necessitated a change in travel habits and behaviours of motorists of this area. These changes have not necessarily been widely accepted and staff have received numerous phone calls and correspondence regarding the effectiveness of the various treatments that have been established to date. We must however acknowledge that the significance of the Spearwood Avenue link will change the travel demands in this area forever. Traffic volumes will dictate that Yangebup Road will never again have priority over Spearwood Avenue and the current structure planning over the area will continue to 'down play' this road as an east / west link to Stock Road.

To put this intersection into some context with the overall planning and development of the area, it may be appropriate to revisit some of the drivers that have brought about the change.

The State of Play

- The Structure Plan for Cell 9 was endorsed by Council in November 2000 which proposes some amendment to the local roads servicing the area. Plan No. 2606B06 (Attachment 16.1 (1)) shows the future road configuration of Cell 9 with the closure of Yangebup Road (west of the railway line) and the extension of Spinnaker Heights through to Beeliar Drive (controlled by signals) the significant amendments to the network.
- The intersection of Spearwood Avenue and Yangebup Road and the railway bridge linking Spearwood Avenue and Barrington Road were designed by GHD Consultants and built by contract in 2004.
- Prior to the connection of Spearwood Avenue to Barrington Road in April 2004, Yangebup Road and Spearwood Avenue was a 3 way intersection with Yangebup Road having priority.
- The closure of the level crossing at Miguel Road was a condition (WAPC) of funding the bridge over the railway line allowing the connection of Spearwood Avenue and Barrington Street. This effectively changed the priority at the Spearwood/Yangebup intersection.
- Miguel Road was closed at the railway crossing on 30 November 2005.

- Yangebup Road west of the intersection with Spearwood Avenue was temporarily closed on 13th December 2005.
- Local traffic and the bus service has been diverted through Mainsail Terrace and Spinnaker Heights whilst a review of the intersection and traffic movements have been undertaken.

Proposed Transport Planning

A hierarchy of roads is established primarily to cater for varying travel demands. District Distributor roads cater for movement of traffic (both freight and commuter) from one area to the other whilst at the other end of the spectrum, local roads should deal exclusively with local traffic. When reviewing this road network and the options available, our emphasis has been on shifting traffic onto the District Distributor roads that are designed for and better able to cater for it.

Spearwood Avenue, in its final form, will provide a link for both freight and commuter traffic between Cockburn Road and Beeliar Drive. Our Transport Strategy estimates that this link will be completed by the year 2008/09. Spearwood Avenue is classified as a District Distributor Road A and will be upgraded to a dual carriageway from Stock Road to Beeliar Drive at some point in the future.

Beeliar Drive is also a District Distributor Road which will ultimately link the Freeway with Cockburn Road. It has continued to be upgraded over the years and is currently dual lane from the Kwinana Freeway to Spearwood Avenue. The inability to secure land required to complete the connection through to Stock Road has meant that Beeliar Drive merges with Yangebup Road prior to its intersection with Stock Road. The Transport Strategy identifies completion of this link as a priority with the works projected to be completed by 2010 however funding sources are as yet unconfirmed.

Continued development of the Yangebup area has necessitated more thorough transport planning for the area. Effectively, the area has been split into quadrants which are linked in the main by Spearwood Avenue and Beeliar Drive as the District Distributor roads. Currently Yangebup Road competes with Beeliar Drive as an east/west link however closure west of the railway line will better promote Beeliar Drive as the District Distributor. Within Cell 9, Spinnaker Heights and Mainsail Terrace will become important access roads as they connect Beeliar Drive and Spearwood Avenue respectively.

Traffic Analysis

The following shows the traffic distribution after the closure of Miguel Road at the railway crossing on 30 November 2005. The closure has diverted most of its traffic to Spearwood Avenue via Barrington Street.

	Spearwood Ave (north) Increased by 5,822 vpd to 10,687 vpd
Yangebup Rd (west) Decreased by 92 vpd to 3,940 vpd	Yangebup Rd (east) Increased by 1,737 vpd to 6,719 vpd
	Spearwood Ave (south) Increased by 4,916 vpd to 7,553 vpd

Figure 1 – Traffic data after the closure of Miguel Road in November 2005

Subsequent to the closure of Miguel Road, Yangebup Road was closed on the western leg of the Spearwood Avenue intersection on 13th December 2005. The subsequent traffic pattern for the intersection was recorded in February 2006 as follows.

	Spearwood Ave (north) 12,246 vpd
Yangebup Rd (west) 429vpd Traffic entering from Spearwood Ave south via the left turn lane. The total volume includes 29 illegal counter flow vehicles.	Yangebup Rd (east) 7,486 vpd
	Spearwood Ave (south) 10,139vpd

Figure 2 – Traffic data after the closure of Yangebup Road in December 2005

Changes to traffic flow are clearly defined above. The 85th percentile speed was 71 km/h on Spearwood Avenue and 53 km/h on Yangebup Road with approximately 9% of heavies on Spearwood Avenue compared with 3% on Yangebup Road. These statistics are anticipated and generally reflect the changing demand on the respective routes.

Video traffic survey

To better understand vehicle movements at this intersection that would not otherwise be apparent through review of the mechanical data, a video traffic survey (over a 12 hour period) was undertaken on Wednesday 8th March 2006. The survey was used to determine all

turning vehicle volumes, queues and delays on Yangebup Road east and Spearwood Avenue south, and any illegal manoeuvres at the intersection. The significant issues identified by the survey are summarised below and a vehicle turning diagram attached (Attachment 16.1 (4)) for information.

Specific issues identified by the survey are as follows;

- 13 illegal vehicles movements were recorded from Yangebup Road west. This movement was executed by motorists using the left turn lane for Spearwood Avenue (south). This movement is best described as stupidity personified.
- 9 vehicles turned right into Yangebup Road from Spearwood Avenue (north) via the median gap and onto the west bound left turn lane of Spearwood. Av (south).
- 69 vehicles travelled from Yangebup Road east to west by turning left at the intersection then right via the median gap and onto the west bound left turn lane of Spearwood Av (south).
- Queues and delays for right turn movement from Yangebup Rd (east) was observed between 0700-0855 in the AM period and between 1422-1800 in the PM period. The average queue length was 6 vehicles and the average delay was 1 min 11 sees. The worst delay was 5 min 06 secs at 15:36 hours.
- No significant delays were identified for right turn movement from Spearwood Av (south).

Crash Data Analysis

A crash diagram of the intersection for the period of July 2004 and December 2005 has been developed and is attached (refer Attachment 16.1 (3)) for information. The crash diagram reveals the following:

- 23 crashes were recorded in the 18month period to December 2005.
- All crashes at this intersection are Right Angle crashes.
- 55% of crashes were straight through and right turns from Yangebup Road east. Accordingly, an emphasis is placed on the reduction of these types of crashes throughout all proposed treatments.
- 23% of these crashes (5 crashes) were between the eastern approach vehicles from Yangebup Road and the northbound vehicles in Spearwood Avenue.
- 3 collisions (or 14%) were recorded between western approach vehicles from Yangebup Road and vehicles in Spearwood Avenue
- 2 collisions (or 9%) were recorded between the right turn vehicles from Spearwood Avenue north to Yangebup Road west and the northbound vehicles on Spearwood Avenue.

The crash type and data provides some insight into the difficulties motorists are having with the intersection. This may be exacerbated by restricted visibility, speed or confusion at the intersection. The proposed treatments must address this issue.

The Options:

Three alternative design have been developed and are shown in the concept plan, number 2606B06 viz:

- Option 1 - 'Seagull' island treatment
- Option 2 – Traffic signals treatment
- Option 3 – Roundabout treatment.

Option 1 - 'Seagull' island treatment

After reviewing the traffic data collected since the closure of Miguel Road and when considering the design constraints of the intersection, the proposed seagull treatment provides a safe and practical solution for the intersection.

Design features of the seagull treatment includes:

- Complete closure of the western link of Yangebup Road.
- Removal of the left turn lane from Spearwood Avenue north to Yangebup Road east.
- Designated right turn lanes for access into Yangebup from Spearwood and out of Yangebup into Spearwood to better facilitate the safe movement of right turning traffic.
- A through lane for the south north movement along Spearwood Avenue with merge facilities for the right turning traffic from Yangebup.
- A clearly defined travel path in all directions.
- A clearly defined priority for traffic in Spearwood Avenue over Yangebup Road through raised median islands and the 'T' junction layout.

The crash data clearly indicates that better protection needs to be afforded to the right turn movement. 61% of vehicles travelling east along Yangebup turn right at the intersection and 25% of vehicles travelling north along Spearwood turn right into Yangebup. The seagull treatment provides designated right turn lanes which enables traffic to exit and merge into the traffic stream in a more controlled environment.

Monitoring of the intersection has also identified some visibility problems posed by the left turn slip from Spearwood north into Yangebup east. It is believed that removal of the slip lane will improve the visibility for drivers queuing at Yangebup waiting to turn right into Spearwood and provide a slower speed environment at the intersection as motorists slow to turn left. This will in turn increase the gap between

traffic thus allowing motorists more opportunities to cross the intersection.

The methodology proposed in this treatment is relatively straight forward. It provides a safe and efficient right turn facility whilst maintaining the through movement for the District Distributor which should, by virtue of the traffic demand, have priority. It removes the competing movement from the west of Yangebup Road and provides a staggered T intersection with Mainsail/Spearwood and Yangebup/Spearwood providing east west access for local traffic (based on sound technical design parameters).

Option 2 – Traffic signals treatment

In November 2005, Council sought approval from Main Roads WA to signalise the intersection. Main Roads' refused the application on the following basis:

1. The traffic volumes warrant are currently well below the minimum requirement of 10,000vpd (the reply was made in November 2005);
2. Due to poor topography and steep gradient on Spearwood Avenue, they are concerned about the safety of trucks stopping on such a steep incline at the intersection and then experiencing problems with slow acceleration;
3. Concern about increasing noise levels when trucks are braking to stop at the signals and when accelerating on the incline. Truck noise complaints are becoming more prevalent within residential areas and generally not accepted by the community; and
4. There is a possibility that the crash rates have diminished, as Main Roads believes the crashes were due to drivers adjusting to the change in priority of the through road from Yangebup Road to Spearwood Avenue.

Main Roads WA are responsible for all regulatory devices throughout Western Australia and as such, approval or refusal of signals is entirely at their discretion. Our ability to obtain approvals will depend largely on our ability to address their initial concerns.

Council received Main Roads WA's response to our application prior to the closure of Miguel Road. Since the closure traffic volumes in Spearwood Avenue have increased from 7,000 vpd to 12,250 vpd. The future demand on Spearwood Avenue in particular is likely to exceed the warrants for signals however a determination needs to be balanced by maintaining the efficiency of the intersection as signals have the potential to cause delays and congestion.

There is no proposal to address the topography of the approaches to the intersection. Whilst the grade of the intersection and approaches

are not ideal, it is believed that appropriate treatments can be established to mitigate the visibility constraints and improve the traffic ability far more economically than adjusting the longitudinal gradient. On this basis however, the issues of noise and the safety of trucks stopping and accelerating will not be resolved. Truck movements are likely to increase along Spearwood Avenue and these issues are real concerns if signals were the preferred option. Even in the event that Main Roads WA would support an application for signals, it would not be recommended unless the vertical alignment of Spearwood Avenue was addressed.

Option 3 – Roundabout

A conceptual design has been developed for the roundabout with the current road configuration and for the future dual carriageway to determine if the treatment could be established geometrically. The design standards have been applied to the roundabout option with the following outcomes:

Current configuration

- the roundabout does not provide sufficient deflection in the turning vehicle path to ensure vehicles slow down prior to entering the roundabout from Yangebup Road west to Spearwood Avenue north.
- a high retaining wall may be required at the northwest corner of the intersection to stabilise the batter slope.
- a small portion of land will need to be acquired from the landowner at the northeast corner of the intersection in order to improve line of sight for a driver on Yangebup Road east to the northern approach traffic in Spearwood Avenue.
- The vertical alignment of the intersection is not ideal for this type of treatment.
- Whilst not an essential criteria, roundabouts are most effective when the traffic flows are balanced in all directions. Traffic in Spearwood Avenue is currently 1.6 times the traffic in Yangebup and will continue to grow disproportionate to Yangebup.

Future Dual Carriageway

- Council will need to acquire land on the northwest and southeast corners of the intersection to facilitate the roundabout
- Council will need to acquire a portion of the land at the other two corners of the intersection
- To overcome the sloping gradients, high retaining walls will be required at both the northwest and southeast corners of the intersection.
- Traffic volumes in Spearwood Avenue are projected to increase to 30,000 vpd over the next 25 years.
- Through movement along Yangebup Road will be restricted in any event through the closure of the road at the railway line.

A roundabout treatment is not recommended for this intersection for the reasons outlined above.

Summary

The report has clearly outlined the options considered and identified Option 1 – the ‘Seagull’ treatment as the alternative which best meets the design requirements, the technical parameters and most importantly the demands of the majority of users. Whilst this treatment in our opinion best meets the needs of the user today, the growth in traffic will force Council to continue to review the transport demand and subsequent modifications to our road network will be necessary in the context of that traffic growth.

It is of course important not to just consider this intersection in isolation. The seagull treatment will provide clear direction for motorists travelling from the east along Yangebup Road and north south along Spearwood Avenue. Some of the difficulties identified however are contained within Cell 9. Whilst many signs have been established alerting motorists to the closures, the current road configuration to the west of the railway line does not promote Beeliar Drive as the primary access. This has resulted in additional traffic movement from the west (some by heavy vehicles) using the detour when in fact Beeliar Drive would better suit their needs. In order to provide a definitive solution to traffic in this area, a number of additional actions are proposed to mitigate some of the traffic impacts. The additional actions revolve around the closure of Yangebup Road west of the railway crossing.

The closure of Yangebup Road (West) at the railway crossing has been endorsed by Council as part of the structure plan for Cell 9 adopted in November 2000. Yangebup Road has served as the significant east west link for motorists travelling between North Lake Road and Stock Road for many years. Recently however Spearwood Avenue and Beeliar Drive have been identified as District Distributor Roads and redeveloped to cater for the increase in travel demand. As such, Council should be promoting use of these roads for though movement of traffic. Closure of Yangebup Road will effectively force motorists to use Beeliar Drive for the east west movement which is consistent with that goal. Closure will restrict movement within cell 9 to predominantly local traffic only. The road cannot be closed however until provision is made for appropriate access and egress for the designated bus route which will be facilitated by the upgrade of Birchley and Beeliar.

Strategic Plan/Policy Implications

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

1. Planning Your City

- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
2. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 5. Maintaining Your Community Facilities
 - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

Budget/Financial Implications

There is \$250,000 in the current Budget to undertake intersection modifications. Whilst a detailed design of Option 1 has not yet been completed, the funding available will be sufficient.

\$120,000 has been allocated in the current budget to complete the modifications to Beeliar Drive and Birchley Street.

Costs to close Yangebup Road at the railway crossing have been estimated at \$120,000. A Developer Contribution Account for Yangebup Road east DCA5 has been established with a total reserve of \$757,000 available.

Legal Implications

All traffic matters have potential legal implications.

Community Consultation

This report has been prepared in response to community comments/suggestions/requests to modify the existing intersection.

The Director, Engineering and Works and the Design Manager will be attending a meeting with Main Roads WA on 7 April and with the Yangebup Progress Association meeting on Monday, 10 April 2006.

The proposed road closure will need to be advertised in accordance with the requirements of the Local Government Act 1995.

Attachment(s)

- (1) Concept Plan, Drawing Number 2606B06 Sheet 1.
- (2) Overall traffic treatment of the area, Drawing Number 2606B06 Sheet 2.
- (3) The crash diagram.

- (4) A 12-hour vehicle volume diagram.

Advice to Proponent(s)/Applicant

Yangebup Progress Association, Main Roads WA, ratepayers and/or road users who have responded to Council's consultation on the temporary closure of Yangebup Road, the western link of the Spearwood Avenue intersection have been advised that the matter would be considered by Council in April 2006.

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

Nil.

16.2 (OCM 13/04/2006) - STINGER NETS AT COOGEE BEACH (1903) (JR)

RECOMMENDATION

That Council:

- (1) not install any stinger resistant net enclosures at Coogee Beach; and
- (2) advise the Coogee Beach Surf Life Saving Club that it will reconsider the matter when the need for nets can be justified.

COUNCIL DECISION

Background

At the Ordinary Meeting of Council held on Tuesday 15 February 2005, under 'Matters to be Noted for Investigation Without Debate', Cllr Allen requested that a report be provided to Council, investigating the feasibility of installing stinger nets at Coogee Beach or a portion of Coogee Beach.

Submission

A report was presented to the Ordinary Meeting of Council held on Thursday 10 November 2005, and Council resolved to:-

- "(1) *receive the report;*

- (2) *defer this matter until a response has been received from the Coogee Beach Surf Club;*
- (3) *advise the Coogee Beach Surf Club of its decision and request the Club to provide its position on the need for stinger nets at Coogee Beach; and*
- (4) *reconsider the matter following the advice received from the Coogee Beach Surf Club.”*

The explanation given was that Coogee Beach is currently our only quality coastal attraction. With further attractions proposed, visitor numbers to the area will increase. Because no user surveys have been conducted, it is important prior to making a final decision that the views of the Surf Club be canvassed on the need for stinger nets at Coogee Beach.

Report

In accordance with Council's decision, the Coogee Beach Surf Life Saving Club was contacted with the subsequent response strongly supporting nets. The following points were also raised to address issues of swimmer safety:

- The stinger nets need to be provided on the southern side of the jetty only.
- The stinger net enclosure should include the southern pontoon.
- The stinger nets are only installed during the stinger season of up to 8 or possibly 10 weeks between late January and early March each year only.
- The stinger nets are removed no later than the second week of March so as not to interfere with the annual Jetty to Jetty swimming events normally held mid to third week of March each year.

In an effort to quantify the need for nets the following information was sought from the Club. Whilst it is acknowledged that questions 6 and 7 are insurance issues, the first 5 should be substantiated prior to a decision on nets being made.

1. What is the demand for stinger nets ie. are the users of the beach raising concerns?
2. Are stingers more prevalent at Coogee than at other beaches such as Cottesloe, City Beach, Scarborough etc or to the south at Rockingham, Safety Bay and Mandurah etc?
3. Have other metropolitan beach Councils considered establishing stinger nets?
4. What are the instances of stinger 'bites' at Coogee each year?
5. What is the severity of the injury sustained and how is it treated?
6. What is our liability in the event that a swimmer gets caught up in the net?

7. What would our liability be in the event that the City was unable to effectively maintain the nets and a swimmer was stung and had some form of adverse reaction?

This information was requested in December and a number of approaches have been made since. As the stinger season has passed for another year there does not appear to be any pressing need for a decision at this time.

On this basis it is recommended that stinger nets not be installed at this time. The matter can be reconsidered at a later date when the Club has had an opportunity to review the statistics for stinger bites over the current season and can provide other generic information required.

As presented in the November 2005 report, estimated costs of establishing and seasonally (December to April) maintaining a 50 metre by 100 metre long stinger resistant net enclosure are:-

- | | |
|--|--------------------|
| • Anchor piles | \$20,000 |
| • Supply of rigged fine mesh net | \$ 6,000 per annum |
| • Installation, daily maintenance and removal (by contract) of net | \$20,000 per annum |

Other concerns raised at the November meeting are as follows:

- The area is a prohibited netting area to protect fish populations and the fine mesh stinger net has the potential for incidental catches of schooling fish.
- The fine mesh net has the potential to attract and tangle young swimmers, which becomes a liability issue.
- Jet skiers have the potential to venture into the netting despite warning signs.
- There is a high cost in maintaining the net.
- The stinger problem at Coogee Beach is no worse than at other metropolitan beaches.
- The stinger season is just outside the peak school holiday swimming season, and is too short to justify the costs of stinger nets.
- The funds could be more effectively spent on providing improved on-shore infrastructure and services to attract visitor numbers.

Strategic Plan/Policy Implications

- Planning the development of the City to achieve high levels of convenience, amenity and a sense of community.
- Facilitating a range of services responsive to the community needs.

Budget/Financial Implications

Should Council decide to proceed with this proposal, then funding of \$46,000 initially and \$26,000 subsequently per year would need to be provided, subject to confirmation of prices and statutory authority requirements.

No funds are currently provided for in the 2005/06 Budget.

Legal Implications

Approvals would be required from various State and Commonwealth statutory authorities before the proposal can proceed.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

16.3 (OCM 13/04/2006) - HAMMOND ROAD NORTH - ROADWORKS FUNDING REALLOCATION (450012) (JR)

RECOMMENDATION

That Council:

- (1) increase the budget for Account No. CW2183 – Hammond Rd [Beeliar/Bartram] – Realignment from \$350,000 to \$500,000, the additional required funds being re-allocated from Account No. CW2093 – Hammond Rd [Beeliar/Bartram] – Land Acquisition; and
- (2) amend the Budget accordingly.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The construction/reconstruction and realignment of one carriageway of Hammond Road between Beeliar Drive and Bartram Road is being funded by contributions into a Development Contribution Plan designated DCA1 – Success North by developers of adjacent broadacre property. There are the following allocations funded from developer contributions on the current Budget to undertake the first stage of these works past Emmanuel College:-

- CW 2093 – Hammond Rd [Beeliar/Bartram] Land Acquisition \$273,273
- CW 2183 – Hammond Rd [Beeliar/Bartram] Realignment \$350,000

Submission

To meet the traffic movement and pedestrian safety requirements of the College in the first stage of the works, there is a need for a more elaborate second carriageway treatment past the College, with a tie-in a lot further south than anticipated. These extra requirements, together with the need to re-direct Branch Circus, relocate public utilities and provide extra street lighting will mean that the allocated budget of \$350,000 for the roadworks is inadequate. Consequently, additional funding, estimated at \$150,000, is required to complete the first stage of the roadworks. Approximately \$290,00 has been spent on the works to date.

Report

The additional costs to the works can be identified as follows:-

- | | |
|---|-----------|
| • Roadworks extension to incorporate re-direction of Branch Circus connection and school and caravan park bus / traffic movements | \$ 75,000 |
| • Additional Telstra / Western Power service relocations | \$ 30,000 |
| • Additional street lighting | \$ 45,000 |
| | \$150,000 |

However, there is little or no land acquisition requirements for this section of road, the main acquisition requirements being south of the first stage works.

Consequently, it is considered that the additional roadworks funding requirement of \$150,000 should be funded by a re-allocation from the land acquisition budget for the same project, which has been allocated \$273,273 on the current Budget. Because the first stage roadworks have been extended further south than anticipated, there will be less funding required for the next roadworks stage.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

The works can be completed with the proposed re-allocation without affecting future works requirements of the developer contribution plan. To date, approximately \$900,000 has been collected for DCA1 – Success North.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (OCM 13/04/2006) - SOUTH LAKE LEISURE CENTRE - FEES AND CHARGES 2006/07 FINANCIAL YEAR (8143) (SH)

RECOMMENDATION

That Council:

- (1) adopt the proposed fees and charges for South Lake Leisure Centre for the 2006/2007 financial year; and
- (2) apply new charges effective 1 July 2006.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

The South Lake Leisure Centre is the City of Cockburn's premier recreation venue. The Centre has calculated a general price increase based on the increasing costs to provide services and also being cognisant of the need for a competitive price structure for the market place.

Submission

N/A

Report

The pricing structure for South Lake Leisure Centre caters for all services, offering a variety of payment options for many services. The current and proposed pricing structure for the Centre is as follows.

Room Hire

	Current fee (Including GST)	Proposed Fee	Plus GST	New Fee including GST
Recreation Room Day (until 5 pm)	18.50	16.82	1.68	18.50
Recreation Room Evening (after 5pm)	27.50	25.00	2.50	27.50
Recreation Room Bond	220.00	200.00	20.00	220.00
Sports Stadium Day	27.00	25.45	2.55	28.00

	Current fee (Including GST)	Proposed Fee	Plus GST	New Fee including GST
Sports Stadium Evening (after 5pm)	35.00	31.82	3.18	35.00
Sports Stadium Bond	550.00	500.00	50.00	550.00
Crèche / Studio 2	13.00	12.73	1.27	14.00
Youth Room Day	17.00	16.82	1.68	18.50
Youth Room Evening (after 5pm)	21.00	19.09	1.91	21.00
Equipment Hire per item (Tables, chairs (10), sporting equipment)	3.00	2.73	0.27	3.00
Swimming Lessons				
Adult Swimming Lesson (up front payment)	104.00	105.00	0.00	105.00
Preschool Swimming Lesson (up front)	97.00	100.00	0.00	100.00
School age GST free (up front)	97.00	100.00	0.00	100.00
Parent – Child Lessons	97.00	90.91	9.09	100.00
Individual Lesson – 15 minute (up front)	125.00	150.00	0.00	150.00
Casual Lesson	15.00	18.00	1.80	18.00
Aquatics				
Adult entry	3.80	3.64	0.36	4.00
Adult combined	6.40	6.00	0.60	6.60
Student Entry	2.80	2.73	0.27	3.00
Student combined	4.70	4.45	0.45	4.90
Pensioner entry	2.60	2.45	0.25	2.70
Spectator	1.60	1.55	0.15	1.70
School entry	1.70	1.64	0.16	1.80
Vacation 1 child	37.40	35.82	3.58	39.40
Vacation 2 children	61.10	59.18	5.92	65.10
Vac 3 children	84.60	82.36	8.24	90.60
Vac 4 children	108.40	105.82	10.58	116.40
Vac 5 children	129.60	126.91	12.69	139.60
Vac 6 children	149.50	146.82	14.68	161.50
Adult 10	34.20	32.73	3.27	36.00
Adult 20	68.40	65.45	6.55	72.00
Adult 50	163.60	156.55	15.65	172.20
Student 10	25.20	24.55	2.45	27.00
Student 20	50.40	49.09	4.91	54.00
Student 50	119.40	116.27	11.63	127.90
Pensioner 10	24.00	22.09	2.21	24.30
Pensioner 20	46.80	44.18	4.42	48.60
Pensioner 50	110.55	104.36	10.44	114.80
Spa/Sauna/Steam	7.10	6.64	0.66	7.30
Pensioner Spa/Sauna/Steam	6.00	5.64	0.56	6.20
Lane Hire	15.00	13.64	1.36	15.00
Dolphin 100	220.50	214.82	21.48	236.30
Dolphin 200	384.80	374.82	37.48	412.30
Family Swim (2 adults and 2 children)	11.40	10.82	1.08	11.90

	Current fee (Including GST)	Proposed Fee	Plus GST	New Fee including GST
Programs				
Senior Team Registration (AM)	74.00	67.27	6.73	74.00
Senior Team Registration (PM)	94.00	85.45	8.55	94.00
Weekly Team Fees (AM)	30.00	29.55	2.95	32.50
Weekly Team Fees (PM)	37.50	35.91	3.59	39.50
Weekly Team Fees (Soccer)	31.00	30.00	3.00	33.00
Weekly Team Fees (Hockey)	32.00	30.00	3.00	33.00
Junior Team Registration (per player)	9.50	9.09	0.91	10.00
Junior Team Competition	27.00	25.45	2.55	28.00
Adult Courses/term (excluding Yoga, Pilates and Craft Classes)	77.00	72.73	7.27	80.00
Junior Courses/term (excluding art & ballet)	58.00	54.55	5.45	60.00
Crèche				
Crèche (1 st child) 1.5 hours	2.50	2.36	0.24	2.60
Crèche (additional child) 1.5 hours	1.40	1.36	0.14	1.50
Crèche (1 st child) 2 hours	3.00	2.82	0.28	3.10
Crèche (additional child) 2 hours	1.70	1.64	0.16	1.80
Crèche 10 Voucher (1 st child) 1.5 hours	22.50	21.27	2.13	23.40
Crèche 10 Voucher (1 st child) 2 hours	27.00	25.36	2.54	27.90
Fitness				
Casual Gymnasium and Swim	11.00	10.91	1.09	12.00
Casual Aerobic/Aquarobic	6.90	6.45	0.65	7.10
Over 50	5.40	5.00	0.50	5.50
Club 50 Voucher x 10	48.60	45.00	4.50	49.50
Aerobic / Aquarobic voucher x 10	62.10	58.09	5.81	63.90
Aerobic / Aquarobic voucher x 20	117.30	109.73	10.97	120.70
1 option 1 month	68.00	64.55	6.45	71.00
1 option 3 month	163.00	153.64	15.36	169.00
1 option 6 month	286.00	270.00	27.00	297.00
1 option 12 month	427.00	399.09	39.91	439.00
1 option Direct Debit	39.50	36.82	3.68	40.50
2 option 1 month	80.00	76.36	7.64	84.00
2 option 3 month	180.00	170.00	17.00	187.00
2 option 6 month	325.00	307.27	30.73	338.00
2 option 12 month	493.00	462.73	46.27	509.00
2 option Direct Debit	43.50	40.45	4.05	44.50
3 option 1 month	90.00	86.36	8.64	95.00
3 option 3 month	196.00	185.45	18.55	204.00
3 option 6 month	348.00	329.09	32.91	362.00
3 option 12 month	548.00	512.73	51.27	564.00
3 option Direct Debit	48.00	44.55	4.45	49.00
4 option 1 month	102.00	96.36	9.64	106.00
4 option 3 month	230.00	217.27	21.73	239.00
4 option 6 month	371.00	350.91	35.09	386.00
4 option 12 month	597.00	553.64	55.36	609.00

	Current fee (Including GST)	Proposed Fee	Plus GST	New Fee including GST
4 option Direct Debit	51.00	47.73	4.77	52.50
Off peak 1 month (Gym & Aquatics Only)	57.00	54.55	5.45	60.00
Off peak 3 month (Gym & Aquatics Only)	135.00	127.27	12.73	140.00
Off peak 6 month (Gym & Aquatics Only)	226.00	213.64	21.36	235.00
Off peak 12 month (Gym & Aquatics Only)	362.00	340.91	34.09	375.00
Off peak Direct Debit (Gym & Aquatics Only)	34.00	31.82	3.18	35.00
Joining Fee (Varies per m/ship options)	1 month DD m/ship	-	-	1 month DD m/ship
Direct Debit Cancellation Fee	110.00	100.00	10.00	110.00
Membership Suspension Fee	11.00	10.00	1.00	11.00

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

The income budgets for 2006/2007 financial year are based on the above fees. Any reduction in the proposed fees will result in a decrease in the projected income budget.

Legal Implications

All fees for Local Government Contractors are required to be advertised under the Act.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.2 (OCM 13/04/2006) - CO-ASSIST (INC.) (8700) (JZ) (ATTACH)

RECOMMENDATION

That Council as Trustee for Co-Assist (Inc):

- (1) transfer the assets as detailed on the attached Asset Register of Co-Assist (Inc.); and
- (2) donate the amount of \$380.00, being surplus funds from Co-Assist, to St Vincent de Paul's Granary House.

COUNCIL DECISION

Background

In 1992 Co-Assist became an incorporated body and began distributing Commonwealth and Lotteries Commission funds to the residents of the City of Cockburn suffering financial hardship.

In recent years there has been a difficulty with the distribution of funds and finding suitable outlets.

On 30 March 2005 a Special Meeting of the Association was held and the following recommendations were put forward and carried by the association members.

- (1) For the Winding up and Dissolution of Co-Assist by June 30th 2005.
- (2) Committee to organise final audit report 2004/2005.
- (3) Committee to notify funding bodies of decision to dissolve as at June 30th 2005.
- (4) Committee prepare a report on Co-Assist, to be given to other interested parties to look at keeping the funding in the City of Cockburn. Outcome to be passed onto funding bodies.

As per the Constitution of Co-Assist (Inc.) 17.1 DISSOLUTION OF THE ASSOCIATION, "assets will be transferred to the Trustee", being the City of Cockburn. "The Trustee shall be entitled to choose the fund to which all such assets or proceeds are to be transferred in accordance with the provisions of this clause."

Submission

N/A

Report

Co-Assist (Inc) is now a Cancelled Association (see attached WA Government Gazette).

The Social Services Team Leader, City of Cockburn, in consultation with the Association members, has completed the following tasks in relation to Co-Assist:

- (1) Co-Assist (Inc) audited Financial Report for the Year ended 30th June 2005 completed by Horwath Audit (WA) Pty. Ltd.
- (2) Accountability documents forwarded to Department of Family and Community Services.
- (3) Grant Acquittal forms forwarded to Lottery West.
- (4) Surplus funds of \$11,537.19 in Emergency Relief account returned to funding body.
- (5) Surplus funds of \$380.00 in Administration Account transferred to City of Cockburn.
- (6) Asset Register with Committee recommendations finalised.

Tasks to be completed:

- (1) Cheque books to be returned to bank. (waiting on decision by Council on transfer of surplus funds of \$380 being donated to Granary House)
- (2) Relevant documentation to be archived.

The St Vincent de Paul's Granary House based in Bibra Lake is a source of minimum cost supermarket items available for socially disadvantaged persons. A donation of the surplus funds from Co-Assist to this organisation is considered appropriate.

Strategic Plan/Policy Implications

Managing the City in a competitive, open and accountable manner.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Co-Assist was an incorporated association who, at a meeting of the 30 March 2005, resolved to dissolve the association.

Attachment(s)

1. Co-Assist Asset Register
2. Extract from WA Government Gazette

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.3 (OCM 13/04/2006) - MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING - 16/03/2006 (1550) (RA) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Bush Fire Advisory Committee meeting held on 16 March 2006 and adopts the recommendations contained therein.

COUNCIL DECISION

Background

The Bush Fire Advisory Committee conducted a meeting on 16 March 2006. The Minutes of the Meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Bush Fire Advisory Committee Meeting is attached to the Agenda. Items dealt with at the Committee Meeting form the Minutes of that Meeting.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council.

An Elected Member may withdraw any item from the Committee Meeting for discussion and propose an alternative recommendation for Council's consideration.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Bush Fire Advisory Committee Minutes 16 March 2006

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 April 2006 Council Meeting.

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

Committee Minutes refer.

17.4 (OCM 13/04/2006) - MINUTES OF ABORIGINAL ADVISORY COMMITTEE - 20/02/2006 (8978) (CC) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Aboriginal Advisory Committee dated 20 February 2006 and adopt the recommendations contained therein.

COUNCIL DECISION**Background**

The Aboriginal Advisory Terms of Reference as adopted by Council states the need to “support and generate awareness of Nyungar culture”. The Aboriginal Advisory Committee has been established to pursue this objective.

Submission

Refer to Committee minutes and attached Committee request for Project Funding Form. The Aboriginal Advisory Committee is requesting that Council allocate ongoing funds for a part time Aboriginal Community Development Position with project activity funds.

Report

The committee has stated that they believe the position is essential for the continued support and development of the Aboriginal Advisory Committee. This position is also needed to continue to strengthen the networks and links that have been identified between the City and the aboriginal community and to enable the development of culturally appropriate projects that have been identified, as a community need.

This position has been funded for the past 18 months with grant funding from Office of Crime Prevention and in that time it has become apparent that there is a need for this officer to be employed to assist with the inclusion of the aboriginal community in mainstream activity and for the officer to work directly on projects, programmes and issues and to provide advice on culturally appropriate ways of dealing with the local aboriginal community.

External funding options have been explored and there is currently an application with the Federal Government’s National Community Crime Prevention programme and notification of the status of this application will occur in April 2006.

Strategic Plan/Policy Implications

Key result area “Facilitating the needs of your community” refers.

Budget/Financial Implications

- (1) \$31,223 per annum for three day a week position inclusive of all on costs.
- (2) \$3,000 for communication and administrative costs
- (3) \$5,000 for community development projects

Legal Implications

N/A

Community Consultation

The Aboriginal Advisory Committee provides an ongoing consultation process where community members can express their views about issues for Aboriginal people living in the district.

Attachment(s)

- (1) Minutes of Aboriginal Advisory Committee meeting 20 February 2006
- (2) Council Committees request for project funds.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.5 (OCM 13/04/2006) - MEMBERSHIP - ABORIGINAL ADVISORY COMMITTEE (8978) (CC) (ATTACH)

RECOMMENDATION

That Council:

- (1) in accordance with Section 5.10 of the Local Government Act 1995 appoint the following community representatives as members of the Aboriginal Advisory Committee
 - 1. Ms Leanne Mason
 - 2. Mr Phillip Doughty
 - 3. Mr Fred Yasso
 - 4. Mrs Sue Pickett
 - 5. Mrs Corina Abraham
 - 6. Ms Gail Beck

7. Mr Clarrie Collard-Ugle; and
- (2) adopts the revised Terms of Reference as attached to the Agenda.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council appointed the first Aboriginal Advisory Committee in 2003. The terms of reference for this committee have been reviewed at the AGM held on 22 February 2006 and better reflect the wishes of the incoming committee and make for a more workable document for this committee to abide by.

This Council appointed committee promotes & supports Aboriginal initiatives, services and facilities within the City.

The committee will be involved in the development of Aboriginal protocols, projects and activities with the ability to make recommendations to Council.

The Aboriginal Advisory Committee in the past twelve months has been actively involved in the afternoon yarn community meetings, oral history project and consultation with council officers on planning and community issues.

Submission

N/A

Report

Expressions of Interest were called for this committee through advertisements in the local papers (Herald & Gazette and Cockburn Soundings), by word of mouth, through posters and flyers in the community and through the schools newsletter system. All Applicants met the required criteria and are duly recommended for appointment by council.

Current members were invited to reapply to the committee for the next twenty-four months and calls for expressions of interest from the community were made as all positions fell vacant.

Strategic Plan/Policy Implications

Planning Your City – To foster a sense of community within the district generally and neighbourhoods in particular.

Facilitating the needs of your community – To facilitate and provide an optimum range of community services.

To identify current needs, aspirations, expectations and priorities of the services provided by council.

Budget/Financial Implications

Municipal Budget	\$2 000
Total	<u>\$2 000</u>

Legal Implications

N/A

Community Consultation

The positions for the Aboriginal Advisory Committee were publicly advertised and open to all members of the public.

Attachment(s)

Revised Terms of Reference.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

17.6 (OCM 13/04/2006) - REALLOCATION OF FUNDS TO PROVIDE FURTHER FUNDING FOR THE CITY'S STADIUM WA BID AND TO ENGAGE A CONSULTANT TO REVIEW THE COMMUNICATIONS NEEDS OF THE CITY (1081; 1060) (AJ)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) reallocate:
 1. \$50,000 from Account No.CW 1046 - Electronic Signage and Promotion;
 2. \$60,000 from Account No.CW 1901 – Waste Disposal Site Works;
 3. \$80,000 to Account No.OP 9715 – Bid for Stadium at Cockburn Central; and
 4. \$30,000 to a new account 'Review of Telecommunication and Data Communication Needs'.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

Background

Council placed an item on the 2005/06 budget for a variable message sign similar to the sign located near to the Old Fremantle Traffic Bridge in Fremantle. The sign would be used to promote Council events and services.

Council is currently engaged in lobbying the State Government to build a \$500 million multi-purpose sporting stadium at a site located adjacent to the new Cockburn Central town site.

The lease on the City's telecommunications system expires in December 2006. A review of the City's future communication needs is required so that any recommendations can be incorporated into the

renovations currently being carried out to the City's administration building.

Submission

N/A

Report

Since the Budget review in February 2006 there have been several matters arisen which require funds.

Council placed \$50,000 on its 2005/06 Budget for an electronic sign to be placed on Rockingham Road on the Administration/Civic Centre site which is proposed be reallocated for a review into telecommunications / communications requirements for the City's Administration in light of the expiration of the current lease and the refurbishment of the building.

As the Stadium WA concept for Cockburn Central is likely to be short-listed by the State Government Major Stadia Taskforce, \$80,000 is sought to continue the bid process for 2005/06.

Details on both these proposals is listed below:

Quotations were called late last year to build a variable message sign on Rockingham Road in front of the Council's administration building.

Potential contractors carried out site inspections and the Communications Manager received quotations from a number of them.

There were a number of issues arising from this quotation process:

(1) Price

The original officer's recommendation for the 2005/06 budget was that \$60,000 to be allocated for the project. During budget deliberations Council reduced this amount to \$50,000.

Quotations received from potential contractors ranged from \$60,000 to \$96,000. These prices did not include GST.

All the quotations received did not include connection to mains power.

Based on these quotations Council would have to significantly increase the allocation of funds for the construction of a sign and a tender process would have to be initiated.

(2) Location

The preferred site identified by Councillors was in front of the Council's administration building on Rockingham Road. After discussions with potential contractors it became evident that this location had the following problems.

- **Locality to a mains power source** – the most cost effective location would be to place the sign directly adjacent to the City's transformer box. However placing the sign in this location would mean that a 4 metre high frame would need to be constructed.
- **Sight lines** – To get the best sight lines the sign would have to be placed on the crest of the hill in front of the Council building. This would mean that extensive electrical work would have to be carried out to locate the sign in this position. Placing the sign close to the power source would make the sign difficult to see for drivers heading south along Rockingham Road, as it would be located over the crest of the hill.
- **Location** – placing the sign on Rockingham Road requires that a double sided sign be used. The electronic sign near the Old Fremantle Traffic Bridge is a single display board located at an intersection with traffic lights. Placing a sign at this location increases potential costs due to its double-sided nature.
- **Traffic volumes** – to get maximum impact from this type of sign it needs to be placed on a major arterial road with a large traffic volume. Rockingham Road is classed as a District Distributor (B). Roads such as Beeliar Drive as classed as a District Distributor (A) and other major roads such as Northlake Road are classed as a Primary Distributor. Main Roads WA controls roads classed as a Primary Distributor and restrictions on electronic signage apply.
- **Effect on local residents** – Residents on Rockingham Road adjacent to Council could be adversely affected by locating the electronic sign at this site.

The question that needs to be asked is whether locating an electronic sign at the proposed location provides both value for money and maximum advertising impact.

It is the opinion of the Communications Manager that placing an electronic sign at the proposed location does not provide value for money or maximum advertising impact.

For an electronic sign to be built adjacent to Council's administration building further funds would need to be sought.

Due to restrictions on locating an electronic sign the Communications Manager looked at other potential locations. The site that possesses the best attributes for the location of an electronic sign is the proposed

council facility at Lot 7 in the new Cockburn Central development. This location would be a highly visible site adjacent to the new train and bus stations and the new town square.

It is recommended that Council not construct an electronic sign adjacent to its administration building on Rockingham Road, Spearwood this financial year. It is also recommended that Council officers investigate placing an electronic sign at its proposed facility at Lot 7 Cockburn Central in the future.

Stadium WA bid

Further funds are required for the City's bid for the location of a \$500 million multi-purpose stadium at Cockburn Central.

The Stadium WA concept is likely to be short listed by the State Government's Major Stadia Taskforce.

This short list was to be originally announced in late March 2006. Due to the West Australian Football Commission's refusal to present its master plan for Subiaco Oval to the Taskforce this announcement is likely to be delayed until mid-April 2006.

Once short-listed a number of activities need to be conducted to further the City's bid. These include:

- Engaging a consultant to develop a master plan for the site.
- Economic impact analysis.
- Further Government and Media relations work.
- A public awareness campaign of the merits of the Stadium WA concept.
- Public consultation through polling.

It is estimated that a further \$80,000 investment is required to continue the bid process during the 2005/06 financial year.

Review of the City's Telecommunications / Communications Requirements

The lease on the City's current telecommunications system runs out in December 2006. Due to the renovations currently being carried out on the City's administration building there is a limited timeframe to evaluate the City's future communication requirements.

The City needs to assess what options provide the most cost effective means of delivering future communications requirements. This includes conducting a cost benefit analysis of the following:

- potential technology options to replace the current telephone system

- purchasing vs leasing arrangements for the new system
- compatibility with the City's future data requirements, eg. C.C.T.V. Monitoring
- Ongoing operational costs.

Meetings between the City's Customer Service unit and Information Technology unit have identified that City officers do not have the expertise to evaluate the City's future communications needs. The meeting identified that the following needs to occur:

- The City engages consultants to determine the future telecommunications/communications requirements of the City.
- That an internal working party be set up comprising of representatives from all departments.
- That the consultant works in conjunction with the working party to identify both current and future needs and develop a series of recommendations to address these organizational needs.
- That the consultant prepare tender specifications to implement these recommendations.
- That the consultant provides the City with advice during the tender selection process.

The urgency in engaging a consultant and starting this process is due to the need for the City to get information to assist it in its budget process for the 2006/07 financial year. An upgrade to the City's telecommunications system is likely to involve a significant financial commitment.

Indicative quotations reveal that a sum of approximately \$30,000 is required to conduct this review.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" applies.

Budget/Financial Implications

There is \$50,000 in the current budget, A/c. No.CW-1046 that can be reallocated to OP-9715.

\$30,000 in A/c. No.CW-1901-6200 is available to be reallocated to OP-9715.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (OCM 13/04/2006) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

25. CLOSURE OF MEETING

Nil