

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 NOVEMBER 2006 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 9 NOVEMBER 2006 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr K. Lapham	-	Acting Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Mr N. Evans	-	Communications Manager
Mrs V. Edman	-	Executive Assistant
Ms V. Viljoen	-	PA to Chief Executive Officer

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.03pm.

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

N/A

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

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking



clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

**4 (OCM 09/11/2006) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received a declaration of financial interest from Clr Allen and conflict of interest from Clr Romano, which would be read at the appropriate time.

**5 (OCM 09/11/2006) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Amanda Tilbury	-	Leave of Absence
Clr Linda Goncalves	-	Leave of Absence

**6 (OCM 09/11/2006) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

NOTE: At this point of the meeting, Mayor Lee highlighted current achievements under the Plan for the District:

**Memorial Hall** – tenders have closed and an item will be presented to the December 2006 Ordinary Meeting of Council to appoint a builder. Construction work will commence in January 2007.

**Youth Centre** – this development is now in the final design stage and the City of Cockburn will be going to tender early in 2007. The City has received a letter from the Lotteries Commission confirming a grant of from Lotterywest.

**Seniors Centre** – the Regional Senior Group wrote to City of Cockburn and meetings have taken place on a number of occasions to help finalise the design brief to engage an architect for this project. Tenders for this service will be issued in December 2006. The consultant's brief was advertised last weekend for the development of a concept plan to include a new Seniors Centre. Mayor Lee read an extract of a letter received from the Regional Seniors Group:



*“The Regional Seniors Group along with the seniors of Cockburn would like to thank you for the consideration shown to the new Senior Centre facility. It demonstrates to seniors that our council does recognise and value their lifetime economic and social contribution.*

*The current generation of senior has challenged that tired old myth that you reach a certain age and then stop living life. On the contrary, this generation has shown that retirement can be just the start of a fulfilling life embracing recreation, education, volunteering and much more.*

*Activities arranged through the Regional Seniors Group together with the Council has received great response and enjoyment.*

*Having a seniors centre within the City of Cockburn will be an enormous positive for our community. Apart from economic benefits, the senior centre will benefit individuals increasing their feelings of self worth, belonging and fulfilment through increased social cohesiveness and the strengthening of community spirit.*

*The Regional Seniors Group is willing and eager to assist in any way....”*

**Cockburn Central Library** – a joint venture partner has been identified and the City of Cockburn will be advertising its business plan later this month. The City has finalised purchase of the land and title will be gained early in 2007.

Also received this week is news from the DPI – Geographic Naming Committee that Cockburn Central will officially become the suburb of Cockburn Central.

**Regional Sports Complex** – an architect has been selected for completion of the final design stage of this project. Stage one earthworks will commence in 2007.

**Spearwood Avenue** – land acquisition is underway for the Bibra Industrial Park link and design work about to commence for the Cockburn coastal link.

**Depot Upgrade** – the new Ranger accommodation is almost complete and 50% of the optic fibre link from the Administration Building to the Depot has been completed. The Rangers will move into their new home in late December 2006.



**7 (OCM 09/11/2006) - PUBLIC QUESTION TIME**

**Robyn Scherr – Amity Boulevard, Coogee**

1. Agenda Item 18.1 – Final Adoption of the Plan for the District 2006-2016

Q1. In the agenda attachments under Advertising and Submission, it is stated that only three submissions were received, namely those from Mavis Glewis, Joe Ferreira and Greg Patterson. I, too, made a submission, emailed on the 19th of October, which is not included in your report. Why is this? Is the location of the proposed Coogee Beach Surf Club edifice such a done deal that no correspondence on this secret subject will be publicly acknowledged. How many other submissions did you choose to discount?

A1. Mayor Lee requested the CEO to respond. The CEO confirmed he did respond to Mrs Scherr this afternoon, and advised that he had previously answered an earlier communication.

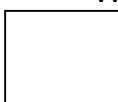
The earlier submission from Mrs Scherr was directed towards the City's Strategic Plan 2006/2016 and that is what specifically headed up the submission. The City's Plan for the District was the one that was out for public consultation. Council had already adopted the City's Strategic Plan 2006/2016 and was therefore not subject to formal submission. In both previous e-mails to Mrs Scherr on 20<sup>th</sup> October 2006 and today, the CEO provided substantive information on the status of Poore Grove site. There is no confirmation of selection of the Poore Grove site. It has always been subject to a full, triple-bottom-line assessment, which has been conducted by an independent party, and the results of which have not been formally adopted by DPI. There is nothing secret in regard to what the City is trying to do.

The City received no other submissions on the Plan for the District. Council received three other letters, which were photocopies of the letter submitted by Mrs Glewis in regard to the Cockburn Senior Citizen Centre. Those three letters merely said that they have supported Mrs Glewis' letters. They were also received after the closing period for submissions.

**Robyn O'Brien – Fawcett Road, Munster**

Question not related to Agenda Item.

Q1. Is Council being given written reports by John Hardy on the Community Reference Group meetings held at the Woodman Point Wastewater Treatment Plant?





- A1. It is not Council's current practice to circulate copies of the agendas and minutes of working groups and reference groups to the Elected Members, particularly where a Councillor is a member of that working or reference group. Council's Principal Health Surveyor is the City of Cockburn's officer representative and provides input and advice in respect to the Community Reference Group on technical matters where they relate to the City. The City of Cockburn is also represented by an Elected Member, whose role is to represent Council on the group. The Elected Member effectively liaises with the other Elected Members in respect to any issues relating to the Community Reference Group.
- Q2a. Is Council aware that Water Corp has a copy of the Air Assessment Review completed by Owen Pitt for the EPA, which says there is no scientific basis for an odour buffer at Woodman Point? Is Council also aware that this assessment agrees with the Katestone Review last December?
- Q2b. Have Council planning officers or any other officers read these two independent reviews or been made aware of the content?
- A2. The City has not formally received a copy of the independent review undertaken by Owen Pitt of the Air Assessment Review. It should be noted that at the Community Reference Group meeting on the 26 July 2006 a representative of the Department of Environment & Conservation (DEC) Special Services Unit provided an update on the status of EPA Advice to the Minister on the Woodman Point Waste Water Treatment Plant Strategic Environmental Review (SER), at which time he confirmed that the EPA would not be publicly releasing the independent review and as a result the Water Corporation did not have the authority to release it.

The other review, the 'Katestone Review', was commissioned independently by nearby landowners, according to Water Corporation, and as such they are not in a position to provide copies and they have indicated that they are not certain whether the review has ever been formally submitted to them. At this stage the City is also unable to confirm as to whether a copy of that review has ever been provided to the City.

As the City has not received copies of these independent reviews its Officers are not aware of their specific contents apart from that information provided at the Community Reference Group meeting in July 2006. The Water Corporation has not provided the Council with a briefing on this matter, since April 2006.



**Mavis Glewis – Young Place, Hamilton Hill**

Question related to Agenda Item 18.1.

- Q1. Mrs Glewis advised the meeting that her submission was not a personal submission, rather a submission on behalf of all the members who are very upset that they may lose their Centre. Mrs Glewis asked Council to look upon it kindly.

**Dan Scherr – Amity Boulevard, Coogee**

Question not related to Agenda Item.

- Q1. What was the triple-bottom-line assessment regarding the Surf Club site at Poore Grove, who were the consultants and when will the community be consulted?
- A1. Mayor Lee advised that Council did not have sufficient information to answer the question at the meeting and this question will be taken on notice and a written response will be provided.

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 3296) (OCM 09/11/2006) - CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 12 October 2006 be adopted as a true and accurate record.

**COUNCIL DECISION**

MOVED Cllr V Oliver SECONDED Cllr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

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

Nil



**10. DEPUTATIONS AND PETITIONS**

Nil

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

Nil

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

Nil

**13. COUNCIL MATTERS**

Nil

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 3297) (OCM 09/11/2006) - STREET NUMBERING - LOTS 610 & 611 GLEN IRIS DRIVE, JANDAKOT - OWNER: R SINGH & M KAUR (LOT 610) & JD ANDREWS AND K KRISHNAN (LOT 611) (3002) (GA) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) allocate No. 6 to Lot 611 Glen Iris Drive and No. 6A to Lot 610 Glen Iris Drive; and
- (2) advise the owners of the two lots of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

A subdivision on Glen Iris Drive, Jandakot occurred in June 2000 whereby three lots were subdivided into four smaller lots, resulting in the need for one of those 4 lots being allocated a suffix on their



number. All lots were vacant at the time. The street numbers initially allocated were 2A (Lot 613), 2 (Lot 612), 4 (Lot 611) and 6 (Lot 610).

In October 2001 the City had a request from the owners of Lot 611 to change the street number from No.4 due to their superstitious beliefs. The number was subsequently changed to No.6A. Subsequently the City received another request from the owners of Lot 611 to exchange numbers with Lot 610, and as a result a letter was sent to the owners of Lot 610 advising them of the proposed change to the street number and requesting an objection be lodged if they did not agree. There is no record of a written response, but numbers were not changed at this time.

In May 2004 the street address for Lot 611 however was changed to No.6 and Lot 610 to No.6A as a result of a telephone request from the owners of Lot 611. The owner's recollection is that the City agreed to write to the adjoining landowner to see if they had any objections to them becoming No.6A, and that a short time later they were called to say no objections were received. There is no written record of this, however if the adjoining landowner was not notified it was most likely because the City's then adopted process was to only notify *improved* properties of a change of address. Numbers were generally obtained at Building Licence stage or noted on the Rates notices. Lot 610 was still vacant at the time.

### **Submission**

In September 2006 the City was contacted by the owner of Lot 610 regarding the use of No.6. He claims that he was not notified of the change and that they have been using No.6 since the time they bought the property in 2001, including all correspondence and listing directories. It should be noted that a Building Licence approval was issued only recently for the property on 16<sup>th</sup> June 2006.

A letter was sent to the owners of Lot 611 regarding this problem, and his claim to No.6 was that they had gone through the process of changing address in a proper manner and followed the advice of the City. The City had advised them over the telephone that they could change to No.6. They have been using No.6 since May 2004 (about 6 months after their house was completed), and that all the services and other correspondence recognise their property as No.6, and that all their stationery is printed accordingly.

Both owners claim that the number 6A would give the impression that their house was a unit or duplex and would detract from the value of their property and have a negative effect when selling.



## Report

Both owners of the two properties have legitimate claims. It is recommended that the status quo option of Lot 611 staying No.6 and Lot 610 as No.6A as Lot 611 has been actively using and is recognised as No.6. Lot 611 has only just been issued with a Building Licence and their house is not yet complete, therefore they do not have to physically change anything nor advise anyone. It is also logical for the numbering to be sequential (ie 6 followed by 6A) which is currently the case.

## Strategic Plan/Policy Implications

### ***Demographic Planning***

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

### ***Governance Excellence***

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

## Budget/Financial Implications

Nil.

## Legal Implications

Clause 9.12(2) of the City of Cockburn (Local Government Act) Local Laws 2000 states:

*“The Council or an authorised person may assign a number to land in a street, thoroughfare or way in the district and may from time to time assign another number instead of that which was previously assigned.”*

## Community Consultation

Both affected landowners have been consulted with.

## Attachment(s)

- (1) Letter from R. Singh – 7 September 2006
- (2) Letter from R. Singh - 3 October 2006
- (3) Letter from J & M Andrews – 7 October 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 9 November 2006 Council Meeting.



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

Nil.

**14.2 (MINUTE NO 3298) (OCM 09/11/2006) - PROPOSED SCHEME AMENDMENT NO. 13 TO TOWN PLANNING SCHEME NO. 3 - MODIFIED DOCUMENT - VARIOUS LOTS - OWNER: VARIOUS - APPLICANT: CITY OF COCKBURN (93013) (MD) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the following modification(s) to Amendment No. 13 to Town Planning Scheme No. 3 for the purpose of advertising:-

PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)

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

AMENDMENT NO. 13

Resolved that Council, in pursuance of Section 7 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Amending the Scheme Text by:-

- (1) Deleting from Schedule 3 - Restricted Use 8 applying to CSL 4254 and Portion of Reserve 44544 (Loc. 4253) Murdoch Drive, North Lake from the Scheme Text.
- (2) Inserting into Schedule 4, Special Use Zones, "Special Use No 3" with the reference "SU 3" in the No. column, with the Description of Land, "Lot 4065 on Plan 191259 and Lot 4066 on Plan 191260 and Lot 4557 on Plan 191259", and the Special Use of "Educational Establishment and Convention Centre", subject to conditions – "Planning Approval".
- (3) Inserting into Schedule 11, Development Areas, "Development Area 30" with the reference "DA 30" in the No. column, with the Description of Land, "Lot 5 on Diagram 66412 and Lot 1 on Diagram 63519 and Pt Lot 50 on Diagram 78591 (Loc 630) Farrington Road" and inserting in the "Provisions" column, the following:



1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.
  2. Land Uses classified on the structure plan apply in accordance with clause 6.2.6.3.
2. Amending the Scheme Maps as depicted on the Amendment Map by:-
- (1) Amending the Scheme Boundary in accordance with the Districts of Melville and Cockburn (Change of District Boundaries) Order 2003 (LG405) published in the Government Gazette WA, gazetted on 27 June 2003.
  - (2) Deleting the zones and reserves and Restricted Use 8 notation from that portion of the Scheme Maps occurring outside of the new district boundary described in (1) above falling within the City of Melville as set out in the Government Gazette, WA (LG405), Schedule 1 and Schedule 2, gazetted on 27 June 2003.
  - (3) Adding the Primary Regional Road over a portion of Lot 50 on P13682 and D78591 (north of Leeming Rd), and portion of R39704 CSL2849 west of the centre line of the Kwinana Freeway and south of the centre line of Farrington Road.
  - (4) Adding a Local Road Reserve south of the centre line of Farrington Road from R46840 to Lot 4065.
  - (5) Adding Lot 4065 on Plan 191259 and Lot 4066 on Plan 191260 and Lot 4557 on Plan 191259 within a Special Use Zone ("SU3").
  - (6) Adding Lot 5 on Diagram 66412 and Lot 1 on Diagram 63519 and Pt Lot 50 on Diagram 78591 (Loc 630) and R46840 Farrington Road within the Development Zone and within Development Area 30 ("DA 30").
- (2) sign the amending documents, and advise the WAPC of Council's decision;
  - (3) forward a copy of the modified amendment documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act to seek confirmation that the previous advice from the EPA dated 10 November 2003 is applicable to the modified scheme amendment documentation;



- (4) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Council at its meeting held 19 August 2003 resolved to initiate Scheme Amendment No. 13 for the purpose of advertising.

Council at its meeting held 20 April 2004 considered the submissions received and resolved to adopt proposed Scheme Amendment No. 13 and the amendment documentation was subsequently forwarded to the WA Planning Commission (WAPC) for final consideration.

The WAPC recently provided written advice to the City requesting that the land owned by WAPC and Main Roads be zoned 'Development' rather than being included within the 'Special Use' zone associated with the IFAP site. The WAPC also requested that the modified documentation be readvertised to landowners and relevant government agencies for a reduced period of 21-days.

An amendment to Town Planning Scheme No. 3 (TPS3) is also required due to the district boundary change between the City of Cockburn and City of Melville. Clause 1.3 of TPS3 describes the Scheme Area as that reflected on the Scheme Map. The Scheme boundary is inconsistent with the new district boundary gazetted on 27 June 2003 and hence the need for a scheme amendment. The new lots transferred to the district also need to be zoned or reserved on the Scheme Map.

**Submission**

The scheme amendment documentation has been revised in accordance with the WAPC requirements and proposes the following changes to the Scheme: -





1. Amend the Scheme boundary to reflect the new District boundary (refer to attached legal description).
2. Include a Special Use Zone ("SU3") over Lot 4065 on Plan 191259 and Lot 4066 on Plan 191260 and Lot 4557 on Plan 191259.
3. Include Lot 5 on Diagram 66412 and Lot 1 on Diagram 63519 and Pt Lot 50 on Diagram 78591 (Loc 630) Farrington Road within the Development Zone and within Development Area 30 ("DA 30").
4. Add a new portion of Farrington Road as a Local Road Reserve.
5. Include the Kwinana Freeway within a Primary Regional Road reserve.

## **Report**

### Metropolitan Region Scheme (MRS)

The subject land is zoned 'Urban' under the MRS. The proposed rezoning of the subject land to 'Development' and 'Special Use' is in accordance with the MRS zoning.

### Proposal

The proposed scheme amendment is generally consistent with the City of Melville Community Planning Scheme No. 5, except that Lots 1 and 5 and Portion of Pt Lot 50 Farrington Road & Allendale Entrance are included in an M2 Living Area Precinct in Appendix 1. The City of Melville Scheme omits a purpose or intent for this land, that was to be the subject of a subsequent scheme amendment. It is recommended that the IFAP site (Lots 4065 & 4066 & 4557) be included within a Special Use Zone ("SU3"), which facilitates the land being used for training purposes in accordance with IFAP's current operation and Pt Lot 50 and Lots 1 and 5 Farrington Road be included within a Development Zone to facilitate future residential development.

### Community Consultation

In accordance with the advice received from the WAPC, it is proposed to refer the revised scheme amendment documentation to the community and government agencies for a reduced period of 21 days.

It is also proposed to forward a copy of the amendment to the Environmental Protection Authority (EPA) to seek confirmation that the previous advice from the EPA dated 10 November 2003 on Amendment No. 13 is applicable to the modified scheme amendment documentation.



### Conclusion

It is recommended that Council readvertised the modified documentation for proposed Scheme Amendment No. 13 for a reduced period of 21-days prior to considering the amendment for final adoption.

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

#### ***Demographic Planning***

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

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

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

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

- *To encourage development of educational institutions that provides a range of learning opportunities for the community.*

### **Budget/Financial Implications**

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

### **Legal Implications**

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

### **Community Consultation**

It is proposed to readvertise the modified Scheme Amendment documentation for a 21-day period.

### **Attachment(s)**

- (1) Site Plan
- (2) Scheme Amendment Map



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

N/A

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

Nil.

**14.3 (MINUTE NO 3299) (OCM 09/11/2006) - FINAL ADOPTION OF AMENDMENT NO. 49 TO TOWN PLANNING SCHEME NO. 3 - PT RESERVE 46894 WENTWORTH PARADE, SUCCESS - OWNER/APPLICANT: CITY OF COCKBURN (93049) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Amendment No. 49 to Town Planning Scheme No. 3 without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (2) advise the submissioners of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban Pt Region Reserve – Other Regional Roads
	TPS3:	Local Reserve – Public Purposes – Civic
LAND USE:	Vacant	
LOT SIZE:	2.0004ha	

Council at its meeting held 13 July 2006 resolved to initiate scheme amendment No. 49 to Town Planning Scheme No. 3 for the purpose of advertising.

It is proposed to amend Town Planning Scheme No.3 by rezoning a 1 hectare portion of Reserve No. 46894 situated on the corner of Beeliar



Drive and Wentworth Parade, Success (the subject land) to “Regional Centre” zone and Restricted Use (“RU12”).

The reserve is currently gazetted for ‘Community and Auxiliary Facilities’ and is 2 hectares in area. Approximately 1 hectare is proposed to be used as a youth facility, future development and associated car parking. The remaining portion is surplus to requirements due to the availability of public open space within the surrounding area.

Funds generated from the sale of the land would assist the development of a Regional Sporting facility on Reserve 7756, Hammond Road, Success.

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

### **Submission**

The application has been advertised to the community and referred to relevant government agencies for a period of 42 days. This report seeks Council support to final adoption of Amendment 49.

### **Report**

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

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the *Environmental Protection Act*.

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

### Community Consultation

The City received 4 submissions in respect to Amendment No. 49, with submissions from Water Corporation, Western Power, Alinta Gas and a resident of the City.

The submission from the resident raised concern(s) regarding increased noise, traffic and potential for the proposal to attract ‘unsavoury’ characters to the area. The use of the land will be subject to the Environmental Protection (Noise) Regulations 1997 with respect to noise and operating hours and the rezoning will allow for a range of commercial uses, contributing to a diversity of uses in the area, which will improve surveillance in the area. The submission does not require explanation over and above that outlined in the Schedule of Submissions.



Refer to schedule of submissions contained with the Agenda attachments.

### Conclusion

It is recommended that the Council proceed to adopt Amendment No. 49 and refer it to the Western Australian Planning Commission for final consideration.

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

#### ***Infrastructure Development***

- *To construct and maintain community facilities that meet community needs.*
- *To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.*

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

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

### **Budget/Financial Implications**

The management of land sale proceeds in accordance with requirements of the Town Planning and Development Act 2005.

The Council will need approval of State Land Service (DPI) to revest the Crown Reserve to freehold land and subsequent transfer to the City. The proceeds of any sale of the land will have to be expended on the balance of Reserve 46894.

### **Legal Implications**

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

### **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 49 concluded on 20 October 2006. At the close of advertising, 4 submissions were received.

Refer Schedule of submissions contained in the Agenda attachments.



**Attachment(s)**

- (1) Site Plan
- (2) Schedule of submissions
- (3) Amendment Map
- (4) Scheme Amendment Document

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

Those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 November 2006 Council Meeting.

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

Nil.

**14.4 (MINUTE NO 3300) (OCM 09/11/2006) - SINGLE HOUSE CODES APPROVAL - LOT 410 (NO. 11) PLATYPUS PARKWAY, BEELIAR - OWNER: C RUSSELL - APPLICANT: DON RUSSELL HOMES PTY LTD (6003098) (AJW) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant its approval for a two (2) storey single dwelling on Lot 410 (No. 11) Platypus Parkway, Beeliar, in accordance with the approved plan subject to the following conditions:
  1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
  2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
  3. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
  4. All stormwater is to be contained and disposed of on-site.
  5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.



6. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.
7. The surface finish of the boundary wall abutting the adjoining lot is to be either face brick or rendered the same colour as the external appearance of the dwelling unless otherwise agreed with the adjoining property owner. In all instances, the standard of work is to be of a high standard.

**FOOTNOTES**

1. The development is to comply with the requirements of the Building Code of Australia.
  2. In regard to Condition 7, the details of the proposed surface finish are to be provided to Council's satisfaction at Building Licence stage (prior to the issue of a Building Licence).
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval);
- (3) advise the applicant and submissioner of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R40
LAND USE:	Residential	
LOT SIZE:	382m <sup>2</sup>	
USE CLASS:	House – Single (R-Code) 'P' (Permitted)	

**Submission**

Application has been made to erect a two (2) storey single dwelling on the subject land. The proposal generally complies with the



requirements of the Detailed Area Plan (DAP) applicable to the land and the requirements of the R-Codes with the exception of the following matters:

- Garage location;
- Front setback - part of dwelling setback approximately 5.85m (maximum 4.5 m permitted);
- North side - lower level setback (required 1.5m, proposed 1.45m);
- North side - upper level setback (required 2.0m, proposed 1.92m);
- Privacy - 'Cone of Vision' projection across north side boundary (from upper level bedroom 3);
- Privacy - 'Cone of Vision' projection across south side boundary (from upper level, front balcony);
- Driveway width (permitted 40%, 41.66% proposed).

### **Report**

The variations detailed above are considered minor and are supported. With respect to the garage, it is noted that whilst the proposed location is different to the "preferred" location identified in the DAP, the same document provides scope for an alternate garage location. The proposed location is in accordance with the alternate location.

### Consultation

Adjoining property owners were consulted about the proposal, primarily in respect of the Cone of Vision projections. No response was received from the owners to the north regarding the minor projection across the northern side boundary. The owner adjoining to the south, however, has presented a Submission Response objecting to the proposal. As stated in the submission, *The window located in the stair well on the south wall of the proposed dwelling affords a greater cone of vision than I would be comfortable with in terms of visual access of my future dwelling.*

In response to the above concern, it is noted that the window referred to sits above the stair well providing access to the upper level - and is well above the stair landing in the stair well. There is no scope, therefore, for a future occupant of the proposed dwelling to stand and look directly into the adjoining property. Any vision afforded by the opening (from the sitting area adjoining the stairwell) will be more horizontal in nature, not downward, and in any event, will generally be across the side setback area of the adjoining property.

Bearing the above points in mind, the concern raised is dismissed, and the opening above the stairwell supported as presented. Additionally, the Cone of Vision projection across the side boundary at the front of the southern side of the property is supported. The Cone extends from a small balcony in the front elevation. The balcony will provide a south westerly aspect across the front of the subject land and Platypus





Parkway to the adjacent area of public open space. The same set of circumstances will apply generally to all properties fronting the open space, providing for front setback areas that are highly visible from the public domain, and therein, less private.

### Recommendation

That Council conditionally approve the application for a two (2) storey single dwelling on Lot 410 (No. 11) Platypus Parkway, Beeliar.

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

#### ***Demographic Planning***

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

### **Budget/Financial Implications**

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

### **Legal Implications**

Town Planning Scheme No.3  
Residential Design Codes 2002  
Planning and Development Act 2005

### **Community Consultation**

Adjoining owners were consulted regarding the proposal.

### **Attachment(s)**

- (1) Site plan, floor plans and elevations
- (2) Objector submission.

### **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 9 November 2006 Council Meeting.

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

Nil.



**14.5 (MINUTE NO 3301) (OCM 09/11/2006) - DEVELOPMENT APPLICATION FOR ANCILLARY ACCOMMODATION - LOT 10 (NO. 18) LAKES WAY, JANDAKOT - OWNER: E & E BEATTIE - APPLICANT: PERTH HOME IMPROVEMENT CENTRE (5513041) (AJW) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant its approval to the application for ancillary accommodation on Lot 10 (No.18) Lakes Way, Jandakot, in accordance with the approved plan subject to the following conditions:-
  1. Development can only be carried out in accordance with the details of the application as approved herein and any approved plan.
  2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
  3. The ancillary accommodation must only be occupied by a member(s) of the same family as the occupiers of the main dwelling.
  4. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Council and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the commencement of development works. The purpose of the notification is to alert prospective purchasers of the use and restrictions of the ancillary accommodation as stipulated under Condition 3 of this approval. The notification should (at the full cost of the applicant) be prepared by the Council's Solicitor McLeod & Co and be executed by both the landowner and the Council.
  5. All natural vegetation currently in existence on the subject land is to be retained and protected from all on-site works associated with the erection of the ancillary accommodation to the satisfaction of the Council.
  6. Any retaining wall/s are to be constructed in accordance with a qualified Structural Engineer's design.

**FOOTNOTES**

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



2. Given the number of outbuildings currently in existence on the subject land, it is unlikely Council will approve any further outbuildings.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval);
- (3) advise the applicant of Council’s decision accordingly.

### **COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

### **Background**

ZONING:	MRS:	Rural – Water Protection
	TPS3	Resource
LAND USE:	Residential	
LOT SIZE:	1.341 hectares	
USE CLASS:	Residential – Ancillary Accommodation ‘P’ Permitted	

The subject land is situated on the eastern of side of Lakes Way, adjacent to the north eastern part of Glen Iris residential estate. A single residence and several outbuildings currently occupy the land. The lots adjoining the eastern (rear) and northern sides of the land are occupied by similar improvements, whilst that adjoining to the south is occupied by a number of outbuildings (no residence).

It is noted that in anticipation of making application and receiving approval for ancillary accommodation, the owner of the land has obtained approval for an on-site effluent disposal system for the structure.

### **Submission**

Application has been made to erect an ancillary accommodation building on the land. The applicant proposes to erect the building between the existing residence on-site and two large sheds located toward the eastern corner of the property. The floor plan presented with the application depicts a small kitchen, living area, bedroom and store. A two (2.0) metre wide verandah is also proposed across the front of the building. The materials and finishes proposed to be used in



the construction of the accommodation include: 'Colourtex' cream walls and 'Pale Eucalypt' High Rib roof sheeting.

## **Report**

### Use

The use of the land for the purpose intended is subject to the requirements of Statement of Planning Policy No.2.3 – Jandakot Groundwater Protection Policy. In accordance with the requirements of the Policy, the application has been referred to the Department of Water (State Government) for comment. In response to Council's referral, the Department has advised that the use of the land for ancillary accommodation is supported.

### Town Planning Scheme No.3

Clause 5.10.2 of the Scheme states that ancillary accommodation is allowable within a Resource Zone where a single house already exists on a lot, the accommodation proposed is no greater than 60 square metres in size, and the land in question is greater than 2 hectares in size. In the subject instance, whilst there is an existing residence on the land and the proposed accommodation is 60 square metres in size, the lot on which the accommodation is proposed is less than 2 hectares in size. Accordingly, the exercise of discretion by the Council in respect of the prescribed lot size is sought.

In support of the variation to the Scheme standard, the applicant states the following:

- *The construction of the ancillary accommodation will not affect or be seen by neighbours;*
- *The land of 1.3 hectares is 700m<sup>2</sup> (sic) below town planning requirements but the location of the proposed accommodation is not going to affect in our opinion the landscape from the view nor to neighbours residences;*
- *The accommodation will be single storey with a maximum height to roof ridge 3.6m, lower than existing residence roof;*
- *The proposal will therefore have minimal impact on the surrounding area.*

The above comments are considered to accurately reflect the situation on-site. An inspection of the property reveals the accommodation proposed will be appropriately situated amongst the existing buildings on the land, well removed from dwellings on adjoining properties. In this regard, a significant buffer of native bush exists between the proposed ancillary accommodation and the closest adjoining dwelling approximately 70 metres away. Additionally, the structure will not be visible from Lakes Way. Bearing these points in mind the structure will not detract from the visual amenity of the location.



Recommendation

That Council conditionally approve the application for ancillary accommodation on Lot 10 (No.18) Lakes Way, Jandakot.

**Strategic Plan/Policy Implications**

***Demographic Planning***

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

**Budget/Financial Implications**

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

**Legal Implications**

Town Planning Scheme No 3  
Residential Design Codes 2002  
Planning and Development Act 2005

**Community Consultation**

The application was referred to the Department of Water (State Government) for comment.

**Attachment(s)**

- (1) Site plan
- (2) Floor plan and elevations.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 November 2006 Council Meeting.

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

Nil.



## DECLARATION OF INTEREST

Clr Allen declared a financial interest in the following item; the nature of the interest being that he is a landowner of property within the affected area.

Clr Romano declared a conflict of interest in the following item; the nature of the interest being that his mother is a landowner of property within the redevelopment area.

CLRS ALLEN AND ROMANO LEFT THE MEETING AT THIS POINT THE TIME BEING 7.25PM.

**14.6 (MINUTE NO 3302) (OCM 09/11/2006) - PROPOSED CLOSURE OF 8 PEDESTRIAN ACCESSWAYS - SOUTHWELL, HAMILTON HILL - OWNER: STATE OF WESTERN AUSTRALIA - APPLICANT: CITY OF COCKBURN (9512) (MD) (ATTACH)**

### RECOMMENDATION

That Council:

- (1) request the Western Australian Planning Commission give consent to the closure of the 8 pedestrian accessways as shown on the 'Proposed Closure of Pedestrian Access Way' Plan contained in the Agenda attachments;
- (2) request upon receipt of consent from the Western Australian Planning Commission to the closure of the Pedestrian Access Ways that the Department for Planning and Infrastructure - Land Asset Management Services close the pedestrian accessways;
- (3) agree to purchase the pedestrian accessways adjacent to the proposed Council development sites for integration with Council's development sites with funding being sourced from Council's Land Development Reserve Fund; and
- (4) following receipt of detailed valuations for these PAWs identified in (3), consider allocating funds for their purchase in the February 2007 budget review.

### COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED 6/0**



## Background

Southwell is a small area within Hamilton Hill in the north-west corner of the City of Cockburn. The Southwell area has been in decline over the years, with crime, anti-social behaviour and some major infrastructure issues contributing to the problem.

The Department of Housing and Works (DHW) has selected Southwell as an area to be redeveloped as part of the New Living Project. An objective of the project is to improve safety and surveillance within the locality. Southwell has a number of unnecessary Pedestrian Access Ways (PAWs) contributing to anti-social behaviour within the locality. The City proposes to close a number of the PAWs in order to achieve the objectives of the New Living Project.

Council at its meeting held 10 November 2005 resolved to adopt a Master Plan for Phoenix Rise, Southwell (subject to modifications). An objective of the Master Plan is to close a majority of PAWs within Southwell to improve safety and security within the suburb.

The Southwell Master Plan is contained in the Agenda attachments.

## Submission

The City proposes to close a number of Pedestrian Access Ways (PAWs) as an action associated with the objectives of the Southwell Master Plan. The location of the PAWs are as follows:-

1. Between Southwell Crescent and Fenton Way;
2. Between Bourbon Street and Casio Place;
3. Between Erpingham Road and the BP Oil Pipeline south of Eliza Court;
4. Between Southwell Crescent and the BP Oil Pipeline through Lot 183 Southwell Crescent (Park);
5. PAW adjacent to the North West boundary of Lot 183 Southwell Crescent (Park);
6. Between Phoenix Road and runs adjacent to the western boundary of Rodd Place park;
7. Between Rodd Place and Bickford Place; and
8. Between Rodd Place and Stanyford Place.

Refer 'Proposed Closure of Pedestrian Access Ways' plan contained with the Agenda attachments.



## Report

### Impact on Walking Distance

The Southwell Master Plan proposes a number of additional street connections and dual use paths to improve pedestrian/cyclist and vehicular permeability throughout the suburb of Southwell with a particular focus on improving accessibility to the primary school and local shops (located on Southwell Crescent).

A new dual use path and associated lighting is proposed to be constructed for the length of the BP Oil pipeline reserve and will provide a secure path for pedestrians and cyclists that will provide access to a number of parks, including Goodchild and Southwell Park and will also improve access to public transport on Southwell Crescent.

The following analysis of additional walking distance from one end of the PAWs to the other is provided below:

No.	Pedestrian Access Way	Impact on Walking Distance
1.	Between Southwell Crescent and Fenton Way.	94m additional walking distance from eastern end of PAW to Rodd Place Park. <i>An east-west connection will still be maintained through Rodd Place Park and Rodd Place to public transport (Southwell Crescent) and the shops and through Erpingham Road to access the primary school.</i>
2.	Between Bourbon Street and Casio Place.	236m additional walking distance from eastern end of PAW to Bourbon Street Park. <i>This connection only benefits a limited number of landowners at the ends of the Cassio and Watterton Place cul-de-sacs and does not serve to improve accessibility to the wider Southwell community.</i>
3.	Between Erpingham Road and the BP Oil Pipeline south of Eliza Court.	312m additional walking distance from southern end of PAW to the northern end of PAW. <i>Proposed Bellier/Caffery Place connection and DUP through oil pipeline will compensate the removal of this PAW.</i>
4.	Between Southwell Crescent and the BP Oil Pipeline through Lot 183 Southwell Crescent (Park).	65m additional walking distance from eastern end of PAW to the western end of PAW. <i>This PAW does not physically exist (no footpath constructed).</i>
5.	PAW adjacent to the North West boundary of Lot 183 Southwell Crescent (Park).	Additional walking distance not applicable as PAW is closed at northern end.
6.	Between Phoenix Road and runs adjacent to the western boundary of "Rodd Place" park.	Additional walking distance not applicable as PAW is proposed to be widened to create a laneway to service future lots.
7.	Between Rodd Place and Bickford Place.	Additional distance to walk from eastern end of PAW to the start of Bickford Place (likely destination to primary school) is 20 metres shorter by traveling up Stanyford Place to the end of Bickford Place instead.





8.	Between Rodd Place and Stanyford Place.	Additional walking distance is not applicable as pedestrians will still be able to have direct access through "Rodd Place" Park from Rodd Place to Stanyford Place.
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### Connectivity to Neighbourhood Facilities

The following is an assessment on the impact of the proposed closure of the PAWs on access to the following facilities within Southwell:

#### 1. Southwell Primary School

The Southwell Master Plan proposes a number of road connections around the primary school site. The proposed road connections will improve the connectivity to the Southwell Primary School and will also improve vehicular circulation around the school site.

There are also dual use paths that run adjacent to the northern and eastern boundaries of the school site. The northern dual use path will connect with the proposed dual use path to run down the length of the BP oil pipeline.

#### 2. Local Centre

The Southwell Master Plan proposes an east-west connection between Bellier and Caffery Place, an east-west connection between Grandpre Crescent, Bourbon Street and Helena Place and a north-south connection between Helena Place and Cade Street. These new connections will greatly improve access to the local centre located on Southwell Crescent, particularly for residents living west of Southwell Crescent.

#### 3. Public Transport

The Southwell Master Plan proposes an east-west connection between Bellier and Caffery Place, an east-west connection between Grandpre Crescent, Bourbon Street and Helena Place and a north-south connection between Helena Place and Cade Street. These new connections will greatly improve access to the bus route that travels down Southwell Crescent, particularly for residents living west of Southwell Crescent.

Access to the bus stop located on Phoenix Road will not be compromised by the proposed PAW closures as none of the PAWs to be closed provided direct access to the bus stop. The PAW that runs from Phoenix Road along the western boundary of the "Rodd Place" Park is proposed to be widened to create a laneway and will still be able to be used by pedestrians and cyclists travelling to the Phoenix Road bus stop.



It is considered that the new road connections and dual use paths proposed under the Southwell Master Plan will offset those connections lost as a result of the PAW closures.

The proposed closure of the PAWs is also required to undertake the following Council projects associated with the Southwell Master Plan:

No.	Pedestrian Access Way	Proposal
1.	Between Southwell Crescent and Fenton Way.	Proposed to amalgamate portion that abuts POS into POS which will be rezoned under Amendment 38 to residential to facilitate residential subdivision.
2.	Between Bourbon Street and Casio Place.	Proposed to amalgamate portion that abuts POS into POS which will be rezoned under Amendment 38 to residential to facilitate residential subdivision.
3.	Between Erpingham Road and the BP Oil Pipeline south of Eliza Court.	Proposed to amalgamate portion that abuts POS into POS which will be rezoned under Amendment 38 to residential to facilitate residential subdivision.
4.	Between Southwell Crescent and the BP Oil Pipeline through Lot 183 Southwell Crescent (Park).	Proposed to amalgamate into POS which will be rezoned under Amendment 38 to residential to facilitate residential development.
5.	PAW adjacent to the North West boundary of Lot 183 Southwell Crescent (Park).	Proposed to amalgamate into POS which will be rezoned under Amendment 38 to residential to facilitate residential development.
6.	Between Phoenix Road and runs adjacent to the western boundary of "Rodd Place" park.	Proposed to widen PAW to 6m to create a laneway to service future residential development to the West of the POS to overlook the park.

### Community Consultation

The proposal has been referred to landowners of property adjacent to the PAWs, signs were placed at each end of the PAWs proposed to be closed and an advert was placed in a community newspaper notifying landowners of the proposal. The advertising period was open for 21 days, commencing on Tuesday, 26<sup>th</sup> September 2006 and closing on Tuesday, 17<sup>th</sup> October 2006.

At the close of advertising, 15 submissions were received, including submissions from Water Corporation, Department of Housing and Works and the Department of Education and Training.

Refer to Schedule of Submissions contained with the Agenda attachments.

It is considered that the submissions received satisfactorily demonstrate that there is general community support to the proposed closure of the laneways. It should be noted that none of the submissions received raised any concerns regarding walkability or



access to services. The submissions do not require explanation over and above that outlined in the Schedule of Submissions.

### Conclusion

It is considered that the proposed closure of the PAWs meets the criteria contained in Council Policy - APD21 Pedestrian Access Way Closures.

It is recommended that the Council seek the consent of the WAPC to the closure of the 8 PAWs and subject to receiving consent, request that the Department for Planning and Infrastructure - Land Asset Management Services close the PAWs on the following basis:

1. the closure of the PAWs will not have an impact on walking distance or access to neighbourhood facilities such as parks, the local shops, Southwell Primary School or public transport;
2. the Southwell Master Plan proposes a number of additional road links and dual use paths within Southwell that will improve vehicle, pedestrian and cyclist access through the suburb and will offset the PAWs proposed to be closed;
3. the submissions received indicate general support to the proposed closure of the PAWs and none of the submissions received raised any concerns regarding walkability or access to services; and
4. the proposed closure of the PAWs is in line with Council Policy APD21 -Pedestrian Access Way Closures and the objectives of the Southwell Master Plan.

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

#### ***Demographic Planning***

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

#### ***Transport Optimisation***

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

The Planning Policies which apply to this item are:

APD21          Pedestrian Access Way Closures



### **Budget/Financial Implications**

The Council will need to review its budget in order to purchase the PAWs from the State of Western Australia after the PAWs have been valued by Department of Land information (DLI).

### **Legal Implications**

Nil.

### **Community Consultation**

The proposal has been referred to landowners of property adjacent to the PAWs, signs were placed at each end of the PAWs proposed to be closed and an advert was placed in a community newspaper notifying landowners of the proposal. The advertising period was open for 21 days, commencing on Tuesday, 26<sup>th</sup> September 2006 and closing on Tuesday, 17<sup>th</sup> October 2006.

At the close of advertising, 15 submissions were received, including submissions from Water Corporation, Department of Housing and Works and the Department of Education and Training.

### **Attachment(s)**

- (1) Proposed Closure of Pedestrian Access Way Plan;
- (2) Schedule of submissions;
- (3) Southwell Master Plan.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 9 November 2006 Council Meeting.

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

Nil.

CLRS ALLEN AND ROMANO RETURNED TO THE MEETING, THE TIME BEING 7.26PM.

THE PRESIDING MEMBER ADVISED CLRS ALLEN AND ROMANO OF THE DECISION OF COUNCIL WHILST THEY WERE ABSENT FROM THE MEETING.



**14.7 (MINUTE NO 3303) (OCM 09/11/2006) - PROPOSED CHILD CARE CENTRE - STRATA LOT 2 (NO. 80) COOLBELLUP AVENUE, COOLBELLUP - OWNER: PIEROS PTY LTD - APPLICANT: CINI PTY LTD (1116474) (AJW) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant approval to the application for a Child Care Centre on Strata Lot 2 (No. 80) Coolbellup Avenue, Coolbellup, subject to receiving confirmation that consent is given by the Strata Body for the Shopping Centre to modify the car parking area to accommodate the development;
- (2) upon satisfactory completion of (1) above, the Principal Planner issue the approval for the proposed Child Care Centre on Strata Lot 2 (No. 80) Coolbellup Avenue, Coolbellup, subject to the following conditions:-
  1. Development may be carried out only in accordance with the details of the application as approved herein and any approved plan. In the event it is proposed to change any aspect of the approved use or development, a further application may need to be made to the Council for determination.
  2. The management of the Child Care Centre must be strictly in accordance with the information provided with the application, unless otherwise required by any of the following conditions.
  3. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the use and development.
  4. The submission of finish and colour details for the existing building to Council's satisfaction prior to the issue of a Building Licence.
  5. The submission of a landscaping plan for the proposed external areas, including details of all hard and soft elements, and fencing details, to Council's satisfaction prior to the issue of a Building Licence.
  6. Landscaping is to be undertaken, reticulated/irrigated and maintained in accordance with the presented plan within 60 days upon the occupation of the site.



7. A minimum of one (1) disabled car bay designed in accordance with Australian Standard 2890.1: 1993 is to be provided in a location convenient to, and connected via a continuous accessible path to, the main entrance of the development. Design and signage of the bays and path(s) are 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.
8. The parking bay/s, driveway/s and points of ingress and egress to the parking bays located in the vicinity of the Centre (including the modification of any existing bays for the purpose of facilitating the Centre) are to be designed in accordance with the Australian Standard for Offstreet Car parking (AS/NZS 2890.1: 2004) 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 the Council.
9. Car bay grades are not to exceed 6% and disabled car bays are to have a maximum grade 2.5%.
10. The site shall be kept in a neat and tidy condition at all times to the satisfaction of the Council.
11. A signage package for the site/building shall be submitted to Council as a separate application for determination prior to the erection of any signage. Signs painted on the proposed building are not exempt from this requirement.
12. All stormwater is to be contained and disposed of on-site.
13. All plant and equipment i.e. air conditioning condenser units and communications hardware etc is to be purposely located on-site and/or screened so as to not be visible from public view.
14. The existing mature trees on the property forming part of the application must be retained where possible as part of the intended landscaping works.



**FOOTNOTES**

1. The development is to comply with the requirements of the Building Code of Australia.
  2. This approval represents planning approval for the use of the existing building and adjoining land for Child Care Centre purposes only. The approval does not remove the need for any other approvals, licences or permits that may be required by the person/s, business or similar intending to operate the Child Care Centre on the land subject of this approval.
- (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 the applicant of Council's decision accordingly.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS3	Development (Development Area No.7)
LAND USE:	Child Care Centre	
LOT SIZE:	5330m <sup>2</sup>	
USE CLASS:	Child Care Centre – see report comments for permissibility	

The land subject of this application is situated on the south west corner of the Coolbellup Shopping Centre site, corner of Cordelia and Coolbellup Avenues in Coolbellup. Over the past five years, the following applications have been considered by Council for the use of the building on the land:

- September 2002 – conditional approval granted to use the premises for a medical centre;
- above the medical centre (see below) cancelled;



- Prior to granting approval to the use of the building for medical centre purposes, the premises were used for the purposes of a restaurant.

At present the building is vacant and does not appear to have been maintained in recent times. The site and building sit adjacent to the roundabout at the intersection of Cordelia and Coolbellup Avenues, and medium density residential development on the western side of Coolbellup Avenue.

### **Submission**

Application has been made to use the existing building on the subject land for the purposes of a Child Care Centre. The proposal is summarised as follows:

- The centre will accommodate approximately 72 children and will have 11 staff at peak times;
- An outdoor play space of approximately 700 square metres will be created;
- The hours of operation of the centre will be 6.30am – 6.30pm Monday to Friday.

In terms of parking, the establishment of the outdoor play space will result in the loss of seven (7) shopping centre parking bays. Parking for the centre will consist of that generally within the supply of parking for the shopping centre. Physical improvements associated with the proposal include: the erection of a boundary fence in accordance with relevant child care regulations, the laying of synthetic turf, and the construction of two sandpits with sails above. Internally, the building will include: a reception, three play spaces, a nursery, cot room and office space.

In support of the application, the applicant makes the following comments regarding the use and location:

- *Ideal locations for childcare centres are characterised by the following:*
  - *Prominent road. This allows for maximum convenience for parents to set-down and pick-up their children;*
  - *Close to intersection. Traffic flows are slower close to intersections;*
  - *Close to commercial areas. This minimises inconvenience to local residents who don't use the service (the site is part of Coolbellup Shopping Centre);*
  - *Close to schools and shops. Again for convenience to parents (the site is adjacent to the new Coolbellup Primary School);*
  - *Growing demand area. Demand is determined by comparing the number of children under 5 years old to the number of*





*available childcare places in an area (the number of children to available childcare spaces in increasing in Coolbellup indicating that there is increasing demand for the service in the area).*

- *The subject site is ideal in every category.*

## Report

A Child Care Premises is a listed use in Town Planning Scheme No.3's Zoning Table. At present, however, the subject land is situated with a 'Development' zone and as such, the permissibility or otherwise of the proposed use is not specified in the Zoning Table. Bearing this in mind, the Council needs to determine whether or not the use and development is consistent with the objectives of the Development zone (Development Area No.7).

The objective of the Development zone is *To provide for future residential, industrial or commercial development in accordance with a comprehensive Structure Plan prepared under the Scheme.* Additionally:

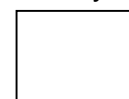
- *An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development;*
- *To provide for an integrated town centre with a mix of residential, commercial, recreation, community and education facilities ... ."*

To date, a Structure Plan has not been prepared for Development Area No. 7. In accordance with Clause 6.2.4.2 of the Scheme, the Council may grant approval to the use and development of land within a Development Area without a Structure Plan if the Council is satisfied that the development will not prejudice the specific purposes and requirements of the Development Area.

To assist Council in determining the subject application, reference is made to the Coolbellup Enquiry-by-Design workshop. Preferred 'Scenario 3' for the Coolbellup Centre identifies the subject site for mixed use development, including retail, commercial and medium density residential use. Participants and respondents to the workshop identified Scenario 3 as the preferred option for the following reasons:

- Traders within the centre will be able to continue trading while the new shopping centre is being constructed;
- Scenario 3 is supported by the majority of shop owners;
- Scenario will produce the best long-term outcome for Coolbellup.

The preferred Scenario 3, however, is subject to agreement between multiple landowners and involves land swaps, assembly and consolidation, making the rationalisation and upgrading of the commercial/retail area in accordance with the Scenario a very involved



and complex process. For these reasons, it is difficult to put a timeframe on how long a Structure Plan could take to prepare and implement.

Bearing the above in mind, and given the vacant, un-maintained state of the existing building on the subject land, the approval of the use and development of the premises for Child Care purposes is considered to have merit, both from a planning and community perspective.

### Planning Considerations

Whilst the use of the building and surrounding land for Child Care purposes is supported pending detailed planning of the locality and the implementation of such, there are several planning matters pertinent to the subject proposal that require further consideration. These include traffic considerations and matters relating to the existing and proposed improvements on the land.

### Traffic

As detailed above, the proposal results in the loss of seven (7) shopping centre parking bays. This is in addition to the parking required for the use. In terms of the nature and intensity of use proposed, however, the loss is considered acceptable for the following reasons:

- Parking demand generated by the proposed use will generally be at different times to that generated by the shopping centre on the same land. As advised by the applicant, the dropping off and picking up of children from the establishment will occur at the beginning and end of the day. The notion of reciprocal use of existing parking, therefore, is one that can be plausibly applied to the proposed use and existing situation;
- The September 2002 approval to use the existing building for a medical centre limited the occupancy of the premises to eight (8) medical practitioners *to ensure the parking demands generated by the proposed change of use (to medical centre) will be no greater than the demands associated with the previously approved use of the building (restaurant)*. A medical establishment with eight (8) practitioners requires the provision of 40 parking bays, 22 more than required by the proposed use.

In addition to the above, the loss of seven (7) existing bays is supported in the knowledge that the land in question is to be used for the purpose of outdoor playspace. It is appropriate to ensure that a suitable level of amenity is created for both the children and staff of the establishment.



### Existing and Proposed Improvements

The existing building appears to have been vacant for quite a period and is in need of maintenance. Accordingly, a condition of approval is recommended requiring the submission of finish details for the existing building. A similar condition is also recommended in respect of works external to the building, including hard and soft elements, and landscaping. With respect to landscaping, an inspection of the site reveals a number of existing mature trees that should be retained as part of intended works.

### Community Consultation

All property owners within the shopping centre were consulted in respect of the proposed Child Care Centre. Two (2) signs advising of the proposed centre were also erected adjacent to Cordelia and Coolbellup Avenues. The closing date for submissions was Friday 6 October 2006. No submissions were received in response to the consultation undertaken.

### Conclusion and Recommendation

The establishment of a Child Care Centre within the Coolbellup town centre prior to the structured redevelopment of the area is considered positive from a planning and community perspective. The facility will add to the level of local services currently offered by other uses in the town centre, improving the dynamics and function of the location.

It is, therefore, recommended that Council support the application, delegating authority to the Principal Planner to conditionally approve the application following receipt of confirmation that approval is given by the Strata Body for the shopping centre to the use of the external areas in association with the child care centre. At present, the application is for the building only (based on the completed application form), and does not include the areas external to the building. In this regard though, it should be noted that 'in principle' support for the facility has been granted by the Council of Owners of the shopping centre.

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

#### ***Demographic Planning***

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

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

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



**Employment and Economic Development**

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

**Budget/Financial Implications**

In the event an application for review to the State Administrative Tribunal arises in respect of any of the conditions proposed to be imposed on approval, there may be a cost to be borne by Council.

**Legal Implications**

Town Planning Scheme No.3  
Residential Design Codes 2002  
Planning and Development Act 2005

**Community Consultation**

All property owners within the shopping centre were consulted in respect of the proposed Child Care Centre. Two (2) signs advising of the proposed centre were also erected adjacent to Cordelia and Coolbellup Avenues.

**Attachment(s)**

- (1) Site plan, floor plans and elevations.
- (2) Applicant's submission.
- (3) Coolbellup Centre Scenario 3.

**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 9 November 2006 Council Meeting.

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

Nil.

- 14.8 **(MINUTE NO 3304) (OCM 09/11/2006) - VARIATION OF POLICY SPD7 TO ALLOW SUBDIVISIONAL BULK EARTHWORKS ON LOTS 9003, 24 AND 448 LYON ROAD, AUBIN GROVE (6006141, 5514454 & 5500069) (ST) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approves an exemption to Policy SPD7 to allow the completion of bulk earthworks during the moratorium period on Lots 9003



and 24 Lyon Road, Aubin Grove subject to compliance with the following Standard and Special Conditions:

1. All dust management measures outlined in the dust management plan and supporting information must be adhered to at all times.
2. All proposed clearance strategies, timing and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon.
3. Burning of green waste or cleared vegetation on this site is prohibited.
4. Times of operation are to be limited to 7.00am to 7.00pm, Mondays to Saturdays inclusive. No works on site (other than dust suppression works) are permitted outside these hours without prior written approval of the City's Health Service.
5. Bulk earth works will be permitted to be undertaken on the sites over the period 1<sup>st</sup> October to 31<sup>st</sup> March, subject to an ongoing program of stabilisation on all exposed land prior to the completion of works on the lots, to the satisfaction of the City's Principal Environmental Health Officer.
6. Supervisory staff of the contractor shall visit the site each non working day when adverse weather conditions are conducive for the production of dust and commence dust suppression measures if necessary.
7. Advisory notices shall be issued to adjoining land occupiers, the local government and the Department of Environment and Conservation at least 24 hours before site works commence. The notices shall include the name and after hours contact number of the developer, engineer and contractor, the contact number for the City's Health Services, and the expected completion date.
8. Wind fencing, as agreed to in the dust management plan, shall be erected before any part of the site surface is disturbed.
9. An amount of wind fencing, sufficient to surround the exposed boundaries of the site needs to be stored on site or available within one hour of being required by the

engineer for the developer/local government/Department of Environment and Conservation.

10. The nominated wind fencing is to remain in position until the disturbed surface is stable. Any damaged fencing is to be repaired prior to commencement of site works on that day.
11. Surface stabilisation is to be applied to the disturbed area of each section of the site upon completion of the works in that section.
12. The engineer for the developer shall maintain strict control of works with dust-creating potential. Material which has been excavated for trenching shall be stabilised if the trench is to be left exposed for longer than 72 hours.
13. After all site works are completed, and before the contractor has vacated the site, the developer should ensure that the entire site is stable. The developer then retains responsibility for site stability until change of ownership/control takes place. After the change of ownership/control has taken place, the new owner or controlling party will inherit responsibility for site stabilisation.
14. Suitable water-carts in good working condition and of not less than 10,000 litres capacity per 5 hectares of disturbed site, or an appropriate alternative, shall be available to commence immediate watering on the site.
15. Surface stabilisation equipment shall be available to commence operation on site within 48 hours of being required to do so by the engineer for the developer/local government/Department of Environment and Conservation and with sufficient capacity to cover the disturbed site area within a further 48 hours.
16. Additional wind fencing shall be erected within 18 hours of the contractor being required to do so by the engineer for the developer/local government/Department of Environment and Conservation. Dust generating works on the site shall cease in the interim.
17. Include an allowance for water-cart operation, wind fencing and surface stabilisation during the construction period for the purposes of dust and wind-borne material suppression.



18. Include an allowance for surface stabilisation for the purposes of dust and wind-borne material suppression to be maintained after the construction period and until change of ownership/control takes place.
  19. Details of any complaints received are to be logged and forwarded immediately to the City's Health Service.
  20. Where unfavourable wind conditions exist for works with respect to dust nuisance to neighbouring premises, the Site Manager is to determine whether works can proceed without causing such a nuisance. Works must be ceased in extreme wind conditions, and the site sufficiently stabilised or water carts operated until such a time as the wind conditions are appropriate to resume works.
  21. Should dust visibly cross the site boundary, operations must be modified and dust management measures increased immediately. Should dust continue to be generated, all operations must cease immediately and the site sufficiently stabilised or water carts operated until such a time as the wind conditions are appropriate to resume works.
  22. If at any time complaints are received and/or the City's Environmental Health Officer has sufficient evidence to believe operations cannot feasibly continue without affecting neighbouring properties, operations will be required to cease until the Principal Environmental Health Officer is satisfied that dust management measures are sufficient to allow the continuation of works. During this time the site must be sufficiently stabilised to ensure that dust is not generated from the site and affects neighbouring properties.
- (2) the timing of the work and control of dust emissions as specified above is to be strictly adhered to. Failure to do so may result in the rescinding of the approval to operate during the moratorium and/or subject the Developer to possible legal action; and
- (3) advise the applicant of Council's decision.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**



## Background

Local Law 5.9 of the *City of Cockburn (Local Government Act) Local Laws 2000* requires owners or occupiers of land who intend to undertake any work involving the clearing of land from which any sand or dust is likely to be released to submit a Dust Management Plan (hereafter referred to as DMP) in accordance with Council's "Guidelines for the Preparation of a Dust Management Plan for Development Sites with the City of Cockburn", and obtain written approval of the plan before the commencement of any work (see attachment (1) titled 'City of Cockburn Guidelines'). When approving DMPs, the City's Environmental Health Officers assess the site and procedures for the management of dust lift-off against the Department of Environment and Conservation *Land development sites and impacts on air quality* (hereafter referred to as the 'DEC Guideline'), and complete a checklist for assessing submitted plans (see attachments (2) and (3) titled 'DEC Guideline' and 'Checklist').

DMPs are approved subject to compliance with the above guideline and Council's Policy SPD7, *Prevention of Sand Drift from Subdivision and Development Sites* (see attachment (4) titled 'Council Policy'). This policy was adopted on 21 October 2003, and prohibits bulk earthworks, defined as site clearance, land re-contouring and cut and fill operations, between 1<sup>st</sup> October and 31<sup>st</sup> March annually ('moratorium period') on Class 3 (medium risk) and 4 (high risk) sites.

## Submission

The engineers and contractors responsible for Lots 9003 and 24 Lyon Road have submitted a DMP and requested that the Council policy be varied to allow bulk earthworks to be carried out on the site during the 'moratorium period'. The submission includes correspondence from Ewing Consulting Engineers that outlines a summary of the dust suppression measures that will be followed (see attachment (6) titled 'cover letter'). A copy of the specifications that the contractors must follow with regards to dust and wind borne material control in their contract is also provided (see attachment (7) titled 'contract specifications'). Additional information, and a sample letter to surrounding residents was also provided in an email from Ewing Consulting Engineers (see attachments (9) and (10) titled 'Additional Information' and 'Letter to Residents').

## Report

The engineers and contractors responsible for Lots 9003 and 24 Lyon Road have submitted a DMP and requested that the Council policy be varied to allow bulk earthworks to be carried out on the site during the 'moratorium period'. The resulting development will form another stage of The Walk subdivision. The submission outlines that the fill that will





be cut from the opposite school site on lot 448 will be placed on Lots 9003 and 24 to bring the finished level to the same as the lots to the north and south.

Lot 448 is not subject to this policy as it is owned by the State Government and is exempt from the Local Government Act 1995 and associated Local Laws. This lot will also be worked during the moratorium to enable construction of a new school for opening in term 1 of 2008.

Surrounding lots 7 to the south are currently being earth worked for The Walk subdivision, and the area to the north has already been developed, with housing already established or under construction (see attachment (5) titled 'aerial photo').

The land is currently owned by Bellcross Holdings Pty Ltd, and the developers are LWP Property Group. The engineers for the project are Ewing Consulting Engineers, and the contractors, Marsh Civil (Engineering Contractors Pty Ltd). Ewing Consulting Engineers and Marsh Civil have been responsible for the earthworks on several subdivisions within the City, and the City's Environmental Health Officers have a good working relationship with the senior management and site supervisors. Few complaints have been received from sites being worked on by these companies, and any complaints have been responded to promptly and effectively.

The preventative measures that can be used by Marsh Civil are outlined as part of their standard environmental procedure policy. A site map is provided showing the staging and the location of wind fencing (see attachment (11) titled 'Site Map'), and information from Belleng VDM Pty Ltd on the dust monitoring equipment that will be used, and the location of the dust monitors (see attachment (12) titled 'dust monitoring equipment'). A sample letter indicating the information that will be provided to surrounding residents

The classification of a site is determined using a chart outlined in the DEC Guideline (Appendix 1), and is based on criteria such as nuisance potential of soil, size of the site, distance to housing, type of works (bulk earthworks are known to create more dust), and effect of prevailing winds.

The site classification assessment chart in this case determined that the development is a Class 3 site, and considered medium risk under the DEC Guideline. The guidelines however require that where other land uses are located within 100m from the site, sites assessed as Class 3 will be upgraded to Class 4. Therefore the DMP is assessed against the Class 4 provisions of the DEC guideline. The Checklist for assessing submitted plans was also completed to assess if all required information had been provided (see attachment (3) titled 'Checklist').



Although the site is in close proximity to the houses to the north and the works (clearing and filling) are such that there is a high potential for a dust nuisance to be created, the size of the site that is exposed at any one time is limited to 1 hectare. The score options given to the various categories to produce a Class 3 specification are outlined:

Part A – Nature of Site

1. The nuisance potential of the soil when disturbed is considered 'high' due to the light sands located in Aubin Grove, and the dark coloured fine topsoil;
2. Little protection is provided by the existing vegetation, however the site is low lying, which provides some protection. The protection would decrease however as the site is built up, and as the vegetation is cleared. In general the site would be considered as having 'little screening'.
3. The area that is disturbed at any one time is 'less than 1 ha'. The remaining site will either be undisturbed, or stabilised.
4. The works involve clearing and filling, and are therefore considered as 'bulk earthworks'.

Part B – Proximity of the site to other land uses

1. The houses to the north are 'less than 100m' from the site boundary. Although not all these houses are occupied, a previous complaint has shown that residents building new homes can become agitated by dust in the home prior to moving in.
2. The surrounding land uses are 'dense land uses affected by prevailing winds'. The winds in this area are easterly in the mornings, moving south westerly in the afternoon. Easterly winds are unlikely to cause a nuisance, however the south westerly winds have the potential to cause dust to blow to the northern properties unless adequate dust suppression measures are used.

In order to minimise the dust nuisance to surrounding properties the plan proposes that the area to be cleared and earth worked at any one time will be limited to 1 hectare. The sequence of works will be stage G, H, F then E. Once the works in each stage has been completed, the area will be stabilised (hydro-mulched) before moving onto the next stage. This staging will ensure that the exposed area can be more adequately managed with the dust management measures outlined.

The application of water to disturbed soil can be effective in reducing dust lift-off. The dust management measures that the contractor will adopt include the provision of water carts, sprinkler systems or hand held water sprays on bare areas and stockpiles where the use of a water cart is not feasible. A provision for an after hours water cart has



also been provided to ensure that dust is controlled during non-standard working hours.

The use of wind fencing to aid in controlling dust has proved to be effective in most situations. The site boundary to the north is largely protected by existing fencing around the housing, and standard wind fencing will be erected in the sections where there is no existing fencing. Additional heavy duty fencing will be available to be erected within 24 hours if required.

Exposed areas and stockpiles can be temporarily stabilised by the use of hydro-mulch or stabiliser, or by covering areas with appropriate materials such as geofabric. The use of hydro-mulch or stabiliser can be effective as a short-term measure, provided the area is not disturbed (ie the crust is broken). Seed can be added to the products for long-term stabilisation. Marsh Civil's dust management commitments specify the use of hydro-seeding, spray emulsion or geofabric to stabilise areas that would otherwise be left bare for extended periods, and keeping dust suppression equipment on line or when needed. An amount of Dustex (chemical stabiliser) will be stored on site for use in the water carts. A standard condition placed on dust management plan approvals also requires that stockpiles must be stabilised if they are to be left exposed for longer than 72 hours.

Experience has shown that the use of wind fencing, water carts and stabilisation equipment is effective in normal wind conditions, however if extreme wind conditions are present, it is likely that dust will be generated despite these provisions. In these instances, it is imperative that the site manager assesses the wind conditions and the site works to determine if works can feasibly continue without causing a dust nuisance to surrounding residents. The additional information provided by Ewing Consulting Engineers confirms that works will be ceased in extreme wind conditions.

Previous experience has shown that surrounding residents feel they have more control over situations when they are clearly informed, and provided with the contact details of the parties involved. For this reason prior to the commencement of works on Class 4 sites, it is compulsory to distribute advisory notices to surrounding residents providing the proposed finish date for the works, an after hours contact number for the engineer, and a contact number for the local government Environmental Health Officer. A sample letter to residents is provided, with confirmation that this will be distributed to neighbouring properties. The sample letter does not provide a direct contact number for the City's of Cockburn's Health Services, and therefore Marsh Civil will be required to amend the letter to include this before distributing. In addition, dilapidation surveys will be offered to residents within 50m from the sites.



An assessment of the dust management measures outlined in the DMP show they adequately address the provisions required for a Class 4 site as outlined in the DEC Guideline, and all the information required, as per the Checklist is provided. The standard conditions for dust management plan approvals will be placed on the approval, as well as the additional conditions as above. These conditions allow the City's Environmental Health Officers to require the works to cease at any time where a dust nuisance is being created, and to prohibit any further works in the moratorium period until the City's Principal Environmental Health Officer is satisfied that the works can continue without causing a nuisance.

The *City of Cockburn (Local Government Act) Local Laws 2000* provides a nuisance provision that specifically addresses dust. Local Law 5.10 states, '*An owner or occupier of land or premises, from which any sand or dust is released or escapes, whether by means of wind, water or any other cause, commits an offence*'. Under this Local Law, an infringement of \$500.00 can be issued, or court action initiated. Should complaints be received from surrounding residents, and evidence is gathered to confirm that a dust nuisance has been created from Lots 9003 and 24 Lyon Road, Aubin Grove, an infringement notice will be issued, and the above condition enforced.

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

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

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

The Planning Policies which apply to this item are:

SPD7- Prevention of Sand Drift from Subdivision and Development Sites

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.

### **Community Consultation**

No community consultation is required. Residents that will potentially be affected will be advised of the works prior to commencement.



**Attachment(s)**

- (1) City of Cockburn Guidelines
- (2) DEC Guideline
- (3) Checklist
- (4) Council Policy
- (5) Aerial photo
- (6) Cover letter
- (7) Contract specifications
- (8) Dust Management Plan
- (9) Additional Information
- (10) Letter to Residents
- (11) Site map
- (12) Dust monitoring equipment

**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 Council Meeting on 9 November 2006.

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

Nil.

**14.9 (MINUTE NO 3305) (OCM 09/11/2006) - PROPOSED SCHEME AMENDMENT - MODIFICATION TO ADDITIONAL USE AREA NO. 1 MASONRY PRODUCTION - URBAN STONE - LOT 77 JANDAKOT ROAD, JANDAKOT - OWNER: URBANSTONE PTY LTD - APPLICANT: KOLTASZ SMITH DEVELOPMENT CONSULTANTS (5513079) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the following amendment:-

PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND CITY OF COCKBURN  
TOWN PLANNING SCHEME NO. 3

AMENDMENT NO. 15

Resolved that Council, in pursuance of Section 75 of the Planning and Development Act 2005, amend the above Town Planning Scheme by:

1. Amending the Scheme Maps By modifying the boundary of Additional Use No 1 – Masonry production in



accordance with the amendment map.

2. Amend the Scheme Text by adding new environmental and design requirements to Additional Use 1 Scheme Text as follows:-

1. Environmental Requirements:

**Industrial Wastewater:-** All wastewater produced from activities on-site must be disposed of to a system approved by the Local Government and or in liaison with the Department of Water.

**Groundwater:** The operator must undertake investigations and reporting on groundwater quality from at least two monitoring bores positioned down-gradient of the site and one monitoring bore up-gradient of the site to detect any change in water quality against the Department of Environment and Conservation Drinking Water Guidelines that may occur over time while the plant continues to operate over the Jandakot Groundwater Mound. Groundwater reports must be submitted to the Local Government and Department of Environment and Conservation on an annual basis.

**Site Chemical Risk:** A Site Chemical Risk Assessment Report being prepared and implemented and regularly updated.

**Dust Management:** No visible dust generated by any aspect of operations on-site is to leave the subject land. The operator is required to submit to the Local Government, after consultation with the Department of Environment and Conservation a Dust Management Plan. The Dust Management Plan must be to the satisfaction of the Local Government, and upon approval by the Local Government, is to be implemented at all times.

**Noise Emissions:** The development is to comply with the *Environmental Protection Act 1986, which contains penalties where noise limits exceed those, prescribed by the Environmental Protection (Noise) Regulations 1997.*

If noise emissions from loading operations and the block plant fail to comply with the Environmental Protection Act, additional acoustic measures must be carried out as soon as reasonably practical to ensure compliance with the Act.



**Lighting:** The installation and maintenance of lighting must at all times comply with the requirements of Australian Standard AS 4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting".

**Complaints:** The operator must prepare a "Complaints Handling Procedure" to ensure that there is a process for administering any complaints including the recording, investigation and response to any concerns regarding the operations.

## 2. Design Requirements

**Building design** and location shall minimise the visual impact of the development from surrounding residents.

**Building materials** and colours must be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located, and shall use non reflective materials and colours.

**Product storage** areas must be screened from view from the public view at all times.

**Staging Plan** shall be prepared detailing the timing on expansion of the plant and storage areas.

**Vehicle Access Plan** being prepared detailing site ingress/egress, road haulage routes, frequency of vehicle movements and proposals for any vehicle maintenance and location of existing fuel storage facilities.

## 3. Site Rehabilitation

The operator preparing a Rehabilitation Report by a qualified environmental consultant detailing the success or otherwise of rehabilitation undertaken over the former excavation area and identify measures that can be carried out to improve rehabilitation where this has failed.

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the 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 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 and Jandakot Airport Holdings of the Council's decision accordingly.

**COUNCIL DECISION**  
 MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Rural – Water Protection Zone
	TPS3:	Resource Zone
LAND USE:	Masonry Production	
LOT SIZE:	57.26ha	
AREA:	2.0ha of AU1 area of total lot size	

Urbanstone currently operate a block paving plant and specialist product manufacturing plant over a portion of Lot 77 Jandakot Road. Council's Town Planning Scheme No 3 recognises the legitimacy of their operation by way of an Additional Use No 1 – Masonry production.

The current operations of Urbanstone have been described by the applicant as follows:-





- Two factory buildings of approximately 3,000sqm ("Factory "A") and 2,500sqm ("Factory "B");
- Office of approximately 500sqm;
- Concrete batching plants serving both factories with attenuate cement silos, ground weigh hoppers and raw material bunkers;
- Wastewater treatment facilities servicing each factory; and
- Extensive external product storage areas.

Combined, the two plants produce approximately 7,000 paving units per day with a total on-site workforce of 45 persons, including office staff. Staff toilets are linked to Ecomax treatment systems.

The background to the property is contained in the applicant's submission, which can be view in the agenda attachments and should be considered in conjunction with this report.

### **Submission**

The applicant seeks approval from Council to initiate an amendment to the scheme on an "area for area" basis. The re-alignment proposes extensions to the north of approximately 60m and to the east of approximately 75m and a reduction in the AU1 area by increasing the setback of the development area to Jandakot Road.

The following comments have been provided in support of the requested amendment:-

1. expansion to the south will necessitate removal of considerable portions of remnant and re-growth vegetation;
2. greater operational efficiencies can be obtained by concentrating Plant within the central and northern portions of the site; and
3. construction within the southern portions of the site will not be as well screened from Jandakot Road or residences in Boeing Way.
4. It will also ensure the continuation and expansion of Urbanstone operations in an efficient and environmentally responsible manner.
5. The area for the re-alignment will have no impact on the environment or Mound.

Urbanstone seeks approval to expand its operations to introduce new products to its range and specifically large format, concrete floor tiles for internal commercial applications.

*"The proposed expansion is very similar in its processes and emissions/wastes as those currently conducted on-site. The raw tile is an off-mould concrete product that, once air cured, is ground, polished and cut to size prior to pallet loading for transport.*

*The proposed tile Plant, which is electrically driven, will require a new building of approximately 5,000m<sup>2</sup> within the north eastern corner of the re-aligned site. No additional materials bunkers/silos will be required*



*nor will there be a requirement for on-site storage of any additional fuels/oils or LPG gas. The new Plant will be connected to the current waste water treatment plant servicing Factory "B". The treatment plant has more than adequate capacity to handle wastes from the new process. The new Plant will, however, require an additional draw of 2,000 litres of groundwater per day.*

*The new Plant, at full commissioning, is expected to produce an additional 1,800 units per day and employ an additional 10 persons full-time.*

*In the longer term, increasing demand for Urbanstone products within Australia and Overseas is expected to require further expansion of Factory "B"; extension of Factory "A"; new dedicated, fully enclosed mould storage facilities, together with expansion of sealed, finish product storage areas."*

In regard to traffic movements, the proposed plant will generate minimal additional traffic movements to and from the site in the order of 21 additional average weekday traffic movements per day.

The new plant will also require an additional draw of 2,000 litres of groundwater per day.

At this point the applicant is not seeking approval for the proposed additional plant and therefore has not undertaken an assessment of impacts of additional groundwater requirements. It is noted by the applicant that:

- *"The additional requirement represents only a 20% increase on current requirements;*
- *Urbanstone employs extensive water re-use technologies; and*
- *The additional requirement will, in any event, require approval for the Water & Rivers Branch of the Dept of Environment in parallel with the EPA Works Approval and therefore the proposed plant could not proceed to construction without approval for the additional water requirement."*

In light of the above the applicant seeks Council consideration and support for the proposal to amend the City of Cockburn Town Planning Scheme No 3 to facilitate the re-alignment of the Additional Use.

## **Report**

### Planning Considerations

The subject land is zoned Resource in the City of Cockburn Town Planning Scheme No 3. The scheme requires the use and development of land within the Resource Zone to be in accordance with the provisions of Statement of Planning Policy No 2.3 – Jandakot Groundwater Protection Policy. Masonry Production is a land use that



is not permitted within the City's TPS3 except that it has already been agreed by Council that the use can operate in addition to those acceptable land-uses in the scheme through an additional use classification. This additional use permits Masonry production within a pre-defined area shown on the scheme maps and labelled AU1.

#### Economic Consideration

The applicant has stated that Urbanstone need to expand its operations to further introduce new products to its range and specifically large format, concrete floor tiles for internal commercial applications.

The two existing plants combined produce approximately 7,000 paving units per day with a total on-site workforce of 45 persons, including office staff. The new plant, at full commissioning, is expected to produce an additional 1,800 units per day and employ and additional 10 persons full-time.

#### Environmental Consideration

The site is located within a Priority 2 ("P2") area of the Jandakot Groundwater Mound where there is to be no increased risk of water source contamination. The principle of environmental management is *risk minimisation* and where only development and land use compatible with the protection of groundwater is permitted. In Water Quality Protection Note: Land use compatibility in Public Drinking Water Source Areas (DoE, June 2004) Concrete batching and cement product plants are defined as *'incompatible'* in P2 areas where that use should not be permitted and should be defined as an unacceptable use in the scheme.

In a planning decision to approve an incompatible development, due to special circumstances (eg planning appeal process) argued by the applicant, it is important for the proponent to have demonstrated an overriding community benefit and that the use will not increase the risk of contamination to the Public Drinking Water Supply Area ("PDWSA").

The City requested the applicant to investigate the effect of the Urbanstone plant on the groundwater since the facility is within the Jandakot Groundwater Mound which is a source of drinking water supply for the Perth Metropolitan Region. Environmental Investigations were carried out by ATA Environmental and the results of their investigations revealed that pH, nutrients, heavy metals and total petroleum hydrocarbons are all below assessment criteria. While groundwater pH is slightly below DoE Guidelines, it is within the range of pH variability in groundwater for the Jandakot area. If Council agrees to initiate the scheme amendment a copy of the groundwater report will be sent to the Department of Environment and Conservation to review in the context of the scheme amendment. The report will also assist the Department in determining whether or not to require an



environmental review of the proposal or not to formally assess the proposal and give advice only.

Most of the area subject of the proposed new building area to the east of the plant has been cleared in the past. A section of existing vegetation may also need to be cleared beyond the cleared area. Some clearing of re-growth vegetation would be required to the north of the plant.

### Social Considerations

The adjustment of the additional use area raises the following social considerations:-

- The re-alignment of the development area means that most of the plant expansion and storage area occurs further away from residents living on Glendale Crescent and views of the development will be partially screened from view by existing buildings;
- The northern development area is extended to permit a future factory extension ("Factory B"), which means that development will be a similar distance away from residents living on Glendale Crescent as the existing plant buildings on-site;
- Residents on the south side of Jandakot Road benefit because the expansion of the plant is located further away from Jandakot Road in a less obtrusive location by comparison.
- There are no residents living immediately adjacent to the east of the plant area. Urbanstone have applied to the WAPC to subdivide Lot 77 into two large land parcels but at this stage no decision has been made to grant approval due to Bushforever issues in the top northern part of the site.

Given that the existing plant operates in conformity with the City of Cockburn Town Planning Scheme No 3 through the additional use classification and that groundwater investigations have not revealed an adverse impact on groundwater it is considered that the proposal to re-align the boundary of the additional use area appears to have merit and therefore it is recommended that Council proceed to amend the scheme in accordance with the applicant's request.

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

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

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

#### ***Natural Environmental Management***

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



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

The Planning Policies which apply to this item are:-

SPD1 Bushland Conservation Policy  
SPD3 Native Fauna Protection Policy  
SPD5 Wetland Conservation Policy

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

The proposed scheme amendment will be advertised for public comment for a period of 42 days, subject to acceptance of the proposal by the Department of Environment that the proposal raises environmental impacts that are manageable.

### **Attachment(s)**

- (1) Location Plan
- (2) Scheme Amendment Request
- (3) Environmental Report

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

The Proponent has been advised that this matter is to be considered at the 9 November 2006 Council Meeting.

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

Nil.



15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 **(MINUTE NO 3306) (OCM 09/11/2006) - LIST OF CREDITORS PAID - SEPTEMBER 2006 (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council received the List of Creditors Paid for September 2006, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

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

**Submission**

N/A

**Report**

N/A

**Strategic Plan/Policy Implications**

***Governance Excellence***

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

**Budget/Financial Implications**

N/A

**Legal Implications**

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



**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – September 2006.

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

N/A

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

Nil.

**15.2 (MINUTE NO 3307) (OCM 09/11/2006) - STATEMENT OF FINANCIAL ACTIVITY - SEPTEMBER 2006 (5505) (NM) (ATTACH)**

**RECOMMENDATION**  
That Council receive the Statement of Financial Activity and associated reports for the period ended 30 September 2006, as attached to the Agenda.

**COUNCIL DECISION**  
MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.  
**CARRIED 8/0**

**Background**

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

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

- (a) details of the composition of the closing net current assets (less restricted and committed assets),
- (b) explanations for each material variance identified between YTD budgets and actuals; and



- (c) any other supporting information considered relevant by the local government.

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

**Submission**

N/A

**Report**

Attached to the Agenda is the Statement of Financial Activity for September 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 had adopted a materiality threshold of 10% or \$10,000, whichever is the greater. There is a need to review this for the 2006/07 financial year. For this purpose, a Position Statement will be developed and submitted to the next DAPPS Committee meeting.





**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

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

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports – September 2006.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 3308) (OCM 09/11/2006) - CLOSURE OF KIESEY STREET, COOGEE AT COCKBURN ROAD TO THE PASSAGE OF VEHICLES - SECTION 3.50 OF THE LOCAL GOVERNMENT ACT (1995) (450121) (129005) (JR) (ATTACH)**

**RECOMMENDATION**

That Council close Kieseey Street to the passage of vehicles at Cockburn Road subject to:-

- (1) there being no substantial objection received as a result of advertising in a local newspaper; and



- (2) there being no substantial objection from service authorities, emergency services or adjoining owners.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The deviation to the east of Cockburn Road between Beach Road and McTaggart Cove to accommodate the Port Coogee Marina development will affect adjoining streets.

**Submission**

Sinclair Knight Merz, on behalf of their client Port Catherine Developments Pty Ltd, have requested that the City of Cockburn implement procedures to close Kiesey Street to through traffic at Cockburn Road. This is a requirement of the re-alignment of Cockburn Road.

**Report**

Cockburn Road is under the care, control and management of Main Roads WA and its re-alignment to accommodate the Port Coogee Marina development has been approved by them. As part of the design and construction of Cockburn Road, the closure of Kiesey Street is necessary to rationalise access points for vehicles at Cockburn Road which will facilitate a safer road network.

Subject to the consultation process, the closure is supported as ready access to Cockburn Road is provided at nearby Beach Road. The proposal includes establishing a cul-de-sac at Kiesey Road as detailed on the plan attached.

Section 3.50 of the Local Government Act allows the City to close either wholly or partially roads to the passage of vehicles.

It is a requirement of the Act to advertise the proposal, consider any objections and to seek comment from the service authorities, emergency services and any adjoining owners.



**Strategic Plan/Policy Implications**

***Demographic Planning***

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

**Budget/Financial Implications**

All costs for the closure will be covered by the Developer.

**Legal Implications**

Section 3.50 of the Local Government Act.

**Community Consultation**

To be advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.

**Attachment(s)**

- (1) Plan of the closure.

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

N/A.

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

Nil.

**16.2 (MINUTE NO 3309) (OCM 09/11/2006) - SPEARWOOD AVENUE - MRRG FUNDING (450007) (ML) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) acknowledges the support given by the MRRG (Metropolitan Regional Road Group) which will enable it to secure the remainder of the land required for the Spearwood Avenue extension between Barrington Road and Sudlow Road as Stage 1 of the total project;
- (2) commit to either refund the money received to date to purchase the land or fund the road construction from its own sources if the City of Cockburn fails to receive MRRG funding beyond the 2009/2010 financial year to commence road works due to it not having a sufficient score to warrant further consideration.



**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

At the Special Council Meeting of 20 September 2006 Council resolved to proceed with the land acquisition over Lot 410. At that time Council was briefed on the current funding arrangements for the extension of Spearwood Avenue between Sudlow Road and Barrington Street.

Spearwood Avenue is a regionally significant road and the project met the necessary criteria to receive funding by the MRRG (Metropolitan Regional Road Group). The project is therefore funded on a 2/3 MRRG 1/3 City of Cockburn basis. As the significant increase in land costs was likely to have an impact on our ability to deliver the project within the budget parameters identified, the Director Engineering & Works sought agreement from the MRRG to complete the land acquisition as stage 1 of the project. A Discussion Paper was submitted to the MRRG meeting of 26 October 2006 for consideration and a copy of that paper is appended for your information.

**Submission**

MRRG seek a formal Council resolution supporting its commitment to completion of the project.

**Report**

Increasing land values are significantly increasing the costs to deliver this project. Valuations have increased by \$30/m<sup>2</sup> in the last 6 months and prices are predicted to continue on the back of unprecedented growth in property values and the latest industrial land releases in Cockburn.

If there are continuing delays in finalising the land acquisition for this project, it will become increasingly difficult to fund as the costs will continue to escalate beyond manageable levels. Common sense suggests that in the current economic climate we should acquire the land now so that we can mitigate any future cost escalations.

The Discussion Paper presented to the MRRG seeks support for completion of the land acquisition as stage 1 of the project. The recommendation also obligates Council to either refund the money



received to date to purchase the land or fund the road construction from its own sources if the City of Cockburn fails to receive MRRG funding beyond the 2009/2010 financial year. At its meeting of 26 October the MRRG supported the City's request enabling it to proceed to finalise the land acquisition for the remainder of the land holdings. They did however wish to have the City of Cockburn's commitment to either refund the money received or fund the road construction itself if it failed to receive MRRG funding beyond the 2009/2010 financial year supported by a formal resolution of Council.

Funding provided by the MRRG is required to be used to construct roads. Due to the cost escalations, the Spearwood Avenue project will need to be re-assessed, re-audited and re-submitted. If the project fails to rate sufficient points it may not be given priority under the MRRG scoring system. On that basis it must either fund the remainder of the project itself or refund the money received to meet the conditions of MRRG funding.

Officers are confident that this project will continue to rate highly and attract a level of funding in the future. In its current form (ie. @ \$4 Million), the project scored a value of 502.09. The project score will reduce on the basis of the increased cost and preliminary estimates suggest that the project will now have a value of 493.10. In the 2007/08 round the Road Improvement Program funded projects as low as 386.00. It must however be acknowledged that there is always some risk that projects submitted in the future will be assessed as a higher priority than the Spearwood Avenue project.

In conjunction with resolving the funding issues for Spearwood Avenue, officers have continued to progress the matter of land acquisition over the remaining 4 properties. Valuations have been commissioned over the remaining three properties to the south (refer map attached) of Howson Way and those owners have been contacted to commence negotiations. It is anticipated that these negotiations will be completed early in the new year.

## **Strategic Plan/Policy Implications**

### ***Transport Optimisation***

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*
- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*
- *To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.*



### **Budget/Financial Implications**

- Funding for this project has been identified in the current budget.
- The total costs of the project are projected to increase from \$4 Million to \$5.5 Million.
- The City will receive a further \$1,000,000 in the 2007/08 financial year as part of the current funding arrangements at which time the project needed to be resubmitted in any event.
- The total project will be re-assessed and resubmitted to the MRRG seeking additional funding over 2 subsequent years (will increase MRRG commitment from \$2.7M to \$3.7M)
- If the City fails to receive further funding from the MRRG due to the score for the project not warranting further consideration, the City will have to refund the \$2M or fund the entire project cost of \$5.5M itself.

### **Legal Implications**

Nil.

### **Community Consultation**

Nil.

### **Attachment(s)**

- (1) Discussion Paper.
- (2) Plan of Spearwood Avenue.

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

N/A

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

Nil.

## **17. COMMUNITY SERVICES DIVISION ISSUES**

### **17.1 (MINUTE NO 3310) (OCM 09/11/2006) - JOE COOPER RECREATION CENTRE - FUTURE MANAGEMENT (8140) (RA)**

#### **RECOMMENDATION**

That Council continue to operate the Joe Cooper Recreation Centre under the current management arrangements in accordance with the timeframe established with the City of Cockburn Plan for the District 2006 - 2016.



**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr J Baker that Council defer this item to the December 2006 Ordinary Meeting of Council.

**CARRIED 8/0**

**Reason for Decision**

Deferring this item will enable Council to meet with the Phoenix Theatre Group on 20 November 2006 and will also enable other options to be considered.

**Background**

The Joe Cooper Recreation Centre located on MacFaull Park in Spearwood has been managed by the City for many years and currently has 16 separate groups utilising the Centre. As there has been some interest in leasing the property by a number of groups a council direction is sought on the management and control of the facility in the longer term.

MacFaull Park comprises 7 separate lots and covers an area of 9.2 hectares and is zoned under the TPS3 for recreation purposes. The nature of the recreation zoning and vesting results in the land being available for recreation and not for profit purposes. Any religious or non recreational activity on the site would need to be of a minor nature and be subservient to recreational leisure uses.

**Submission**

In recent times there have been a number of organisations which have approached the City with enquiries concerning the ability to use or lease the Joe Cooper Recreation Centre. These contacts include the Indian Society of Western Australia and several Christian church groups. The Western Australian Scouts Association has also approached the City with an interest in leasing but have subsequently notified that they are no longer interested in the property.

**Report**

There are currently 16 regular users of the Joe Cooper Recreation Centre with currently the pottery room and trophy room not being used. The main users are the in-line skating group and boxing gymnasium. The City of Cockburn's vacation care program also operates from the centre. It is understood that the Council may allow these current users



to remain in the short medium term at least and any decision on the future of the Joe Cooper Centre will have this as a consideration.

The Joe Cooper Recreation Centre was constructed on MacFaull Park in Spearwood in the late 1960's and has had minimum maintenance since this time. Consequently the building is in a run down state and requires at least \$200,000 to bring it up to a modest standard. Unfortunately, the Joe Cooper Recreation Centre is somewhat difficult to access as it is located in a residential area and has next to no exposure to passing traffic. Furthermore the City has another nearby older facility on Beale Park in Spearwood that is similarly run down and in need of an upgrade. The Beale Park facility is however on Hamilton Road with good exposure and also serves extensive active playing fields. There appears to be a benefit to Council in the longer term to refurbishing and upgrading the Beale Park facilities and seeking an alternative management arrangement such as a lease for the Joe Cooper Recreation Centre and if a suitable tenant cannot be found, demolishing the building.

#### Option 1.

As there has been some interest from not for profit organisations to lease the premises the Council could seek registrations of interest in accordance with section 3.59 of the Local Government Act 1995 for the lease of the premises. A lease arrangement could include a requirement for the lessee to upgrade the building to a standard required by the City. A not for profit lessee that takes on the cost of upgrading a building to the extent required for the Joe Cooper Recreation Centre with the constraint to accommodate the existing tenants even with the lessee retaining the income generated will likely require a lease of at least 10 years.

#### Option 2.

Council could continue to manage the facility under the current arrangements and at a later date when a decision is made on the upgrade of Beale Park determine the issue of the Joe Cooper Centre. There may also be preference by some groups that currently use the Joe Cooper Centre to move to the refurbished Memorial Hall. This option has the advantage of providing the Council with future options and not being tied down by any long-term lease arrangements with another party. The negative of this option is that a decision has still not been made and the Council is left with the dilemma of operating a rundown old facility. On balance it is proposed that the current arrangements for the management of the Joe Cooper Centre remain until such time as the impact on the usage of the Memorial Hall is known and a final decision on Beale Park facilities is made.





## Strategic Plan/Policy Implications

The City of Cockburn Plan for the District 2006 – 2016 provides for the upgrade of the Beale Park facilities in 2010/11 and the possible relocation of users of the Joe Cooper Recreation Centre to Beale Park. At this time Council will reconsider the future of the Joe Cooper Recreation Centre.

### *Lifestyle and Aspiration Achievement*

- *To facilitate and provide an optimum range of community services and events.*
- *To deliver our services and to manage resources in a way that is cost effective without compromising quality.*

## Budget/Financial Implications

The table below provides as summary of the cost to the City to operate the centre.

	2005/06	2004/05	2003/04	2002/03
Income	\$ 15,462.38	\$ 11,964.06	\$ 15,070.80	\$ 19,554.47
Direct Building Cost Expenditure	48,776.79	41,865.25	37,343.93	40,248.55
Deficit	\$ 33,314.41	\$ 29,901.19	\$ 22,273.13	\$ 20,694.08

## Legal Implications

Should Council decide to lease or seek to lease the Joe Cooper recreation centre it will need to comply with Section 3.59 of the Local Government Act 1995.

## Community Consultation

Should Council resolve to call for expressions of interest for possible lessees this will require public advertising.

## Attachment(s)

Nil

## Advice to Proponent(s)/Submissioners

N/A.

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

Nil



**17.2 (MINUTE NO 3311) (OCM 09/11/2006) - HOPE ROAD, BIBRA LAKE - COCKBURN WETLANDS EDUCATION CENTRE PROPOSED EXTENSIONS, BIBRA LAKE SCOUTS PROPOSED REPLACEMENT SHED AND NATIVE ARC (INC) (4617) (RA) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) support in principal the proposal for extensions to the Cockburn Wetlands Education Centre (Inc) in accordance with the plans attached to the agenda subject to:
  1. agreement of the Department of Planning and Infrastructure to the proposed extensions;
  2. all necessary planning and building approvals being sought prior to construction works being initiated.
- (2) support in principal the proposal for a replacement shed for the Bibra Lake Scouts in accordance with the plans attached to the agenda subject to:
  1. agreement of the Department of Planning and Infrastructure to the proposed extensions;
  2. all necessary planning and building approvals being sought prior to construction works being initiated.
- (3) extend the current lease with Native Arc (Inc) for the brick premises on Hope Road Bibra Lake until 2013 with a further five year option subject to the premises being brought up to the standard required in the current lease; and
- (4) require all terms and conditions of the lease in (3) above to be to the satisfaction of the Chief Executive Officer.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr T Romano that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The Cockburn Wetlands Education Centre (Inc) (CWEC) and the Bibra Lake Scouts have had joint use of the Cockburn Wetland Education Centre Building since the early 1990's. The arrangement appears to have worked relatively well over this period. The Council has



contributed (\$40,000 pa) to the CWEC for the past 3 years toward the management of the facility, which includes the wages for the Education Officer. The premises operate under a Management Committee arrangement, to which Council has an appointed Elected Member delegate.

### **Submission**

The Cockburn Wetlands Education Centre (Inc) has written to the City seeking approval to extend the building they occupy to accommodate the growing and changing needs of the Wetlands Education Group and the Bibra Lake Scouts. The Scouts are also seeking to replace the current facility located on the property for storage purposes with a larger shed.

Native Arc (Inc) has approached the City seeking to have their current lease on the Council owned house extended which is due to expire in November 2008.

A further letter has also been submitted seeking an extension of the Management agreement and a long-term commitment to the Council funding of the management of the centre.

### **Report**

The City of Cockburn Plan for the District identifies grant funds to be sourced to expand and replace facilities for the Native Arc, Wetlands Education Centre and the Bibra Lake Scouts. The timeframe for the project was set down for a submission for external funds to be prepared for construction to begin in 2008/09.

The Wetlands Education Centre and the Scouts have used the same premises since the 1990's and over the period the requirements of the groups have altered. The Wetlands Education Centre is the venue for annual and regular training and workshops on environmental issues and there is currently no space available for the Wetland Education Centre to establish permanent environmental displays which seriously inhibits their ability to continually run training and workshops for school groups and the like. The proposed extensions will add an additional 170m<sup>2</sup> to the existing building and is likely to cost in the vicinity of \$300,000.

The scouts seek to demolish the large old shed currently used for storage and construct a new storage shed as a replacement for the existing shed for storage and a portion to be used as a "rover den". The shed is anticipated to cost in the vicinity of \$60,000.

At the Council meeting of March 2006 it was resolved to enter a lease agreement with Native Arc for the brick house on Hope Road Bibra Lake next to its existing facility for a period of 2 years. The group has



taken up occupancy of the facility and are currently upgrading the building to meet their needs. To assist in the group's ability to achieve external funding they are seeking a long-term lease from the City to demonstrate some security of tenure. This appears to be a reasonable request and it is proposed that this request to extend the Native Arc lease for the premises be for a period of 5 years with an option to extend for a further 5 years.

The consideration of the ongoing management fee for the Cockburn Wetlands Education Centre is proposed for the agenda of the Grants and Donations committee for its consideration and recommendation to Council. It is also proposed that any management fee requested by the Cockburn Wetlands Education Centre (Inc) be conditional on the groups entering a lease for the new premises of no less than 5 years.

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

#### ***Natural Environmental Management***

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

### **Budget/Financial Implications**

No financial commitment for the replacement and upgrading of facilities on the Wetland Education Centre/Scouts precinct is sought. It is usual practice for the City to pay for the cost of developing lease agreements for the use of Council facilities by community groups. This cost can be borne within existing budget allocations.

### **Legal Implications**

Sec 3.58 of Local Government Act, 1995, (Functions and General) Regulations 1996 section 30 (2) (b) (i) refers.

The City has the power to lease on this land under the management order but any lease agreements need to be approved by the Department of Planning and infrastructure.

### **Community Consultation**

The Proposal has been developed by the Wetlands Education Centre, Bibra Lake Scouts and the Native Arc (Inc), which are all broad based community organisations. The proposed developments will occur on a reserve that has been used by these groups for many years with no known community opposition or concern.



**Attachment(s)**

1. Letter from Wetland Education Centre.
2. Plan of Proposed extensions to the Wetlands Education Centre Building.
3. Plans for proposed new shed for the scouts.
4. Aerial photograph of relevant properties.

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

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

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

Nil

**18. EXECUTIVE DIVISION ISSUES****18.1 (MINUTE NO 3312) (OCM 09/11/2006) - FINAL ADOPTION OF THE PLAN FOR THE DISTRICT 2006-2016 (1029) (SC) (ATTACH)****RECOMMENDATION**

That Council adopt the current Draft Plan for the District 2006 –2016 as its approved 'Plan for the Future' for the period 2006 – 2016.

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

**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr K Allen that Council adopt the recommendation, subject to the addition of the following sub-recommendation (2):

- (2) allocate an additional sum of \$30,000 to Account No. GL-116-6229 "Consulting Expenses", to enable the strategic review of the Library Service to be undertaken prior to the mid-year budget review in 2007.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Reason for Decision**

The Plan recommends that the City conduct a strategic review of its libraries with the aim of establishing clear guidelines for the future of the



service. Expressions of interest have been submitted to undertake the review, the responses to which indicate the review can be completed early in 2007. However, funds are not currently available within the consulting fund to commission the study.

## Background

At the July Ordinary Council Meeting Council resolved to:

- (1) *adopt the draft Plan for the District 2006-2016 with amendments to delete all reference to Coolbellup Library in the document and replace the section headed "Coolbellup Library – Consolidation" with the following:*

### Library Services Strategic Plan

*The City operates three libraries: Spearwood, Coolbellup and Success. Detailed below are performance indicators for each of these. Council has already resolved to construct a new library at Cockburn Central, with this to replace the Success library.*

<b>FY 04/05</b>	<b>Spearwood</b>	<b>Coolbellup</b>	<b>Success</b>
Visits	122,902	45,521	130,297
Reservations	16,664	3,728	8,712
<b>Transactions</b>	648,061	139,074	271,321
Issues	320,953	68,879	131,922
Total Registered Borrowers	21,956	4,754	8,687
<b>Operating Costs</b>	\$1,369,500	\$479,345	\$499,176
Cost per transaction	\$2.11	\$3.45	\$1.84

*The above data indicates that there is a high degree of variation in the cost efficiency and catchment populations of each facility. With major expenditure about to be undertaken on one library, it is an appropriate juncture to review the future of library services as a whole. The Plan for the District recommends that the City conduct a strategic review of its libraries with the aim of establishing clear guidelines for the future of this service.*

*The Library Services Strategic Plan will look at; objectives for this Service Unit, the range of services libraries should provide, technology improvements that could provide improvements to the costs of operations, public accessibility (including hours of operations), the use of volunteers ('Friends of the Library') as part of the operations, the appropriateness of current and future locations for facilities and the financial implications of adopting recommendations from the review.*



- (2) *initiates a public consultation process over the next three months, commencing with a briefing to community representatives through the Community Development Strategy forum;*
- (3) *makes the draft available via the City's website and initiates other means of communicating the draft plan; and*
- (4) *following consultation brings the Plan back to Council for its final consideration.*

### **Submission**

After consultation three submissions on the Plan were received, being from the Secretary of the Cockburn Senior Citizen's Association (Inc), Mr J Ferreira and President of the Coolbellup Community Association.

### **Report**

The Plan for the District is a detailed ten-year program for infrastructure development, services expansion (including future staffing requirements) and financial management plan. Since it was adopted for public comment in July it has been displayed in the City's libraries and copies provided to community groups.

Consultation Program. The Plan was initially presented to community leaders at the Community Development Strategy forum on 21 August. Multiple copies of the plan were also given to the community leaders at the end of the presentation. Following this forum an invitation was issued to provide further presentations of the Plan to individual community groups. A presentation was subsequently given to the Southwell residents, at the request of Councillor Goncalves. Several community groups also requested they be provided with additional copies of the plan, with over 100 copies distributed to date.

Advertising and Submissions. A media statement was released on Friday 24 August 2006, followed by articles relating to the Plan appearing in the *Cockburn Herald* on August 26, and in the *Cockburn Gazette* on August 29.

The Plan for the District was also advertised extensively, primarily in the *Cockburn Update*. Advertisements ran at the top of the column on September 9, 21, 27 and October 4. The September edition of the *Cockburn Soundings* had three pages devoted to the Plan for the District – including the front page.

A copy of the Plan was posted on to the City of Cockburn Website on the week of the August 28, along with a lead link to it on the front page



of the website – this has remained for the entire time of the consultation period. As at the 20 October 2006, being the closing date for submissions, three submissions were received.

A submission from Ms Mavis Glewis, on behalf of the Cockburn Senior Citizens Association, deals with the lease on the existing Senior's Centre at 9 Young Place Hamilton Hill. The submission was concerned that the existing lease might be terminated and that, while supporting construction of a new larger Seniors Centre, not all of the existing users of that facility may wish to relocate there.

With regards this submission the City had not contemplated early termination of the lease, especially as construction of a new centre will take at least two years. However, based on advice from other Local Authorities, it is still recommended that the Young Place facility be closed on completion of the new centre. The advice supports bringing together the various seniors groups to promote community integration and achieve a more efficient use of the City's resources involved in the seniors program. Where other Authorities had consolidated their facilities, the identity of the individual groups was still preserved by encouraging them to meet on different days.

The current status of the new centre is that a design brief is being finalised, which would then be put to the Regional Seniors Group for comment by December 2006. Once this brief has been finalised the City will call for tenders from architectural firms, so that a final concept can be prepared for Council's consideration by around mid 2007.

The submission from Mr Joe Ferreira concerned the alignment for the extension of Spearwood Avenue from Hamilton Road to Cockburn Road. Mr Ferreira was seeking for the City to adopt an alignment on the southern side of the railway line, in order to preserve bushland in the Beeliar Regional Park and remove the proposed alignment from the rear boundary of his property.

Advice has been provided to Mr Ferreira that the proposed alignment has been in place since 1963 and that his suggested alignment is not supported on road safety grounds. Design of the intersection with Cockburn Road and the extension to Hamilton Road has already been commenced.

The submission from Mr Greg Patterson on behalf of the Coolbellup Residents Association, concerned the retention of the Coolbellup Library and extension of Spearwood Avenue. The basis of this submission is that the existing library is convenient to local residents and would impose additional costs to them if they were required to travel to the Spearwood library. The submission also requests information on where the Social Services staff would be located if that building were to be turned into an Adventure Club. The Spearwood





Avenue enquiry also requests the City to look at alternative proposals for this road on the grounds of environmental preservation.

With respect to these enquiries, Council's decision to conduct a Library Services Strategic Plan will require the City to look at the issues of service accessibility for all residents, not just those in Coolbellup. It will also consider the issues of the cost of the service as well as options for an expansion or contraction of any aspects of this. It would be premature at this time to make any determination of the possible findings of that report. The City has recently sought potential consultants to assist it in undertaking this review.

The issue of relocation of the social services will be considered after the review of the library plan. Comment has already been provided above on the Spearwood Avenue extension.

Plan Adoption. Based on the limited range of issues canvassed in the submissions, it is recommended that the Plan be now formally adopted. The Local Government Act (1995) requires that the City to adopt a Plan for the Future, with this to be reviewed every two years. The City's Plan for the District 2006 – 2016 meets the requirements of the Act. As this Plan focuses heavily on infrastructure development, a two yearly review will be important as construction costs are continuing to escalate at a rate faster than general inflation.

Several of the projects listed in the Plan are currently out to tender, or going to tender. Others will be the subject of Council review as part of the 2007/08 Budget adoption process. It is anticipated that, in light of normal community consultation, variations to the scope or timing of these projects will also occur prior to the next formal review of the Plan.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

## **Budget/Financial Implications**

Each of the items contained in the Plan will be subject to separate budget submission, during the life span of the Plan.

## **Legal Implications**

Sec. 5.56 of the Local Government Act, 1995 and Reg19C of the Local Government (Administration) Regulations refer.



### **Community Consultation**

There has been extensive advertising of the draft Plan via local newspapers, presentations to community groups and the document being displayed at the City's libraries and on Council's website.

### **Attachment(s)**

Attached are the submissions from Cockburn Seniors Citizens Association (Inc), Mr Joe Ferreira and Coolbellup Community Association.

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

Each of the three submissioners has been advised that this matter is to be considered at the November Council meeting.

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

The Plan is being adopted as the City's 'Plan for the Future', required under s5.56 of the Local Government Act.

## **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**

### **21.1 (MINUTE NO 3313) (OCM 09/11/2006) - ADMINISTRATION CENTRE CONSTRUCTION COMMITTEE (4602) (DMG)**

#### **RECOMMENDATION**

That Council appoint Clr Oliver as a member of the Administration Centre Construction Committee.

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



**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**

**Background**

At the Special Meeting of Council held on 10 May, 2005, Council established the Administration Centre Construction Committee and appointed Mayor Lee, Deputy Mayor Graham, Clr Limbert and Clr Allen as its members.

**Submission**

Clr Oliver has expressed an interest in becoming a member of the Committee.

**Report**

It is competent for Council to increase its membership to any Committee established under Sec. 5.10 of the Local Government Act, 1995.

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

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

**Budget/Financial Implications**

Nil

**Legal Implications**

Sec. 5.10 of the Local Government Act, 1995, refers.

**Community Consultation**

N/A

**Attachment(s)**

Nil



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

Nil

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

Nil

**21.2 (MINUTE NO 3314) (OCM 09/11/2006) - TENDER NO. RFT 28/2006 - CONSTRUCTION OF CELL NO. 6 HENDERSON LANDFILL SITE (4900) (JK/ML) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) award Tender No. RFT 28/2006 Construction of Cell No. 6, Henderson Landfill Site, to Thiess Services Pty Ltd as it represents the most advantageous Tender based on the evaluation conducted of the Tenders received;
- (2) prior to formally entering into a Contract with Thiess Services Pty Ltd, the City and Thiess are to jointly undertake the waste and risk reduction review proposed by Thiess as a means of potentially providing additional cost savings to the City and bringing practical completion forward. If appropriate, following the review a minor variation to the Tender may be agreed pursuant to Regulation 20(4) of the Local Government (Functions and General) Regulations 1996;
- (3) increase its budget allocation from \$2,500,000 to \$3,600,000 to offset the additional costs of the construction;
- (4) increase the transfer from the Waste & Recycling Reserve by an additional \$1,100,000 to offset the additional costs of the construction of Cell 6.

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

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr V Oliver that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0**



## Background

The City of Cockburn owns and operates a landfill site in Rockingham Road, Henderson. The landfill commenced operation in 1990. Cell 4 and 5 is currently being filled and the construction of Cell 6 is required to maximise the life of each cell.

The provision of an additional cell will allow Council to continue to accept commercial and industrial waste and the contents from residential trailers for an additional 4-5 years dependant on volumes.

There is currently approval to operate the site until 2011 and on current volumes Cells 4 and 5 should be filled by 2008.

## Submission

Tenders closed on 24 October 2006 with 3 submissions received. A detailed evaluation was undertaken by IW Projects in association with Maunsell as part of their commission to undertake detail design and documentation of Cell 6.

Submissions were received from:

- J.J McDonald & Sons Engineering Pty Ltd
- Thiess Services Pty Ltd
- Kayano Nominees Pty Ltd Rocktec Contracting

## Report

The assessment criteria outlined in the tender documents are as follows:

Relevant experience in similar projects	25%
Technical Conformance	10%
Safety Management	5%
Quality Assurance	5%
References	10%
Tender Price	45%

The selection criteria enables the City to evaluate the Tenderers capacity to undertake the scope of works with a number of criteria other than price being used to assist the panel in making this determination.

Maunsell Australia Pty Ltd was engaged to do the design for Cell 6 and prepare the tender documentation. Part of their brief was also to evaluate the submission received and recommend the preferred tenderer. The assessment has been completed and is appended for Council information. A precise of that assessment is detailed.



JMS (JJ McDonald and Son)

JMS submitted a comprehensive tender submission containing all the necessary information to make a detailed assessment of its tender bid.

JMS has previously constructed a landfill cell for the Mindarie Regional Council at Tamala Park and have more recently been awarded the construction of the next cell at Tamala Park.

The tender conforms technically with the requirements of the Request for Tender. JMS has indicated a good understanding of the necessary works and standards required to complete the works successfully. The sub-contractors proposed for portions of the works are well experienced in the specialist tasks that they have been nominated for.

The tender price submitted by JMS was the highest price received.

Based on the tender submission, JMS standing in the landfill construction industry and discussions with referees, JMS would be able to successfully complete the proposed scope of work.

The JMS tender submission included the following notable qualifications:

- A 20 week contract period (tender stipulated 12 weeks).
- Extension of time for delays in delivery of HDPE liner.
- Liquidated damages limited to 5% of the contract sum (tender stipulated no limit).
- 0.5% discount for payment within 14 days.

None of the above qualifications are assessed as a major diversion from the tender request and are deemed acceptable.

Thiess Services

The tender submitted by Thiess Services was suitably detailed and contained all the necessary information to make a comprehensive assessment of its tender bid.

Thiess Services has significant recent experience in landfill cell construction, having successfully completed three landfill cells at the South Cardup landfill and a cell at Tamala Park all within the past two years.

Technically, the tender conforms to the requirements of the Request for Tender. Thiess Services has provided a detailed understanding of the necessary works and standards required to complete the works successfully. All sub-contractors are suitably qualified to perform the portions of the works that they have been nominated for.



The tender price submitted by Thiess Services was the middle price of the three received.

The Thiess Services tender submission included the following notable qualifications:

- A number of minor changes to the Standard and Special Conditions of Contract. None of these are deemed to have a material difference to what was requested in the tender or provide a commercial advantage over the other tenderers.
- Contract commencement in early January 2007 to allow for liner delivery. This is effectively a contract duration extension (similar to JMS bid).
- Liquidated damages limited to 10% of the contract sum (tender stipulated no limit).
- Contractor not liable for consequential losses and liability capped at 50% of the contract sum.

None of the above qualifications are assessed as a major diversion from the tender request and are deemed acceptable.

### Rocktec

Rocktec submitted an extremely abbreviated tender submission containing very little information to make a detailed assessment of its tender bid, to the extent that it was not possible to carry out an assessment based on the information provided.

The tender does not conform technically with the requirements of the Request for Tender as there is little or no detail on which to base the technical assessment. The proposed sub-contractors have all previously worked on Cell 5 hence are well experienced in the specialist tasks for which they have been nominated.

No references, organisation structure, insurance details or safety management information has been provided to enable adequate assessment.

The tender price submitted by Rocktec was the lowest price received.

Based on the tender submission, lack of information provided, the fact that Rocktec is a relatively new and small company and that it does not have any relevant landfill cell construction experience, it would be extremely risky to award the works to this company.

The Rocktec tender submission included the following notable qualifications:

- A 7 week lead-time for liner material. This is consistent with the other tenderers.



- Some minor issues that are covered in the tender documentation.

None of the above qualifications are assessed as a major diversion from the tender request and are deemed acceptable.

### Summary

Officers have reviewed the submissions by all 3 tenderers and generally concur with the assessment undertaken by IW Projects (refer attachment). Officers have sought and received clarification on what appeared to be anomalies in each bid. The subsequent clarification identified a nett decrease in Thiess's bid of approximately \$230,000.

The evaluation was completed using the selection criteria identified in PART 3 of the Tender document with the scores as follows:

J.J McDonald & Sons Engineering Pty Ltd	84.6
Thiess Services Pty Ltd	95.2
Kayano Nominees Pty Ltd Rocktec Contracting	50.0

Rocktec's submission is brief which makes it difficult to assess its capacity to complete the project. Part 3 of the documentation clearly identifies how the submissions would be assessed and their failure to provide the necessary detail has resulted in Rocktec performing poorly in the qualitative criteria.

On the basis of the assessment undertaken, Thiess Services represent the best value and the least risk for the City. It is therefore recommended that Tender 28/2006 for the Landfill Construction – Cell 6 be awarded to Thiess Services in accordance with their Price Schedule submitted.

Thiess Services have identified the potential for additional savings to the City through completion of a waste and risk reduction review. Part 4 (20) of the Regulations enables the City to make minor variations with the successful tenderer prior to entering into a contract. As Thiess Services bid has been evaluated as the most advantageous, it is recommended that the City take advantage of the opportunity to make additional savings against the project.

To ensure that the City has followed the correct procedures in the evaluation and award process, legal advice was sought and has been circulated to the Elected Members under separate, confidential cover.

The acceptance of a tender of this magnitude requires Council to exercise good governance in its decision making. Council has received comprehensive legal advice on this matter and the Officer's recommendation reflects the legal advice that has been provided.





## Strategic Plan/Policy Implications

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

- *To deliver our services and to manage resources in a way that is cost effective without compromising quality.*

### ***Natural Environmental Management***

- *To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.*

## Budget/Financial Implications

The current budget allocation for the construction of Cell 6 is \$2,500,000. The budget estimate was based on an assessment undertaken some 14 months ago when the project was initially proposed and well before detailed design had been completed (October 2006). The estimate was based on costs to construct Cell 5 which was completed in September 2004 and escalated accordingly. Clearly construction and liner costs have increased markedly since the estimate was completed as the tender submissions represent an increase of \$1,100,000 against the budget allocation.

IW Projects were requested to comment on the current costs of construction to ensure that the prices received represent fair value for the services sought. The construction industry is 'heated' at present which is playing a significant part in dictating costs for all capital projects. The waste industry is clearly not immune. IW Projects comment is as follows:

*"The landfill cell is relatively large and the design was aimed around optimizing the overall landfill area. The cell is approximately 4.8ha in area and based on the prices received, the construction costs range from \$65/m<sup>2</sup> to \$82/m<sup>2</sup>. With an average waste depth of approximately 20m, this equates to a cost of \$3.25/m<sup>3</sup> to \$4.1/m<sup>3</sup>. These rates are not unreasonable and are deemed as acceptable. The high construction cost is more a function of the size of the project and not necessarily the unit rates."*

The additional funding will be drawn from the Reserve account established for capital works at the Henderson Resource Recovery Park. The current balance of the Waste & Recycle Reserve is projected to be \$4,191,418 at the end of this financial year however the additional costs for the construction of Cell 6 will reduce that balance to \$3,091,418. Whilst the additional costs were not anticipated, the City will be able to recoup the costs through gate fees over the next 5 –7 years. Whilst there is no proposal to increase gate fees at this time, a review is warranted and a decision made in the context of increasing development and operational costs, increasing levies, current



government strategies and current landfill approvals. All aspects of this business are currently being reviewed with a report to be prepared for Council consideration.

### **Legal Implications**

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.

### **Community Consultation**

The adjoining owners were notified during the works approval process for Cell 5 in 2003. At that time it was indicated that Cell 6 would be built within 4 years.

### **Attachment(s)**

- (1) Tender Assessment Report – IW Projects
- (2) Letter and subsequent legal advice - McLeod's (under separate, confidential cover)

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

Those who lodged a tender submission have been advised that this matter is to be considered at the 9 November 2006 Council Meeting.

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

Nil.

## **22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

## **23 (OCM 09/11/2006) - CONFIDENTIAL BUSINESS**

Nil.

NOTE: At this point of the meeting, Mayor Lee advised that the City of Cockburn is a finalist in the Prime Minister's "Employer of the Year Awards" in the Large Business Category. This is for the City's programme of employment of people with various levels of disability. The process utilised by the City has been adopted by organisations, including a West Australian medical employment organisation, as best practice.

The Mayor congratulated Council and Staff for their policies, decisions and the investment of funds into the process to obtain this successful outcome.



24 **(MINUTE NO 3315) (OCM 09/11/2006) - 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**

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

**CARRIED 8/0**

25 **(OCM 09/11/2006) - CLOSURE OF MEETING**

MEETING CLOSED AT 7.46PM

**CONFIRMATION OF MINUTES**

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

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

