

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 JANUARY 2004 AT 7:00 PM

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**CITY OF COCKBURN****MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20  
JANUARY 2004 AT 7:00 PM**

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**PRESENT:****ELECTED MEMBERS**

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr K Allen	-	Councillor
Ms L Goncalves	-	Councillor
Mrs S Limbert	-	Councillor
Mr M Reeve-Fowkes	-	Councillor

**IN ATTENDANCE**

Mr D. Green	-	Acting Chief Executive Officer
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mr R. Avard	-	Acting Director, Community Services
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr C. Ellis	-	Communications Manager

**1. DECLARATION OF MEETING**

The Presiding Member declared the meeting open at 7.00 pm.

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

Nil

**3. DISCLAIMER (Read aloud by Presiding Member)**

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



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

Nil

**5 (OCM 20/01/2004) - APOLOGIES AND LEAVE OF ABSENCE**

Clr A. Edwards - Apology  
Clr V. Oliver - Apology  
Mr R Brown - Annual Leave

**6 (OCM 20/01/2004) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

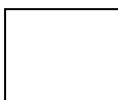
**Rowland Marlow – Ordinary Council Meeting – 16 December 2003 – Public Question Time** – asked the following questions. In a letter dated 23 December 2003, the responses were provided as follows:

*Q Seeing the Mayor has stated he does not want outsiders to tell Cockburn what to do, I hereby ask Cockburn Council to hold a referendum of all ratepayers on the subject of the marina. Make it easily understood, for example: Do you agree to fill in 24 hectares of Cockburn Sound for housing and a Marina? – yes or no.*

*A* The local scheme Amendment and associated Structure Plan for the proposed Port Coogee Marina was advertised for public comment for 42 days between 12 November and 24 December 2003. The advertising period was undertaken in accordance with the directions given by the Western Australian Planning Commission. The Council will consider the submissions received and the report from the Council's Officers and make a decision accordingly. In respect to the amendment, the Council will make a recommendation to the Hon. Minister for Planning and Infrastructure, who will make the final decision. Subject to the final decision in respect to the amendment, the Council can adopt, adopt with modifications or refuse to adopt the Structure Plan. The Commission must endorse the plan before it can have effect, to guide subdivision and development. Given this, the Council cannot give a "yes or no" answer as to whether it supports the reclamation of portion of the Sound for the Marina until the process is complete.

*Q If the marina goes ahead will the Council in conjunction with Australand sign a legally binding document to give the public access to the marina and surrounds for all time? If no why not?*

*A* There is no need for a legal document to achieve this. Public access to the Marina and surrounds will be achieved and maintained for all



time through the adoption of a Structure Plan, the conditional approval of subdivisions and the conditional approval of development within the project.

Q *Seeing Australand has complete faith in their advisers, will the Council demand \$5million to be placed in a trust fund for 20 years, to cover any mess-ups caused by the marina. This is so ratepayers will not be left holding the baby.*

A Discussions are taking place with the developer to achieve an outcome of the type you describe. These discussions have yet to be finalised.

Q *In their advertising in the local papers Australand says the City of Cockburn's Tall Ship Project will be built and moored in the marina. They also stated to me they have had several meetings with the Mayor about this boat. Now I have a letter signed by the Mayor saying the Council has no involvement in this project. Who is lying?*

A There is no official Council position about supporting the construction of the ship or the City's involvement at the end of its construction. To date, Council's involvement has been confined to the Mayor offering to launch the project.

Q *In the papers, the Mayor and Australand all state this is a \$500million project. The project costs are what it costs the developer. Therefore with 640 blocks that means each block will have to sell for at least \$700,000 to break even. Please explain or is this figure just a figment of their imagination. If so what is the real cost?*

A The final project costs have not been finalised, however the figure of \$500million that you refer to is an estimate of the total investment in Port Coogee, which not only includes the development costs, but also the cost of construction of the individual dwellings on each lot, the residential units and the commercial facilities. The calculation you have made is wrongly based. The project has recently been the subject of an investigation by the Parliamentary Public Accounts Committee. Its report was presented to the Legislative Assembly on 4 December 2003. The project will not proceed if it is not economically viable.

## 7 (OCM 20/01/2004) - PUBLIC QUESTION TIME

**Rowland Marlow**, resident of Cockburn spoke in relation to the Port Coogee Marina. His concern was the cost of the Marina, as Mr Lewis has not provided an accurate figure as to what the actual cost for this development was going to be. He referred to the document (the Structure Plan) prepared



by Australand which was made available to the public at the library. He said that not all the information that was mentioned in this document was correct, in comparison to the article in a most recent newspaper. He also raised concern in relation to the Woodman Point boat ramp. He strongly emphasized that the proposed development be made a private marina and those residing within this development pay for it. Mayor Lee stated that the ratepayers will not be paying for any works that takes place within this development. Maintenance will be subject of a levy applying to those residing there.

Mr Marlow queried whether all ratepayers in Cockburn were treated equally? Mayor Lee replied that would be the case. Mr Marlow then asked why did the Council prosecute the Jandakot Cement Works and give the Company only 3 months to clear up the place? Why has not the same by-law been used against the owners of the Anchorage Site? The owner has been given 12 years for the clean-up to occur. Director, Planning and Development replied that the City had followed up with the owners of the Anchorage Site a number of times in relation to the tidy-up of the site and because it has been the subject of development negotiations, clearing of the site has been left as part of the overall clean-up of the development area.

Mayor Lee thanked Mr Marlow for his comments.

**Bob Poole**, 3 Vlaming Rise, Coogee spoke regarding the sand dunes south of the power station. He queried how many vehicle infringements have been issued by the Rangers Section in relation to the sign which has been erected, stating that vehicles will be prosecuted? Acting Chief Executive officer responded that he did not have an answer and would have to investigate and take the question on notice. Mr Poole also requested a breakdown of the \$2,700 from Australand. Mayor Lee replied that it was contained in the report which was the subject of a Council decision, and made available in the Library.

**Andrew Sullivan**, Coogee spoke regarding the Port Coogee Marina and the submissions that were received. He asked whether Council could confirm that it had received the Coogee Coastal Action Coalition submissions? Director, Planning and Development stated that a report was received and this is being assessed as part of the submission. Mr Sullivan also asked whether Council had received a submission from the Coogee Beach Progress Association? Director, Planning and Development replied that Council had received it.

Mr Sullivan asked if Council could provide a breakdown of the submissions that were made on the Port Coogee proposal? In particular, could the Council identify how many submissions were made, firstly on the Group's longer form letter and the Group's short form letter as it appeared in the local newspaper? Director, Planning and Development replied that there would be a number of parts to the report prepared. Due to the large number of





submissions received, it would be divided into categories, which would deal with the standard proformas, for and against the proposal. It will be a fairly complex report and staff were still scrutinizing the submissions. It will be sometime before an accurate figure is derived. Mr Sullivan also asked if the Council can advise how it intends to assess and further consider the concerns that had been raised in the Port Coogee submissions? Would the Council positively respond to the Group's questions for an advisory committee to be established to consider the community's concerns? The Director, Planning and Development said that he hadn't intended to but, would be happy to include the request as part of the report for the Council to consider, but any such Committee would need to be representative of all stakeholders.

Mayor Lee thanked Mr Sullivan for his comments.

**Brett Spencer**, 4 Dearle Street, Hamilton Hill asked the following in relation to the emphasis placed on the development of new areas as compared to areas that have already been developed, with regard to infrastructure in general:

1. How much money is spent in relation to parks, drainage, roads and general infrastructure in relation to the suburb of Hamilton Hill during this financial year?
2. What planning processes are in place in relation to infrastructure development in Hamilton Hill?
3. What are the recreational plans for infrastructure development, particularly relating to the suburbs of Hamilton Hill and surrounding suburbs?

Mayor Lee asked Acting Director, Community Services whether such plans are easily available, to which he replied that the Principal Activities Plan and the Ten Year Plan addresses the issues raised by Mr Spencer.

Mayor Lee thanked Mr Spencer for his comments.

**Bert Renner**, Spearwood spoke regarding the "diving island" in Cockburn Sound. He said initially there was much opposition for the pontoon to be installed, but now he has noticed that it is being used a lot by children, who no longer use the jetty to dive into the sea.



**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 2269) (OCM 20/01/2004) - ORDINARY COUNCIL MEETING - 16/12/2003**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 16 December 2003, be adopted as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Mayor S Lee 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**

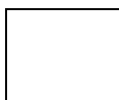
Nil

**13. COUNCIL MATTERS**

**13.1 (MINUTE NO 2270) (OCM 20/01/2004) - COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP (8953) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council enters into the Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia, as proposed in the attachment to the Agenda.



**COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

In October, 2003, the Minister for Community Safety, Hon. Michelle Roberts MLA, informed local government of the State's decision to revamp its approach to local crime and prevention / community safety issues which are of concern. As part of this review, the State Government will phase out its support of the Safer WA structure in favour of a more direct partnership model involving local governments as principal players.

As from 31 March, 2004, the State Government will no longer provide its resources to the Safer WA model and is encouraging local communities to enter into the new model of addressing local community issues relative to safety and crime prevention.

**Submission**

To enter into a partnership arrangement with the State Government to address initiatives aimed at addressing local community safety and crime prevention.

**Report**

The introduction of the new proposal is timely, given Council's commitment to reviewing the direction of its Neighbourhood Watch Programme and the decision to pursue the introduction of security patrols in the District during 2004. Together with both of these issues, the State Government's partnership proposal will have a significant effect on local efforts aimed at addressing community safety and crime prevention.

In particular, this will involve a significant emphasis on the role of Council's Safer City Service Unit and its interaction with stakeholders. It is likely that this area of Council service delivery will be responsible for monitoring the initiatives contained within the partnership agreement, including:-

- The preparation of a local (Cockburn) Community Safety and Crime Prevention Plan, in conjunction with the Office of Crime Prevention;



- Engaging the community in prioritising issues and actions identified in the Plan;
- The preparation and submission of funding applications to the Office of Crime Prevention in support of priority initiatives included in the Plan; and
- The monitoring, evaluation and updating of the Plan to ensure its effectiveness and currency, in conjunction with the Office of Crime Prevention.

For these reasons, the role of the Safer City Coordinator will be required to focus more intently on the areas of community concern and ensure these are verified, then included in Cockburn's planning in an effort to have them effectively addressed.

In addition to initial assistance in preparing the Plan, the Office of Crime Prevention has a programme budget of \$3.2 million annually. \$1.0 million is immediately available to local government as an incentive to "kick start" any initiatives which fit broadly into the following categories:-

1. Young People – Anti Social Behaviour and Crime

- Youth Activities that target high risk and marginalised young people
- Programmes that assist young people who have not successfully made the transition from school to work
- Information campaigns to assist young people with personal safety
- Positive image programmes for young people
- Anti Graffiti initiatives
- Capital projects aimed at providing facilities for young people, (eg skate parks, youth centres)
- Employment of people to work with high risk target groups (eg youth workers)

2. Building Community Capacity

Projects relevant to this category may include:

- Reducing social isolation and exclusion (eg rejuvenating neighbourhoods, improving access to mainstream services for high risk people, reintegrating marginalised people into the community)
- Strategies to target violence, family violence and child abuse
- Building communities capacity to undertake crime prevention at the local level
- Improving the safety of vulnerable groups (eg seniors)



- Improving safety in and around specific shopping and entertainment precincts
- Strategies that target property crime and increasing perceptions of safety
- Strategies that improve community ownership of public spaces
- Supporting Neighbourhood Watch activities

3. Reducing the Opportunity for Crime

Projects relevant to this category may include:-

- Urban design and planning projects
- Capital works to improve community safety (eg lighting, improving security of public access ways etc)
- Crime prevention awareness campaigns
- Supporting Aboriginal Community Patrols

4. Local Government Partnership with Indigenous Communities

Local Governments are encouraged to submit grant applications that encompass working with Aboriginal communities, in particular remote communities.

Other projects not specific to the above categories (excluding security patrols) will be considered for funding, providing there is a demonstrated safety / crime prevention benefit to the community.

The Office of Crime Prevention provides a grant of \$10,000 to prepare the initial Plan and \$20,000 towards an identified project of high priority contained within the Plan.

Additionally, grants of up to \$40,000 per project will be available for project applications which can relate strongly and positively to the objectives and outcomes of the programme.

It is considered that there is a sufficient network of community stakeholders in the Cockburn District to maximise opportunities for Council to access these funds to address priority matters identified in the safety and prevention plan.

Involvement in the partnership will enable Council access to relevant information and data that will assist in substantiating what the major issues of concern are within the Cockburn District and subsequently, working with key community stakeholders to provide positive outcomes to these matters.

For these reasons, combined with the funding opportunities which are available for worthwhile community projects, it is recommended that



Council join the partnership and develop a community safety / crime prevention plan for the District in the short term.

**Strategic Plan/Policy Implications**

Key Result Area “Managing Your City” and “Facilitating the Needs of Your Community” refer.

**Budget/Financial Implications**

Administration of the partnership’s objectives will be undertaken utilising existing Council resources, in conjunction with those offered by the Office of Crime Prevention.

**Legal Implications**

A standard Agreement between both parties applies, as per the attachment.

**Community Consultation**

N/A

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

Law and order issues have traditionally been the province of the State Government, however, a whole of community approach to the subject has been promoted in recent years, of which local government is identified as a pivotal partner.

**13.2 (MINUTE NO 2271) (OCM 20/01/2004) - RESPONSE TO WHITE PAPER - LOCAL GOVERNMENT (OFFICIAL CONDUCT) AMENDMENT BILL (2227) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council advise the Department of Local Government and Regional Development that, in response to the White Paper – Local Government (Official Conduct) Amendment Bill, it:

- (1) supports the general principles of the Bill, including the proposed penalties which may be imposed; and
- (2) supports the establishment of a Statewide standards panel for all local governments to provide consistency of approach and interpretation.



**COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Proposed amendments to the Local Government Act, 1995, provide for local government standards panels and tribunals to be established to review the behaviour of Council members. The draft Bill represents the consensus outcomes from the Department following consultation between the Department of Local Government and Regional Development, the W.A. Local Government Association and the Local Government Managers Association.

**Submission**

To provide a response on the principles of the Bill by the end of the consultation period (20 February, 2004).

**Report**

The proposed amendments are primarily aimed at providing a more adequate disciplinary system to deal with individual misconduct by Council members.

The proposals enable for both minor and major breaches by individual members to be dealt with independently and externally to the current legislation which only deals with acts of an illegal or grossly incompetent nature overseen by the Council as a single entity, for which only limited avenues are available for such breaches.

Whereas the previous focus centred on Councils as a whole, the proposed amendments provide avenues for action to be taken against individual elected members for offences which have not previously been enforceable, such as breaches of the Code of Conduct.

This is achieved mainly through the introduction of standards panels and a State Administration Tribunal which would provide the framework for individual complaints against elected members to be heard, without the entire Council being necessarily suspended or dismissed.

A summary of the main points of the White Paper is attached to the Agenda.

In agreeing that the principles of the proposals are considered appropriate, the Department is seeking specific comment on the



adequacy of the proposed penalties and the practicality of each local government establishing its own standards panel.

While the penalties provided are considered adequate in relation to other aspects of the current Act, it would seem unnecessary and unwieldy for each local government to establish its own panel. There are obvious benefits in the establishment of a single panel to serve the interests of all local governments as there will be a consistency of approach and methodology in dealing with complaints.

This is particularly important as the panel will be dealing with what should be relatively minor matters having the potential to be determined in a less punitive way than is currently available. Therefore, it would make practical sense for any disciplinary procedures deemed necessary to be administered in a consistent manner to enable some benchmark standards to become evident, thus reducing the likelihood of repetitious breaches being dealt with differently by various panels.

The operative sections of the new legislation are encapsulated by the insertion of new Sections 5.104 and 5.127, the effect of which is explained in the attachment.

The remaining proposals are general transitional provisions required to standardise other sections of the current Act.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Amendments proposed to Part 2 and 5 of the Local Government Act, 1995.

### **Community Consultation**

The Department has released a "White Paper" to provide an opportunity for local governments, individuals and organisations to comment on the proposed amendments.

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

Nil.





**13.3 (MINUTE NO 2272) (OCM 20/01/2004) - OBJECTION TO NOTICE - LOTS 1, 2, 3, 301, 4, 5, 6, 7 AND 8 HAMILTON ROAD, SPEARWOOD - GEORGE WESTON FOODS LIMITED (3209990) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) allows an extension of time for George Weston Foods Limited to lodge an objection against the Notice served by Council for a clean up of its property (Lots 1, 2, 3, 301, 4, 5, 6, 7 and 8 Hamilton Road, Spearwood) to enable the objection to be considered at the January, 2004, Council Meeting; and
  - (2) pursuant to section 9.6(4)(b) of the Act, vary the decision objected to, as follows:
    - 1. Complete demolition of the derelict houses, and removal of associated debris by. 31/01/04
    - 2. Remove truck body from Lot 1 facing Ocean Road.
    - 3. Remove collapsed fence line from Lot 1 facing Ocean Road.
    - 4. Remove disused water tank from Lot 1 facing Ocean Road.
    - 5. Remove collapsed fence line between Lot 4 and 7 Hamilton Road.
- } by 12/02/04

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that the recommendation be adopted.

**CARRIED 8/0**

**Background**

As a result of an increase in complaints received by Council on the unsightly state of some properties within the District, a programme aimed at identifying properties deemed as unacceptable and having the concerns rectified, was initiated.

The programme was notified to the public through the local newspapers and, more recently 'Cockburn Soundings', explaining the primary reason for this action was to promote Council's Mission Statement and encourage conformity throughout the District with its ideals.



From that point on, properties were identified as being sub-standard through a number of sources, being reports from either members of the public, Elected Members or staff.

Affected property owners were originally sent a letter seeking their cooperation in addressing the concerns highlighted.

If, following a period of time allowed for remediation works to be undertaken, the property was still unsightly, the owner of the property was served with a Notice pursuant to Sec. 3.25 of the Act, requiring specific works to be undertaken to correct the identified problem. Should the recipient of the Notice disagree with its requirements, an Objection or Appeal against the decision may be lodged, pursuant to Sec. 9.5 or Sec. 9.7 of the Act.

### **Submission**

A belated objection has been lodged by the owner of Lots 1, 2, 3, 301, 4, 5, 6, 7 and 8 Hamilton Road, Spearwood against a Notice requiring the removal of all disused materials and unsightly vegetation from the properties.

### **Report**

Following complaints, an inspection was carried out on the land opposite the Watsonia factory in Hamilton Road, Spearwood. The land is largely broad acre, although it is subdivided into a number of lots. Three of the lots had derelict houses on them, which have been demolished. Two of them have remnant materials remaining on the property which require removal. The remaining lots are basically natural vegetation not uncommon to similar rural lots in the area, although there are some old materials (truck bodies, old water tanks, dilapidated fencing) clearly visible from road frontages.

Following the usual correspondence requesting a cooperative resolution to these matters, there were no apparent sign of works being undertaken to address the issues of concern. Consequently, a formal Notice requiring certain works to be done was issued pursuant to Section 3.25 of the Act.

Upon receiving the Notice, representatives from Watsonia met with Council staff to discuss what would be an acceptable approach in resolving the concerns.

After discussing the primary grievances, a way forward was agreed to, which required Watsonia to formally object to the Notice by 4 December, 2003. However, that date expired with no objection being received. The Company was then advised that Council would undertake the necessary works described in the Notice, at the land owners (Watsonia's) expense.



However, as this work involved extensive slashing of vegetation, Watsonia representatives again requested a meeting, this time on-site, in an endeavour to resolve the issues.

This meeting determined that certain aesthetic improvements could be made to the properties, mainly by removing old, derelict and demolished materials which were in clear view of passing traffic.

Therefore, it was agreed that a request would be put to Council to extend the objection period relative to this property, provided that some firm undertakings were provided by Watsonia that the verbally agreed to clean up commitments would be carried out.

Hence, a proposed schedule of works was subsequently provided outlining the extent of improvements to be carried out.

It is considered that these works, once completed, would significantly improve the aesthetic view of the properties, which would not require the vegetation on the land to be disturbed.

One issue which was discussed remains outstanding. A sump site is located on Lot 6 (attached), which does not appear on Council records. The surrounding fence is in disrepair. Upon confirming Council has no record of the sump, Watsonia agreed to infill the sump as part of the clean up programme. However, a closer inspection of the site revealed that a pipe, apparently serving as drainage for Hamilton Road, accesses the sump.

Having reported this to Council's Engineering Department, it was agreed to defer any work associated with the sump pending official confirmation of its status and under whose responsibility the sump falls within.

Therefore, this part of the requisition has been deleted from the varied Notice.

In all other ways, it is considered a reasonable compromise has been reached with the owners in ensuring an acceptable visual standard is applied to their property.

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

Council's Mission Statement "To make the district of the City of Cockburn the most attractive place to live, work and visit in the Perth Metropolitan Area" refers.



### **Budget/Financial Implications**

Any costs incurred by Council in ensuring compliance with the Notice will be recoverable from the owner.

### **Legal Implications**

Part 3 Division 3 Subdivision 2 and 3 and Part 9 Division 1 of the Local Government Act, 1995, refers.

### **Community Consultation**

Advertising of the programme to target unsightly properties was undertaken through local newspapers and more recently "Cockburn Soundings".

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

Nil

- 13.4 **(MINUTE NO 2273) (OCM 20/01/2004) - (MINUTE NO 50) (DAPPS 19/11/2003) - PROPOSED AMENDMENT TO DELEGATED AUTHORITY ACS3 'APPROVAL TO CONDUCT CIRCUSES' (1054) (DMG) (ATTACH)**

#### **RECOMMENDATION**

That Council amend instrument of Delegated Authority ACS3 "Approval to Conduct Circuses" as attached to the Agenda.

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

#### **COMMITTEE RECOMMENDATION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr A Tilbury that Council:

- (1) revoke Delegated Authority ACS3 'Approval to Conduct Circuses'; and
- (2) require that any application to approve of a circus performing on Council land within the City to be referred to Council.

**MOTION LOST 2/3**

MOVED Deputy Mayor R Graham SECONDED Mayor S Lee that the recommendation be adopted.

**CARRIED 3/2**

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



**COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr A Tilbury that Council:

- (1) revoke Delegated Authority ACS3 "Approval to Conduct Circuses"; and
- (2) require that any application to approve of a circus performing on Council land be referred to Council.

**MOTION LOST DUE TO LACK OF ABSOLUTE MAJORITY 4/4**

MOVED Cllr K Allen SECONDED Deputy Mayor R Graham that Council defer the matter to the February Council Meeting.

**CARRIED 4/4**  
**ON CASTING VOTE OF PRESIDING MEMBER**

**Explanation**

Given that there isn't a full complement of Councillors at the Council Meeting and that this item requires an Absolute Majority, it would be best to defer this item to the February Meeting for further consideration.

**Background**

This item was deferred from the December, 2003, Council Meeting to be further considered at this Council Meeting.

At the previous Committee Meeting, and subsequently at the October, 2003, Council Meeting, an amendment to Council Policy ACS3, "Approval to Conduct Circuses". A copy of the newly adopted Policy is attached.

**Submission**

To adopt an instrument of Delegated Authority, the conditions of which relate to the amended Policy as adopted by Council.

**Report**

With the amendment to Council Policy ACS3 "Approval to Conduct Circuses", it has been identified that the related instrument of Delegated Authority is not consistent with the terms of the Policy and is, therefore, incompatible and unable to be utilised.

To overcome this anomaly, it is proposed to amend the relevant Delegated Authority to reflect the intent of the Policy.



That is, to enable the authority to approve of circuses performing only on Council controlled land, within the District, and to align the “Conditions / Guidelines” associated with the delegation with those stipulated by Council Policy.

Currently, condition (2) of the delegation relates to compliance by circuses with National Circus Standards, as recommended by the Federal Government’s National Consultative Committee for Animal Welfare, whereas Council’s recently adopted Policy requires circuses to adhere to the recently proclaimed Western Australian Animal Welfare Act Code of Practice.

This anomaly requires correction to enable the delegation to be effective and it is suggested that a simple blanket clause in the delegation which directly relates to the Policy will overcome any confusion.

Should Council not agree to the amendment, as proposed, then it should revoke the delegation, as it will not be able to be implemented owing to the incompatibility between the Policy and its delegation of authority, in which case any application to approve of circuses performing in Cockburn would have to be referred to Council for deciding, as a matter of necessity.

**Strategic Plan/Policy Implications**

Key Result Area “Facilitating the Needs of Your Community” refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

The relevant provisions of the Animal Welfare Act Code of Practice (2003) apply. Insurance / liability issues as contained in Council Policy ACS3.

**Community Consultation**

Council Policy has been the subject of extensive public consultation previously.

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

Nil.



## 14. PLANNING AND DEVELOPMENT DIVISION ISSUES

### 14.1 **(MINUTE NO 2274) (OCM 20/01/2004) - SALE OF LOTS 95 AND 101 HOWSON WAY, BIBRA LAKE AND THE LAND THE SUBJECT OF CERTIFICATE OF TITLE 1306/642 TO PIHA PTY LTD (4114403) (KJS) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) receive the Business Plan prepared pursuant to Section 3.59 of the Local Government Act 1995 for Major Land Transaction the sale of Lot 95, 101 and the land the subject of Certificate of Title 1306/642 Howson Way, Bibra Lake;
- (2) sell Lots 95, 101 and the land the subject of Certificate of Title 1306/642 to Piha Pty Ltd for \$1,400,000; and
- (3) transfer \$1,400,000 to the Land Development Reserve Fund.

**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**

Council at its meeting held on 19 August 2003 resolved to:

- (1) authorise the sale of Lots 95 and 101 Howson Way Bibra Lake, together with the land the subject of Certificate of Title 1306/642, to Piha Pty Ltd, in accordance with Section 3.58 (3) of the Local Government Act, 1995; and
- (2) direct that pursuant to Section 3.59 of the Act, a Business Plan be presented to a future Council Meeting in relation to the sale referred to in (1) above.

#### **Submission**

Complex Land Solutions, a consultant acting for Piha Pty Ltd, have written to the City with an offer to purchase Lots 95, 101 and CT 1306/642 for \$1,400,000.



## Report

The Business Plan was prepared pursuant to requirements of Section 3.59 of the Local Government Act 1995.

Section 3.59 sets out the requirements of Local Authorities when disposing of land.

The sale of land in Howson Way is deemed to be a Major Land Transaction because the consideration is more than the amount of \$500,000 prescribed in the Regulations.

Section (3) of 3.59 requires that the Business Plan address the following issues:

- (a) its expected effect on the provision of facilities and services by the local government;
- (b) its expected effect on other persons providing facilities and services to the district;
- (c) its expected financial effect on the local government;
- (d) its expected effect on matters referred to in the local government's current plan prepared under Section 5.56 (Principal Activities Plan);
- (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) any other matter prescribed for the purposes of this sub-Section.

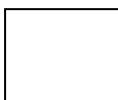
The business plan refers to a Valuation Report prepared by Licensed Valuer Jeff Spencer. The report determined the market price for the land to be in the order of \$1,300,000. The sale of the property for \$1,400,000 is therefore seen to be commercially attractive to the City.

Section 3.59 requires that statewide notice is given that the Council intends entering into the Major Land transaction and that the Business Plan has been prepared.

Submissions can be made for a period of no less than 6 weeks from the date of the notice.

At the conclusion of the six weeks period there has been only one request for a copy of the Business Plan, but no submissions have been received.

The Local Government Act pursuant to Section 3.58 also requires that the City give statewide public notice of any disposition by private treaty





and allow not less than 2 weeks after the date of the notice for submissions.

The notice requires that a description of the property be given the names of the parties concerned, the consideration to be received and the market value as determined by a Licensed Valuer carried out no more than 6 months before the proposed disposition.

The notice was placed and at the conclusion of the 2 week period there were no submissions received.

It is considered that the sale of this property should be supported because:

- the sale price is above the estimated market value;
- the land will be developed by adjoining owner to expand an existing local enterprise;
- the land will become ratable (rates estimated at \$3000 pa);
- the land has limited appeal on the open market due to land fill on portion of the lot;
- the sale will avoid any lengthy and expensive marketing program;
- the funds generated from the sale can be used for other land acquisitions and developments;
- the purchasers intend placing hard stand over the level Section of the land which will greatly enhance the appearance of the area and relieve the City of its maintenance obligations.

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

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

### **Budget/Financial Implications**

The land is currently held in freehold by the City. The sale of the land will contribute \$1.4 million into the Land Development Reserve Fund.

### **Legal Implications**

Nil. The sale of the land has been undertaken in accordance with Section 3.59(7) of the Local Government Act.



### **Community Consultation**

Nil. The Business Plan and the notice of Sale was advertised in accordance with the Act. There were no submissions received.

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

Nil.

## **14.2 (MINUTE NO 2275) (OCM 20/01/2004) - CLEANER PRODUCTION STATEMENT ACTION PLAN (6018) (BH) (ATTACH)**

### **RECOMMENDATION**

That Council endorse the Cleaner Production Action Plan as part of Cockburn's obligations as a signatory to the Cleaner Production Statement.

### **COUNCIL DECISION**

MOVED Cllr L Goncalves SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

### **Background**

At the Council Meeting held on 17 June 2003 Council resolved to become a signatory to the Western Australian Cleaner Production Statement. On 20 June 2003 the Chief Executive Officer signed the Cleaner Production Statement on behalf of the City of Cockburn.

### **Submission**

N/A

### **Report**

As a signatory the City committed to the preparation of an Action Plan that outlines how the City will adopt and promote the principles of Cleaner Production. Attached is a draft copy of the Action Plan for Council's consideration and endorsement.

The attached draft Action Plan has been prepared in accordance with the template provided by the Centre for Excellence in Cleaner Production. The Plan shows the programs / actions planned or already underway that will promote the Cleaner Production principles. All



programs shown have either existing 2003/04 budget allocations or can be accommodated within the existing Environmental Services budget. The extension of existing programs or any new programs for 2004/05 will be considered as part of the budget allocation process.

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

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

3. Conserving and Improving Your Environment
  - *“To manage the City’s waste stream in an environmentally acceptable manner.”*

### **Budget/Financial Implications**

Above programs can be met through existing budget allocations.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

Nil.

## **14.3 (MINUTE NO 2276) (OCM 20/01/2004) - URBAN DEVELOPMENT INSTITUTE OF AUSTRALIA (UDIA) (9805) (SMH)**

### **RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) join the Urban Development Institute of Australia WA Division in the Category “Government E” member; and
- (3) a pro-rata membership fee be paid for the balance of the 2003/2004 Financial Year.



**COUNCIL DECISION**

MOVED Clr L Goncalves SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The Council has over many years been a regular participant in UDIA events, particularly State and National conferences.

**Submission**

In November 2003 a request was received from the Membership Officer of the UDIA, WA Division requesting that the Council consider becoming a member.

The UDIA writes:

*“The UDIA is the peak industry association representing the land development industry. Our aim is to provide an environment where members keep abreast of issues affecting the industry.*

*We value the contribution of local government professionals to our industry and are particularly interested in encouraging improved relationships and communication between private and public sector professionals.*

**Benefits of Joining UDIA**

*We provide our members with a high level of information including:*

- *Weekly Land Snap Shot bulletin which gives a summary of lots sold by price bracket*
- *Monthly Early Edition Newsletter which provides members with industry relevant information to their desktop*
- *Quarterly Urban Link Newsletter that details industry specific issues and an update from the President*
- *Quarterly Land Supply Survey is an extensive summary of the previous quarter’s land sales activities.*

*Our events held throughout the year are an excellent way of keeping up to date with the many issues facing the industry and provide an opportunity to network with industry peers. We host a number of events during the year, including:*

- *Quarterly lunches with an industry related speaker*



- *Regular Industry & Members' Only Forums on topical issues*
- *Annual Golf Day*
- *Annual State Conference*
- *Annual Awards for Excellence Dinner*
- *Regular Outlook@UDIA information networking functions*
- *Site tours*

*UDIA has a number of committees and taskforces that focus on key strategic issues such as Policy, Membership and Profile. Support is provided to younger members through the [Outlook@UDIA](#) initiative.*

*Recent survey results found that the majority of our members feel that we are providing up to date and relevant information on the market and industry with more than three quarters of members rating our Industry Forums, Events and speakers as pertinent and informative.*

*Your membership would fall under Government E Category \$1,165 (incl. GST) which totals \$776 (incl. GST) pro-rata and a Membership Application form is attached.*

*I have attached testimonials to demonstrate what City of Wanneroo and City of Mandurah value as UDIA members.*

*You will find membership of UDIA of great benefit to City of Cockburn and I look forward to receiving your application."*

## **Report**

The City of Cockburn is seen as a growth local government, with developer members of the Institute active in the district and having regular contact with both staff and Elected Members.

The CEO of the City of Wanneroo states:

*"The City of Wanneroo has not always enjoyed a good working relationship with the UDIA. Several years ago there existed a climate of criticism and mutual blame. Meetings focused on the concerns of individual developers and there was little progress made in the development of policies and process improvements.*

*More recently Council has taken a proactive approach to engaging the UDIA. Two years ago Council became a member of the organisation and now actively participates in its various forums and conferences. Most importantly, a number of personal contacts have been made with UDIA representatives, which has greatly improved the level of dialogue. This does not mean that agreement is always reached but the positions of the various parties are more readily heard and understood.*



*I would recommend to an local government involved in urban development that they consider becoming a member. I understand that there are currently five Councils who are members. I believe that if more joined we could have a significant input into an organisation that, through its activities, has a major affect on the future growth and development of Perth and other parts of Western Australia."*

And the CEO of the City of Mandurah concludes:

*"There are several benefits of being a member of your Association. The City values working together with UDIA in an effort to resolve issues and appreciates the opportunities to reach an understanding of each other's requirements. The regular meetings that are convened assist in consolidating good working relationships with members and developers.*

*The officers of the City of Mandurah value the contacts made with members of UDIA and look forward to continuing the positive working relationship that has been established."*

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

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

1. Managing Your City
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
  - *"To maintain a professional and well trained workforce that is responsive to the community's needs."*

### **Budget/Financial Implications**

The annual subscription for a "Government E Category" is currently \$1,165 (incl. GST).

Funds for this subscription are available in Account No.110-6303-Subscriptions.

### **Legal Implications**

N/A



### Community Consultation

Nil, however membership of the UDIA does enable the staff and Elected Members to potentially achieve greater interaction and consultation with those active in the subdivision and development industry, and provide a vehicle to be heard on relevant planning issues.

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

Nil.

#### 14.4 **(MINUTE NO 2277) (OCM 20/01/2004) - HARVEST LAKES - MODIFICATION TO DETAILED AREA PLAN - STAGE 1 (115363) (AJB) (ATTACH)**

##### RECOMMENDATION

That Council:

- (1) grant approval to the modified Harvest Lakes Detailed Area Plan for Stage 1 to permit 2 grouped dwellings being constructed on Lot 148 (No. 59), Lot 146 (No.63), Lot 124 (No.65) and Lot 122 (No.69) Harmony Avenue, Atwell subject to development being single storey only; and
- (2) advise the applicant and submissioners accordingly.

##### COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

### Background

ZONING:	MRS:	Urban
	TPS 3:	Development Zone (DA 10)
LAND USE:	Vacant Lots	
LOT SIZES:	1001m <sup>2</sup> , 1073m <sup>2</sup> , 1006m <sup>2</sup> , 1043m <sup>2</sup>	

The Western Australian Planning Commission ("WAPC") approved the subdivision of Stages 1 and 2 of Harvest Lakes on the 2nd August 2001 (WAPC Ref: 115363).



A condition on the subdivision approval required the need for the preparation of a Detailed Area Plan (“DAP”) to the satisfaction of the WAPC.

This DAP includes detailed residential building design and development requirements that apply to Harvest Lakes and was referred to in the contract of sale when each block was purchased.

The applicant recently identified an anomaly in the DAP for Stage 1. The anomaly relates to four duplex lots within Stage 1 approved by the WAPC on 2 August 2001 as duplex lots, however reference to these duplex lots was omitted from both the sales brochure and DAP for Harvest Lakes Stage 1. The majority of the owners were therefore unaware of the existence of duplex blocks.

**Submission**

The Applicant has requested approval from Council to amend the Harvest Lakes DAP for Stage 1 by replacing the relevant Stage 1 plan (Detailed Area Plan No. 1) in the current document with a plan that reflects the location of 4 new duplex lots.

The location of the 4 duplex lots are identified on the site plan included in the agenda attachments.

**Report**

An unusual position has been created whereby lots with duplex potential have been sold by Landcorp on the basis that they can be developed as duplex sites, however the detailed area plan states: *“Only a single dwelling is permitted per lot, unless otherwise noted as a duplex or higher density lot on the Detailed Area Plan.”*

The subject lots have not been noted as duplex or higher density on the DAP and as the DAP takes precedence over the R Codes, the lots can only be developed for single residential purposes.

As the majority of the owners were unaware of the existence of duplex blocks, affected and surrounding landowners were notified of the anomaly and invited to comment on the proposal. In addition, an advertisement was placed in the Cockburn Gazette.

A number of owners and interested persons made written and telephone submissions. These submissions are summarised as follows.

Name/affected Property	No Objection	Objection	Reasons
Megan Cunningham Lot 150 (No.15) Serene Bend, Atwell	X		





Shirley & Stephen Chan Lot 160 (No.57) Harmony Avenue, Atwell		X	Lot 148 should have different carport entrances to reduce the traffic to Serene Bend.
Catherine & Darryn Rennick Lot 145 (No.20) Windchime Terrace, Atwell		X	Would not have purchased the block should they have been aware of this before purchase. A duplex adjacent to their property will be detrimental to them.
Brenton Gentry & Elizabeth Eaton Lot 103 (No.17) Unity Way, Atwell		X	Would not have purchased the block should they have been aware of this before purchase. Consider that the proposal will devalue their block value.
Claude & Kathy Mirabella Lot 147 (No.61) Harmony Avenue, Atwell		X	Block was purchased on the basis of the original Detailed Area Plan. Would like to see the building plans before agreeing to the proposed changes.
Steve & Terri Johnston Lot 144 (No.18) Windchime Terrace, Atwell		X	No reasons provided.
Carol Jacobson Lot 126 (No.17) Windchime Terrace, Atwell		X	Would not have purchased the block should they have been aware of this before purchase. Reiterated that the detailed area plan stated these lots would be single residential.
Jodie McLeod Lot 123 (No.67) Harmony Avenue, Atwell		X	No reasons provided.
Vince Mineska Address unknown.	X		No reasons provided.
Janet Morrison	X		Recognises that the R20 density permits further development on these 1000m <sup>2</sup> blocks.

***Bought on the assumption that lots were single residential***

Four submissions stated that the blocks were purchased with the knowledge that the area was intended for single residential.

This concern is noted and it is understandable that there may be some concerns from surrounding owners associated with this modification, however it is considered that with the appropriate design assessment of any duplex development, a good outcome can be achieved with minimal impact on the amenity of adjoining properties.

***Perception that the duplex lots will devalue adjoining properties***

There was the general presumption that these duplex blocks might devalue the surrounding blocks. This reason does not constitute a planning ground and cannot be taken into consideration in making an assessment.



***Location of duplex lots detrimental to surrounding owners***

Again it is considered that with the appropriate design of the duplex developments, a good outcome can be achieved with minimal impact on the adjoining properties.

***Increased traffic to adjoining roads***

Each block can achieve two separate driveways. The lots are large enough to facilitate a safe access point to/from each lot. In addition, the road pavement widths have been designed to cope with the proposed traffic volumes.

The proposed change to the Harvest Lakes Detailed Area Plan is supported for the following reasons:

- The duplex blocks will have no adverse impact on the surrounding properties as the detailed area plan and the Residential Design Codes will guide development of these sites with minimal impact on adjoining properties.
- The streetscape will retain a single residential appearance, as the duplex development must conform to front setback requirements under the Residential Design Codes.
- The proximity of the duplex sites to schools, community and recreational areas makes the location appropriate for higher residential development.
- The lots sizes with areas greater than 1000m<sup>2</sup> make it easy to achieve development of two grouped dwellings and in addition, the R Code permits additional development of these lots.
- The resulting lot sizes of 500m<sup>2</sup> would be of a similar size to the adjoining 600m<sup>2</sup> size lots where a common R20 code would apply.

For these reasons, it is recommended that Council approve the modification to the DAP for Stage 1 at Harvest Lakes subject to the grouped dwellings being of a single storey construction only to maintain the privacy of neighbouring properties.

**Strategic Plan/Policy Implications**

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

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



**Budget/Financial Implications**

N/A

**Legal Implications**

Nil.

**Community Consultation**

The City referred the proposal to affected landowners for comment and placed an advertisement in the Cockburn Gazette. Various submissions were received as summarised above.

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

Nil.

**14.5 (MINUTE NO 2278) (OCM 20/01/2004) - OFFICE AND FACTORY EXTENSION AND RETROSPECTIVE APPROVAL FOR EXISTING WORKSHOP LEAN-TO - 156 BARRINGTON STREET, BIBRA LAKE - OWNER/APPLICANT: HARRY ENGINEERING COMPANY (4310060) (ACB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant approval to the Office and Workshop Extensions and retrospective approval to the existing Workshop Lean-To on Lot 146 (156) Barrington Street, Bibra Lake, subject to the following conditions:

Standard Conditions

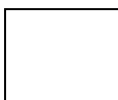
1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the



Council.

5. All plant and equipment are to be screened from public view.
6. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 3.0 metre truncation, as depicted on the approved plan.
7. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
8. All stormwater being contained and disposed of on-site.
9. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
10. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
11. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the Council.
12. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
13. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the Council's satisfaction.

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



14. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, and designed on the basis of a 1:10 year storm event.
15. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage of the site/building.
16. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
17. All earthworks and/or associated drainage details shall be in accordance with plans and specifications certified by a suitable qualified practicing Engineer to the satisfaction of the Council.
18. 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 to a continuous accessible path to the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1-1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
19. Access on to the site shall be restricted to that shown on the plan approved by the Council.

#### SPECIAL CONDITIONS

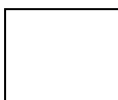
20. The proposed materials and colours of the extension shall complement the existing office and workshop to the satisfaction of the Council.
21. The provision of three (3) bicycle racks in accordance with the approved plans is to be installed prior to the development being occupied.
22. The principle use of the proposed workshop extension will



be for the storage of equipment and materials.

FOOTNOTES

1. Council has granted planning approval to a use or development already commenced or carried out, subject to the development conforming to the provisions of the Scheme in accordance with clause 8.4.1 of Town Planning Scheme No. 3.
2. This planning approval constitutes a variation to development requirements (vehicle parking) in accordance with clause 5.6 of Town Planning Scheme No. 3 where 35 are provided in lieu of 37 required on-site.
3. The development is to comply with the requirements of the Building Code of Australia.
4. Where petrol, benzene or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed washdown area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment, Water and Catchment Protection.
5. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Licence application. Written approval from the Council's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
6. The approval of the Environmental Protection Authority may be required prior to development under the provisions of the Environmental Protection Act 1986.
7. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
8. 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*.
9. Bin storage facilities to be provided to the satisfaction of



- the Council's Health Service.
10. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.
  11. Covered car parking bays shall be a minimum of 5.5 x 3.0 metres, served by a 6 metre wide paved accessway.
  12. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant; and
  - (3) advise the owner that because the Lean-To has been constructed the Council is unable to issue a building licence retrospectively.

**COUNCIL DECISION**  
 MOVED Cllr L Goncalves SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Industrial
	TPS3:	Industry
LAND USE:	Industrial	
LOT SIZE:	4049m <sup>2</sup>	
AREA:	Proposed Extensions 436.8m <sup>2</sup>	
USE CLASS:	Permitted 'P'	

The applicant operates a Catamaran business from the subject site. Since 1972 the business has evolved from building 12 metre long catamarans to 30 metre long catamarans.

The City issued a Building Licence for a Workshop and Office in 1972. The office was extended in 1975. In 1991, the owner relocated the office to the western portion of the site. There have been no subsequent approvals since this time.



On 29 October 2003 the City received a planning application for an Office and Workshop Extension. An audit of the existing development revealed that the development failed to comply with a previous planning approval dated 11 October 1991 in that the following conditions had not been complied with:

- “4. *The first 7.5m of the site being landscaped to the satisfaction of Council.*
6. *The landscaped areas being developed in accordance with the approved plan and maintained thereafter to the Council's satisfaction.*
13. *The premises being kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of Council.*
15. *The street verge adjacent to Lot 146 Barrington Street being landscaped and maintained to the Council's satisfaction and the owner providing a written agreement to this requirement prior to the issue of a building licence.”*

The applicant was advised and invited to respond.

At an on site meeting with the applicant and the Director, Planning and Development, the applicant advised that these conditions had been complied with in accordance with the 1991 approval. The applicant advised that as the size of the catamarans increased, the business required new doors at the front of the workshop in order to transport the boats from the property to Henderson. The landscaping was therefore removed approximately a year after it was installed following a meeting with members of the Shire, who gave verbal approval for removal of the landscape located in front of the proposed doors, provided the area was fenced off when the doors were not in use. The applicant acted on this advice.

There is no correspondence on file in relation to this verbal agreement. There is only reference to proposed front doors for the workshop, however there are no formal approvals issued for this.

In addition to the above, the applicant has constructed a Lean-To structure along the western section of the factory without seeking the necessary approvals. This structure was identified from aerial photography taken on 2003. In addition to the workshop and office extension, the application seeks retrospective approval of this Lean-To.

### **Submission**

The applicant states that the extra office space will ease overcrowding in the existing office and that the workshop extension will create a new





unloading facility to comply with directions from the Department of Occupational Health and Safety WA (DOSHWA). DOSHWA had advised the applicant that the business did not comply with the latest safety requirements and that changes to the new building codes require unloading and loading in areas where people are not working.

## **Report**

### Existing Lean-To

Council has the discretion to grant planning approval to development retrospectively, pursuant to Clause 8.4 of Town Planning Scheme No. 3 (the Scheme), provided the development conforms to the provisions of the Scheme.

### Proposed Office and Workshop Extensions

#### Car parking

The proposed extensions require additional car parking bays in accordance with TPS3. Three (3) additional car bays are required, for a total requirement of 37 bays. The site accommodates a total of 35 bays. A total of 25 employees are present on the site at any one time. It is considered that the nature of the business does not result in frequent visitors to the site and therefore relaxing car parking by 2 bays seems appropriate in this instance pursuant to clause 5.6 of TPS3.

#### Landscaping

The applicant is required to improve and maintain the remaining verge to the satisfaction of the Council. This requirement is reflected as a condition on the recommended approval.

### Conclusion

No further action is recommended in respect to the development constructed without planning approval, given that the owner has now sought approval and that the existing Lean-To does not adversely affect the occupiers, inhabitants of the locality or the likely future development of the locality. The development is also generally compliant with TPS3.

It should be noted that a building licence for the existing Lean-To cannot be issued retrospectively and the owner should be advised of this.

## **Strategic Plan/Policy Implications**

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

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



- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

The Planning Policies which apply to this item are:-

APD10          Discretion to Modify Development Standards  
APD17          Standard Development Conditions and Footnotes

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**14.6 (MINUTE NO 2279) (OCM 20/01/2004) - ILLEGAL STRUCTURES WITHIN THE DISTRICT - PUBLIC AWARENESS CAMPAIGN (9006) (SMH)**

<p><b>RECOMMENDATION</b> That Council:</p> <p>(1) receive the report.</p> <p>(2) undertake a campaign of Public Notices regularly included in Cockburn Soundings, advising people of the need to apply for and receive the approval of the Council prior to proceeding with development, and where illegal structures are discovered, the Council may take legal action against property owners; and</p> <p>(3) proceed with an advertising campaign in Cockburn Soundings and that the Public Notices be published in six consecutive issues commencing in the March/April Edition 2004.</p>
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**COUNCIL DECISION**

MOVED Cllr L Goncalves SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The following issue was raised at the Ordinary Council Meeting held on 16 December 2003 under “Notices of Motion Given at the Meeting for Consideration at Next Meeting”, by Cllr Oliver:

***“ILLEGAL STRUCTURES WITHIN DISTRICT***

*That Council undertake a public awareness campaign to advise ratepayers that the Council will not tolerate the erection of illegal structures within the district and where such structures are identified, then Council will consider legal action and/or the removal of the structures as provided for under the Act.”*

**Submission**

Cllr Oliver expressed her concern about the number of illegal structures that had come before Council for retrospective approval under Clause 8.4 of the scheme.

**Report**

Based on the foregoing, it is suggested that the Council undertake a regular advertising campaign in the Cockburn Soundings to make the public aware of the need to gain the proper approvals, and where illegal structures are discovered, the public be advised that the Council may take legal action.

As a result of conducting the public awareness campaign about illegal structures within the District, this may generate a number of complaints being received which could result in the City having insufficient resources to undertake investigations and actions under its Scheme and the Local Government Act.

**Strategic Plan/Policy Implications**

The Corporate Strategic Plan Key Results areas which apply to this item are:

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



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

**Budget/Financial Implications**

N/A

**Legal Implications**

There are no legal implications from proceeding with the Public Notices, however legal action may follow where illegal structures are discovered.

**Community Consultation**

Not applicable, however the Public Notice campaign is increasing the awareness in the community about the need to gain approvals and that the owners of illegal structures may be prosecuted.

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

Nil.

**14.7 (MINUTE NO 2280) (OCM 20/01/2004) - PUBLIC UTILITIES RESERVE 42893 - REVESTMENT TO FREEHOLD LAND (450874) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council request the Minister for Planning and Infrastructure to revest Reserve 42893 to freehold land to be included with the adjoining lots, provided that it will be revested at no cost to Council.

**COUNCIL DECISION**

MOVED Cllr L Goncalves SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

**Background**

Reserve 42893 was formerly a pedestrian accessway linking Cyprus Court to Longreach Parade, Coogee.



Council at its meeting held on 6 July 1993 resolved to request the Department of Land Administration to re-vest the land as a public utility reserve. The re-vesting as an alternative to closure is because Water Corporation had a main within the pedestrian accessway that could not be cut at that time.

### **Submission**

Written requests for the land to be re-vested has been received from the adjoining land owners. Written support to the closure has been received from Water Corporation, given that it can now cut the water main and therefore the utility reserve is no longer required.

### **Report**

The decision to close the PAW in 1993 pre-dates the current PAW closure policy but was taken after a community consultation process involving letters to houses within the catchment and signs at each end of the access way. The access way had never been constructed and therefore had no usage history.

Since the formal closure of this link as a PAW in 1993 there has been no community request for the link to be re-established. The link, if re-established, would have limited benefit in increasing the walkability of this section of Coogee.

There are only eight houses in Cyprus Place. The closure of the reserve and the inclusion of the land into the adjoining lots will relieve the City of a potential maintenance obligation.

The adjoining owners have agreed to purchase the land and share the cost of having the water main cut and capped at each end.

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

The Corporate Strategic Plan Key result area, which applies to this item is:

*Facilitating the Needs of Your Community.*

### **Budget/Financial Implications**

The re-vesting of the reserve will relieve the Council from current maintenance responsibilities.

### **Legal Implications**

The re-vesting will be undertaken pursuant to the provisions of the Land Administration Act.



### Community Consultation

The adjoining landowners and Water Corporation were written to.

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

Nil.

**14.8 (MINUTE NO 2281) (OCM 20/01/2004) - DEDICATION OF LAND AS ROAD PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - LOT 3 YANGEBUP ROAD, YANGEBUP (4316076) (KJS) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) request the Minister for Planning and Infrastructure to dedicate Lot 3 Yangebup Road as road reserve pursuant to Section 56(1) of the Land Administration Act 1997; and
- (2) indemnify the Minister for Planning and Infrastructure against any reasonable costs incurred in considering and granting this request

#### COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

### Background

Lot 3 Yangebup Road is owned in fee simple by the Western Australian Planning Commission. The land is entirely within Spearwood Avenue Road Reserve, a secondary distributor under the MRS. The land links Yangebup Road to the bridge across the Railway Reservation.

### Submission

The Department for Planning and Infrastructure have agreed to transfer the land to Road Reserve and have requested that the City undertake the necessary action to dedicate the land for this purpose.



## Report

The City is constructing a section of Spearwood Avenue between Yangebup Road and Barrington Street.

The land comprising this section is privately owned by the West Australian Planning Commission. It is a requirement of the WAPC that the land be revested to Road Reserve.

It is unclear how the land came to be in the ownership of the WAPC but it is certain that the land was acquired for the purpose of constructing Spearwood Avenue.

Up until the commencement of the road construction, it was appropriate for the land to be owned and maintained by WAPC. Once constructed, it is preferable that the land be a dedicated road vested in the care and control of the City.

The land north of the railway crossing being Lot 2 Barrington Road is also within the current Spearwood Road construction and is also a freehold lot. Action to dedicate this portion has commenced pursuant to the Town Planning and Development Act as a one lot subdivision.

## Strategic Plan/Policy Implications

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

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

## Budget/Financial Implications

N/A

## Legal Implications

N/A

## Community Consultation

N/A

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

Nil.



**14.9 (MINUTE NO 2282) (OCM 20/01/2004) - CLOSURE OF PEDESTRIAN ACCESS WAY - DAIRY COURT TO FOXON ROAD BIBRA LAKE (450552) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council request the Minister for Planning and Infrastructure close the Pedestrian Accessway (PAW) between Dairy Court and Foxon Road, Bibra Lake.

**COUNCIL DECISION**

MOVED Cllr L Goncalves SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The Pedestrian Access Way has been in existence since 1985. There have been no previous requests for closure.

**Submission**

The owners of properties next to the Access Way have written to the City requesting that it be closed.

Two letters with a local petition were received on 25 September 2002 from the owners of 17 and 19 Dairy Court requesting that the public walkway from Dairy Court to Foxon Road be closed.

The petition letter states:

*The walkway serves no useful purpose as there is adequate alternative access to the Bibra Lake Hall and the shopping centre. It is unlit at night, provides a haven for persons loitering in the area, attracts debris and provides easy access to the yards of properties adjoining it. Several homes have been broken into and on each occasion access has been gained via the walkway. It seems unnecessary to have a walkway that no one uses and which provides a haven for the criminal element in which to operate and gain access to our homes.*

The letter from the owners of 17 and 19 Dairy Court also addressed the similar issues.

Council Policy APD 21 requires that residents seeking to have a PAW closed make a written request to Council for the PAW closure signed





by at least two of the residents abutting the PAW, with supporting justification for the closure. This has been completed by virtue of the letters and petition received. The petition was signed by ten local residents.

The written request should also provide advice that should the PAW closure be agreed, the owners adjoining or abutting the PAW will be prepared to purchase the land and meet all costs associated with its closure. The owners of Lot 278 (19) Dairy Court indicated in the letter that they would be interested in liaising with Council about division of the land and fence adjustments once the decision has been made to initiate the closure of the accessway, however, request for a formal agreement as a condition of Council initiating procedures to close the PAW.

### **Report**

The Dairy Court PAW is approximately 80-metres long and 3-metres wide. Fibrous cement fencing ranging between 1.5 and 1.8 metres in height flanks the majority of the accessway, with two brick parapet walls in similar height flanking short sections of the PAW.

The details of the assessment are as follows:

#### Catchment to shopping centre and primary school

The Dairy Court PAW is located within a 400 metres walkable distance to three major community facilities including Bibra Lake shopping centre, community centre and Bibra Lake Primary School.

The Dairy Court PAW does not play an important role in improving people's accessibility to these facilities. There is another access way connecting Dairy Court and Simon Court which is more convenient.

#### Bus routes

Bus route 194 services this area and runs between the Success and Booragoon Bus Stations.

The closure of the access way will not affect people's walkability to the bus services.

#### Public Open Space

The closure of the PAW would not have any impact on people's access to the POS in the area.



Proximity to senior's accommodation/aged care facilities

There is aged persons accommodation in the vicinity of the PAW at the corner of Annois Road and Parkway Road. However, the closure of the accessway will not have any adverse effect on the aged persons' accessibility to the community facilities and the bus stops.

The role of the PAW

The Dairy Court accessway does not function as a pedestrian link in the local area. The Simon Court accessway plays a more important role in increasing people's accessibility to all the community facilities.

The degree of nuisance experienced by residents living near the PAW

A site inspection of the PAW found no evidence of vandalism, but large amounts of rubbish including fallen leaves and beer cans. It is not possible without extensive surveillance of the PAW to substantiate the residents' claims of nuisance, however there is nothing to suggest that their concerns are not genuine.

Availability of alternative access routes

The Simon Court PAW provides an alternative access to the community facilities.

Options for alternatives to closure of the PAW

Improving the amenity of the PAW is not recommended given its limited function as a convenient access route with closure being the more viable option.

Other considerations

It has not been substantiated whether any main services such as sewer, water supply, electricity, telephone or drainage infrastructure will be affected by the closure of the PAW. This can be addressed through the public consultation process should Council seek to initiate closure of the PAW.

Summary of assessment

Based on the above assessment and following the provisions of APD21, it is considered that it is appropriate to close the PAW for the reasons given.

It is therefore recommended that the proposal to close the Dairy Court to Foxon Road PAW be advertised for public comment in accordance with the procedures outlined in APD21, subject to firstly receiving an



indication from abutting landowners that they will be prepared to meet all costs associated with its closure.

### Service Authorities

All of the service authorities have forwarded comments on the proposed closure. The information contained within the responses will be forwarded to the Department of Planning and Infrastructure.

### Land purchase

It is a requirement of the Department of Planning and Infrastructure that before a Pedestrian Access Way can be closed there must be agreement from the adjoining land owners to purchase all the land the subject of the PAW. The owners have agreed to purchase the land at the prices quoted by DPI.

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

#### 2. Planning Your City

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

Council's Policy APD21 states that:

*"Pedestrian access ways (PAWs) are a feature of many past residential subdivision in the City of Cockburn. PAWs have an important role in providing access to community facilities and services and form an integral part of the pedestrian and cyclist movement system within residential areas".*

Due to the fact that in some cases PAWs have facilitated crime and antisocial behaviour, residents living near or adjacent often require Council to close the PAWs. In considering requests to close a PAW, Council must:

- balance the negative impacts experienced by residents living near a PAW against the wider community need for the PAW
- ensure that efficient and effective pedestrian/cyclist movement systems will not be adversely effected by closing a PAW.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A



### Community Consultation

Adjoining owners have agreed to the closure and signs where placed at each end of the Access Way seeking any objection to the proposal. There were no responses to the on site notices.

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

Nil.

#### 14.10 **(MINUTE NO 2283)** (OCM 20/01/2004) - LAND ACQUISITION - LOTS 22 AND 24 IMLAH COURT, JANDAKOT - MAIN ROADS WA (5515185; 5515183) (KJS) (ATTACH)

##### **RECOMMENDATION**

That Council:

- (1) subject to the sale of Lots 95, 101 and CT1306/642 Howson Way, Bibra Lake, a Business Plan be prepared for the purchase of:
  1. Lot 22 Imlah Court, Jandakot from Main Roads WA for \$240,000; and
  2. Lot 24 Imlah Court, Jandakot from Main Roads WA for \$150,000;
- (2) following the purchase of the above land, initiate structure planning for the area bounded by Imlah Court, Prinsep Road and Kwinana Freeway, Jandakot.

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

##### **COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that the recommendation be adopted.

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

### Background

Lots 22 and 24 Imlah Court were acquired by Main Roads WA as part of the Kwinana Freeway land acquisition. The lots are now surplus to Main Roads WA requirements and have been offered to the City of Cockburn.



## Submission

Main Roads have written to the City offering Lot 22 and Lot 24 Imlah Court for \$240,000 and \$150,000 respectively. Included in the correspondence were valuation reports prepared by Licensed Valuers DTZ Australia.

## Report

The lead taken by the City in formulating the Structure Plan will not be detrimental to the commercial interest of the City.

The timing of the development is envisaged to be in two stages.

The first stage would be for the 4 residential lots to be developed and sold within 2 years. The balance of mixed business will be dependent on demand, but should be sold within 5 years, as a second stage.

Experience has shown that holding englobo land for periods of more than 5 years prior to development has resulted in better returns on capital than that achieved in the City's cash plus investment/trust accounts.

The proceeds from the sale of the 2 land parcels in Howson Way provide the funds for the purchase of the Imlah Court lots. Once realised, the investment in the Imlah Court land will still be available for other acquisitions or development.

Houses on Lots 22 and 24 currently return rents of \$220 and \$135 per week, respectively. In the two years prior to the redevelopment, a return of \$18,460 is expected, or 4.7% which is a reasonable rent return on capital. The tenancies for both houses are monthly so it is possible that the land could be available for development at short notice.

Due to the fact that the purchase of the land from Main Roads WA, together with the development and sale of the lots will exceed \$500,000, the preparation of a Business Plan under the Act is required.

## Strategic Plan/Policy Implications

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

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



2. Planning Your City

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

**Budget/Financial Implications**

Subject to the Council agreeing to sell Lots 95 and 101 Howson Way, Bibra Lake for \$1.4 million, these funds will provide the basis for the \$390,000 required to purchase Lots 22 and 24 Imlah Court, Jandakot from Main Roads WA.

The funds from the sale of the Howson Way lots and the funds to purchase the Imlah Court lots will be via the Land Development Reserve Fund.

The risks associated with the purchase of the Imlah Court land will be addressed in the Business Plan, but in general terms the risks relate to development costs, the demand for the lots, particularly the 'mixed business lots' and the co-operation of adjoining property holders.

The development of the mixed business lots depends upon the preparation and adoption of a Structure Plan, the agreement and co-operation of the adjoining landowners and the co-ordination of the planning and installation of utility services.

The risk can also be measured in lost opportunity cost, in terms of return on investment, had the money to purchase the Imlah Court land been placed in a bank or finance institution.

However, land purchases should be seen as long term investments that appreciate in value to provide assets that can be utilised for the benefit of future communities.

**Legal Implications**

Sec. 3.59 (2) of the Local Government Act, 1995 refers.

**Community Consultation**

N/A

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

Nil.



**14.11 (MINUTE NO 2284) (OCM 20/01/2004) - PROPOSED SECOND DWELLING - LOT 23; 12 GOSCH STREET, HAMILTON HILL - OWNER: A & N DI RE - APPLICANT: TUSCOMB SUBDIVISION CONSULTANTS PTY LTD (2202112) (VM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse the Development Application for a second dwelling on Lot 23 (12) Gosch Street, Hamilton Hill, as outlined in the application for the following reasons:
  1. The proposed development does not comply with the Residential Design Codes 2002 in relation to the R20 coding and Clause 5.4.1 of the City of Cockburn Town Planning Scheme No. 3 in respect of the total land area of the lot being less than 900m<sup>2</sup>, and therefore cannot be approved by the Council.
- (2) issue a Schedule of Notice of Determination on Application for Planning Approval – Refusal, and an MRS Form 2 Notice of Refusal; and
- (3) advise the applicant of this decision.

**COUNCIL DECISION**

MOVED Mayor S Lee SECONDED Cllr S Limbert that Council agree to:

- (1) the request from Ms Maggie De Ri for the application to be withdrawn for consideration from the Council Agenda; and
- (2) have the planning fee refunded.

**CARRIED 8/0**

**Explanation**

Ms Maggie De Ri has formally requested that the application for a second dwelling on Lot 23 (No.12) Gosch Street be withdrawn from the Council Agenda, because the subdivision of the land is the subject of an appeal. Having received conflicting advice, she had mistakenly lodged an application to construct a second dwelling. In the circumstances, any planning fees paid in respect of the application should be refunded.



## Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential Dwelling	
LOT SIZE:	873m <sup>2</sup>	
USE CLASS:	Grouped Dwelling 'P' Use	

On 10 March 2003 the City received a referral from the Western Australian Planning Commission ("WAPC") to comment on a Green Title Subdivision Application.

On 10 April 2003 the City's Planning Officer contacted the applicant (the landowner, Mr Alfonso Di Re) and informed him that the City could not recommend support for the subdivision as the lot was too small to be able to be subdivided. It was also advised at the time that the information supplied with the application was incorrect as the applicant stated the lot was 898m<sup>2</sup>, however it is only 873m<sup>2</sup>.

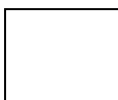
The applicant/landowner provided information with regard to the landowners health conditions and a letter from their family doctor. While these circumstances are acknowledged, this is not a relevant planning consideration.

The City also informed the applicant that Clause 3.1.3 of the Residential Design Codes (the "Codes") allows the WAPC or the Council to approve or support a minimum site which is one of a Grouped Dwelling or a site less than that specified on Table 1 of the Codes. Council could use Clause 3.1.3 of the Codes, however 5% of the minimum lot area average for a R20 Code would be 950m<sup>2</sup>. It would therefore not comply and is not applicable.

On 24 April 2003 the City responded to the WAPC with a recommendation for refusal based on a failure to comply with the minimum lot size requirements of TPS No. 3.

The WAPC on 13 May 2003 subsequently refused the application for the following reasons:

1. *The subdivision does not comply with the minimum (440m<sup>2</sup>) or average (500m<sup>2</sup>) lot size requirements for land coded R20 under the City of Cockburn Town Planning Scheme No. 3.*
2. *The lot(s) proposed are smaller than the prevailing lot size in the locality and approval to the subdivision would set an undesirable precedent for other nearby and surrounding subdivisions."*





On 5 August 2003 the City received a referral from the WAPC on a survey strata application submitted by the landowner. The plans supplied by the landowner and drafted by Tuscom Subdivision Consultants had an incorrect lot area of 1293m<sup>2</sup> that included the land excised as a corner truncation. The wrong lot area was raised with the landowner and Mr James Teoh from Tuscom Subdivision Consultants. Tuscom Subdivision Consultants on 21 August 2003 forwarded a facsimile to the City attaching a copy of a Deposit Plan (reference 6789) by the Department of Land Information ("DLI") illustrating that Lot 23 is 898m<sup>2</sup>. Given that the City's records (Tax Plan) showed a different lot size, a title search was requested from DLI. The certificate title illustrated a total lot area for Lot 23 to be 873m<sup>2</sup>. Council's Cartographic Section then contacted DLI for an explanation. The DLI Officer confirmed that the lot area is 873m<sup>2</sup> and that the area on Plan 6789 is incorrect due to an incorrect conversion from Imperial to metric measurement. The DLI Officer also advised that Plan 6789 would be corrected.

On 26 August 2003, the City advised the proponent of the correct total lot area. On 23 September 2003 the City responded to the WAPC with a recommendation for survey strata refusal based on a failure to comply with the minimum lot size requirements of TPS No. 3.

In September 2003 the applicant requested the City's reasons for not supporting the strata application in writing. The City provided a response to the applicant on 2 October 2003 explaining the reasons for refusal.

On 27 October 2003 the WAPC resolved that the application be refused for the following reasons:

- “1. *The proposal does not satisfy the minimum (440m<sup>2</sup> required) or average (500m<sup>2</sup> required) lot size requirements for grouped dwelling subdivisions for land coded R20 under the Residential Design Codes 2002.*
2. *The lot(s) proposed are smaller than the prevailing lot size in the locality and approval to the subdivision would set an undesirable precedent for other nearby and surrounding subdivisions.”*

On 2 October 2003 an application to build a second dwelling (a Schedule 6 Planning Application) on the property was received by Council.

On 9 October 2003 the City contacted the applicant (J-Corp Pty Ltd) and informed that Council could not approve the application for a second dwelling as the lot was too small.



On 4 November 2003 a Building Licence application was received by the City. On 5 November 2003 the City's Planning Services contacted the applicant (J-Corp Pty Ltd) and advised that a Building licence cannot be issued as the Planning application was about to be refused.

On 5 November 2003 the applicant requested cancellation of the Building Licence application.

On 10 November 2003 the City, under Delegated Authority of Council and pursuant to Clause 11.3 of TPS No. 3, refused the development application for a second dwelling for similar reasons as previously stated.

On 2 December 2003 the City received a new development application for an additional dwelling submitted by Tuscom Subdivision Consultants Pty Ltd. The applicant requested for the application be determined at a Full Meeting of Council.

### **Submission**

The applicant (Tuscom Subdivision Consultants Pty Ltd) submitted a supporting letter dated 1 December 2003 as part of the Development Application which should be read in conjunction with this report. (Letter attached).

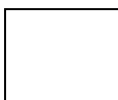
Also, as part of the Development Application, two emails dated 2 December 2003 were submitted (emails attached).

### **Report**

A development application for an additional dwelling on a lot zoned Residential can only be approved irrespective of the R-Code (R20) if the lot has a minimum lot area of 900m<sup>2</sup>, regardless of it being a corner lot. The Council doesn't have any legal capacity to further reduce the minimum lot size requirements under Town Planning Scheme No. 3 to approve the proposal for a second dwelling. Despite this the application has been referred to the Ordinary Meeting of Council at the request of the applicant.

The subject lot contains an existing house on the eastern side of the block. The lot is located on the corner of Gosch Street and Headland Street and the western portion of the block is vacant. The total lot area is 873m<sup>2</sup>

The subject lot is zoned "Residential R20" under the City of Cockburn Town Planning Scheme No. 3 ("TPS No. 3"). The Residential Design Codes of Western Australia ("the Codes") (gazetted on 4 October 2002) specify that for a property coded R20 to accommodate two dwellings, the lot needs to comply with a minimum average lot area of 500m<sup>2</sup>. The Codes under Clause 3.1.2 also specify that "*in the case of*



*a lot with a corner truncation, up to a maximum of 20m<sup>2</sup> of that truncation shall be added to the area of the adjoining lot*". Therefore utilising Clause 3.1.2 of the Codes a corner lot can have an area of 980m<sup>2</sup> together with a truncation of a maximum of 20m<sup>2</sup>, to accommodate two dwellings as the average of 500m<sup>2</sup> is achievable.

Unlike most other Councils, the City, under its TPS No. 3, has the flexibility to vary the requirements of the Codes in relation to the minimum land area. This is explained in Clause 5.4.1 of the TPS No. 3 as follows:

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

Council can approve two grouped dwellings on a R20 lot with an area of 900m<sup>2</sup> subject to design and connection to sewer. However, TPS No. 3 does not permit the Council to further reduce the minimum lot size.

Even if Council could include the 18m<sup>2</sup> truncation into the total area of the lot, the lot area would only be 891m<sup>2</sup>, therefore still be too small to accommodate two grouped dwellings.

The current application lodged by Tuscom Subdivision Consultants is requested to be presented to a full Council Meeting. The application again cannot be approved by Council as the lot area is 873m<sup>2</sup>. The Council has no legal ability to approve a grouped dwelling on a lot less than 900m<sup>2</sup>, and should therefore recommend refusal of the application.

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

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

1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*



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

The Planning Policies, which apply to this item are:-

APD8 Strata Titles  
APD16A Standard Subdivision Conditions and Reasons for Refusal.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

The recommendation in relation to this application is made in accordance with the provisions of Council's Town Planning Scheme No.3 and Residential Design Codes.

### **Community Consultation**

N/A

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

Nil.

**14.12 (MINUTE NO 2285) (OCM 20/01/2004) - PROPOSED SUBDIVISION - LOTS 1 AND 2 JOHNSTON ROAD, JANDAKOT - OWNER: SOILS AINT SOILS PTY LTD - APPLICANT: PRESTIGE DEVELOPMENTS (121712) (MR) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) advise the Western Australian Planning Commission that it supports the subdivision of Lot 1 & 2 Johnston Road and Reserve 33290, Jandakot into 24 lots subject to the following conditions:

#### Standard Conditions

1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the



- local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost.
2. Street corners within the subdivision being truncated to the standard truncation of 14 metres.
  3. Before any works commence on-site, the subdivider shall prepare a 'Soil Contamination Assessment' of the site and any contaminants shall be removed to the satisfaction of the Western Australian Planning Commission.
  4. The subdivider shall prepare and implement to the satisfaction of the Western Australian Planning Commission a program for rehabilitation of Lot 1 & 2 Johnston Road and Reserve 33290 (including the removal of any uncontrolled fill on-site and the securing of a water supply for any reticulation).
  5. The applicant providing a geotechnical report certifying that the land within the proposed building envelopes and road reserves is physically capable of development, to the satisfaction of the Western Australian Planning Commission.
  6. The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted, to the satisfaction of the Western Australian Planning Commission.
  7. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the rehabilitation works and revegetation required by this approval to be maintained:
    - (a) by the subdivider for a period of at least three (3) years after the endorsement of Diagram of Survey for the proposed lots by the subdivider.
    - (b) by future owners for the proposed lots for a further period of at least two (2) years after expiry of the period set out in (a) above.
  8. The subdivider lodging a performance bond with the Local Government based on the estimated cost of completing the rehabilitation works, maintenance, plant replacement and administration.
  9. The subdivider shall prepare a plan of the location of building envelopes on each lot and make arrangements

to establish appropriate mechanisms to require all buildings on each lot to be located within such building envelopes, to the satisfaction of the Western Australian Planning Commission.

10. Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site located in the south-western quadrant of the site prior to commencement of site works.
11. The subdivider shall prepare and implement a revegetation plan for the land, which uses species that are endemic to the locality and consistent with adjoining community vegetation types and not species known to be invasive or environmentally damaging and maintaining such for a period of three (3) years to the satisfaction of the Western Australian Planning Commission.
12. The transfer free of cost of transformer and high voltage switchgear sites to the Western Power Corporation, with the locations of the sites being to the satisfaction of the Western Australian Planning Commission on the advice of the Local Government and Western Power Corporation.
13. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
14. Before any site works commence, the subdivider shall provide information relating to the extent of earthworks and final contours for the land, to the satisfaction of the Western Australian Planning Commission.
15. Notification in the form of a memorial to be placed on the Certificate of Titles of all Resource Lots advising of:-
  - a) the existence of dog kennels on the adjacent land and advising that the lots may be affected by noise from these kennels;
  - b) the existence of a small bore pistol club on the adjacent reserve and advising that the lots may be affected by noise from this club activity;
  - c) Jandakot Airport on the adjacent land and advising that lots are affected by a high frequency of aircraft landing and taking-off where the lots are affected by noise from these operations.

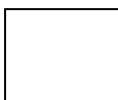


- d) All house design and construction within the 25-20 ANEF must be designed and constructed to comply with AS 2021 –2000 Acoustics Aircraft Noise Intrusion – Building Siting and Construction. It is recommended that house design and construction where situated between 25-20 ANEF comply with AS 2021 –2000 as if the land was within the 25-20 ANEF.
  - e) Soil blending operation on Lot 186 Acourt Road, Jandakot and that the lots may be affected by noise and odour from these operations.
  - f) The keeping of livestock including horses is strictly not permitted on any lots.
  - g) Alternative Treatment Unit effluent disposal systems are required for development on all lots.
16. Arrangements being made to the satisfaction of the Western Australian Planning Commission to ensure prospective purchasers of the proposed lots are made aware of:-
- a) the requirements for rehabilitation and revegetation required by this approval.
  - b) The building envelope plan.
  - c) Those provisions of the Local Government's Town Planning Scheme, which relate to the use and management of the land.
17. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the provision of long term on-going fire protection measures including the preparation of a Fire Management Plan and the provision of a water supply, strategic firebreaks, alternative fire breaks, access, gates, locks, easements and fire hydrants or alternative water supply.
18. No lot being less than a minimum of 2.0ha in area.
19. Lukin Swamp and its associated buffer being shown as a "Conservation Reserve" and vested in the Crown under Section 20A of the Town Planning and Development Act, such land is to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.

20. Cul-de-sac head treatment being to the satisfaction of the Western Australian Planning Commission.
21. The minimum road reserve width of 20.0 metres applying.
22. The battleaxe access leg(s) being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
23. The proposed wildlife corridor and firebreak on the plan submitted by the applicant being shown on the Diagram or Plan of Survey as a "Reserve for Conservation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.
24. The subdivider shall prepare and implement a Wetland Conservation and Management Plan for Lukin Swamp and shall include weed control, fencing, gates and locks, fire control and rehabilitation.
25. Fences and gates being provided to the proposed wildlife corridor to the satisfaction of the Western Australian Planning Commission in consultation with Jandakot Airport Holdings Pty Ltd.

#### FOOTNOTES

1. In relation to Condition 8 proportional amounts of the bond are deductible annually upon satisfactory performance of measures outlined in the approved Rehabilitation Plan. A proportion of the bond no less than \$20,000, is to be withheld to ensure purchasers of new lots comply with the requirements of the Rehabilitation Plan until the expiry of the 5 year term.
  2. In relation to Condition 9, building envelopes shall be located on land that has the best capability for construction of dwellings and on-site effluent disposal and provides the greatest possible separation to the Jandakot Airport and to the kennel area to the north.
  3. The City recommends that the lot boundaries be fenced as part of subdivisional works.
- (2) notify the applicant accordingly.





**COUNCIL DECISION**

MOVED C/r M Reeve-Fowkes SECONDED Mayor S Lee that Council:

- (1) refer the proposed subdivision to Jandakot Airport Holdings Pty Ltd and request advice on the following matters prior to forwarding the application with the Council recommendations to the Western Australian Planning Commission:
  1. The potential impact of noise on the proposed subdivision from the operation of the taxiway and run-up area.
  2. Should an adverse impact be likely the specific measures that could be implemented to ameliorate noise generated from the taxiway and run-up areas.
- (2) consider the response from Jandakot Airport Holdings Pty Ltd at a future Council Meeting, prior to forwarding the Council's recommendation to the Western Australian Planning Commission;
- (3) advise the Western Australian Planning Commission of the Council decision and request an extension of time to provide its recommendations on the proposed subdivision.
- (4) notify the applicant accordingly.

**CARRIED 8/0**

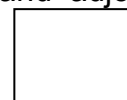
**Explanation**

Taxiway and run-up areas are sources of high noise levels. As these are located in reasonably close proximity to the proposed subdivision, it should be ascertained whether or not these noise sources are reflected in the ANEF noise contours and if not, appropriate measures are undertaken as part of the subdivision to ameliorate such impacts. Jandakot Airport Holdings Pty Ltd should be requested to advise the City on this matter prior to the Council recommendation being forwarded to the Western Australian Planning Commission.

**Background**

ZONING:	MRS:	Rural – Water Protection
	TPS3	Resource
LAND USE:	Vacant	
LOT SIZE:	Reserve 33290 = 12.69ha, Lot = 1 32.42ha & Lot 2 = 32.42ha	

The subject land was previously used by Boral for sand mining in the 1970's and 80's. The rehabilitation requirements of the excavation were limited to seeding for pasture. The subject land adjoins the



Jandakot Airport, a soil blending fertiliser operation to the east Jandakot Botanical Park to the south and a small bore pistol club and a kennel zone in the City of Canning.

The subdivision application initially proposed 30 (2ha) rural residential size lots. The applicant prepared a detailed report supported by plans and an environmental assessment of the subject land in support of the subdivision application. The report examines the main issues affecting the subject land and provides recommendations on how to mitigate environmental issues. The City recommended to the WAPC that the subdivision application be deferred pending receipt of additional supportive information and an amended plan. This information was received on 27 November 2003 from ATA Environmental Consultants acting on behalf of the owners. The lot yield has been reduced to 24 (2ha plus) lots in response to the City's concerns.

City Officers met with the Director of Prestige Developments who explained the various changes to the plan to address the City's concerns.

### **Submission**

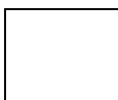
The applicant seeks Council approval to subdivide the land into 24 Special Rural sized lots. The number of lots was reduced from 30 to 24 to ensure that all building envelopes were located outside of the 25 + ANEF (Aircraft Noise Exposure Forecast – for the Jandakot Airport). The subdivision design is now compliant in relation to AS 2021 –2000 Acoustics Aircraft Noise Intrusion – Land Use Compatibility Chart. Other issues were addressed including the proximity to the soil blending operation, Lukin Swamp, Water Corporation Bores, land capability, remnant vegetation, keeping of animals and bushfire management. A copy of the applicant's additional information is included in the Agenda attachments.

### **Report**

This application for subdivision is referred to Council because the applicant seeks a variation to Council's Subdivision Policy for Sand Extraction Sites and Other Sites in Jandakot & Banjup North of Armadale Road APD27 where several key planning criteria apply.

Lots 1 & 2 Johnston Road fall within Policy Precinct 3 where the Council doesn't support subdivision until:-

1. Rehabilitation criteria of excavation/rehabilitation plans have been achieved;
2. The soil blending operation and soil blending/fertiliser factory on Lot 186 ("Richgrow") have ceased operating and all associated materials and structures have been removed.



The approved rehabilitation plan was prepared in 1980's and unfortunately only required the site to be seeded for pasture. Rehabilitation of the site has since never been satisfactorily achieved. The applicant has indicated that the subdivision process is the best mechanism to rehabilitate the subject land. Council Policy however requires rehabilitation to be achieved 'upfront' prior to subdivision. The land could still be rehabilitated but this would be to a lower standard than that proposed by the applicant. Under the circumstances it is recommended that Council vary this Policy requirement subject to the applicant rehabilitating the land in accordance with Council's specifications. The works should be bonded for a period of 5 years.

The soil blending operation on on the adjoining Lot 186 has the potential to cause environmental impacts on future residents in terms of odours from composting and fertiliser operations. The EPA guidelines specify buffer distances up to 1000m for residential development. For this reason the proposed subdivision would not normally be supported. The applicant has discussed the proposed subdivision with Richgrow and they have reviewed their operations. The applicant outlined that only a small quantity of chicken manure is blended and that the operations are 200 meters away from the nearest building envelope. Future operations are also restricted by a non-conforming use. It is concluded that the nature of the operations while significant is not to the extent that should limit the timing of this subdivision. A memorial or notification should be placed on new titles informing purchasers of the potential for impacts from the soil blending operation.

The subdivision pattern differs from the subdivision concept plan, which is part of the Council's Policy, but this is not considered to be significant. The Council's plan was only intended to be a guide.

Other issues relate to the Kennel Zone and nearby pistol club. Kennel owners recently contacted the City expressing concern that the subdivision of the land could result in future resident complaints about the kennel operations. The City has suggested to the Department of Planning and Infrastructure that the subdivision application be referred to the City of Canning for comment in relation to both the Kennel Zone and the pistol club and the implications on the subdivision design and layout. Most building envelopes would be more than 500 metres away from the kennels. The City of Canning also has 2,000sqm residential size lots within 90 metres of the Kennel Zone as opposed to the 2.0ha+ size lots proposed by this subdivision application. The background noise from aircraft was also an influencing factor on the levels of noise received from kennels. House construction should also include noise attenuation measures due to aircraft noise levels from the Jandakot Airport and this would minimise the impacts of other potential noise sources.



It is recommended that on balance the Council support the subdivision subject to conditions.

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

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

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

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy
SPD5	Wetland Conservation Policy
APD4	Public Open Space
APD16A	Standard Subdivision Conditions and Reasons for Refusal
APD20	Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas
APD27	Subdivision Policy for Sand Extraction Sites and Other Sites in Jandakot & Banjup North of Armadale Road
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD34	Uniform Fencing Subdivision And Development
APD35	Filling Of Land

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning and Development Act



**Community Consultation**

N/A

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

Nil.

**14.13 (MINUTE NO 2286) (OCM 20/01/2004) - PROPOSED PAW CLOSURE - LITTLE RUSH CLOSE/BLACKTHORNE CRESCENT, SOUTH LAKE (451152; 450716) (JW) (ATTACH)****RECOMMENDATION**

That Council:

- (1) not proceed with the closure of the pedestrian accessway between Little Rush Close and Blackthorne Crescent, South Lake.
- (2) improve the security of the pedestrian accessway (PAW) through the installation of lighting; and
- (3) advise those persons who made a submission of Council's decision.

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr S Limbert that Council:

- (1) request the Minister for Planning and Infrastructure to proceed with the closure of the pedestrian accessway between Little Rush Close and Blackthorne Crescent, South Lake; and
- (2) advise those persons who made a submission of Council's decision.

**CARRIED 8/0****Explanation**

Council at its Meeting on 20 May 2003, resolved to initiate the closure of this accessway because of the adverse social impacts on people living adjacent to the PAW. The majority of people who objected to the closure do not live near the accessway and have alternative routes to the shopping centre. Although the closure of the walkway may cause



inconvenience to some residents in the vicinity, the decision will eliminate unacceptable levels of anti-social behaviour in the walkway.

### **Background**

This report concerns a proposed closure of a Pedestrian Access Way (PAW) in Little Rush Close/ Blackthorne Crescent in South Lake (see Agenda attachment for location details).

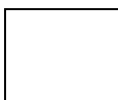
Council has been continually dealing with this issue since 1996. Council resolved at its meetings of August 1996 and June 2001 respectively for this PAW to remain open.

A full assessment of the closure of the PAW was undertaken by Council Planning officers under Policy APD 21 in 2001. The assessment recommended keeping the PAW open given that it provides convenient access to and from the Lakes Shopping Centre and bus services along North Lake Road and its closure would significantly increase the walking distance to these facilities.

Council planning services has committed to revisit the problem after receiving a complaint letter in May 2003. Council, at its meeting held on 20 May 2003, considered the proposal and resolved to:

- “(1) receive the report;*
- (2) initiate the closure of the Public Accessway between Little Rush Close and Blackthorne Crescent, South Lake under the provisions of the Local Government Act;*
- (3) write to the residents residing in Blackthorne Crescent, Pecan Court, Hackettiana Avenue, Adrina Court and Lessing Place, advising of the Council’s decision to initiate the closure of the Public Accessway serving the Lakes Shopping Centre and invite written comments by a specified date, being not less than 21 days from the date of the advice;*
- (4) erect a sign at each end of the walkway advising of the Council’s decision to initiate the closure of the Public Accessway and invite written submissions from the public; and*
- (5) prior to recommending the closure of the Public Accessway, the Council have due regard for any submissions received from the servicing agencies and the public.”*

Council’s decision was made based on the consideration that the PAW was the subject of anti-social behaviour and was having an adverse effect on the residents living in the abutting properties. Alternative access to the shopping centre can be gained via Elderberry Drive or Mason Court.



**Submission:**

Council received complaints in 2003 requesting that the public walkway from Little Rush Close to Blackthorn Crescent be closed.

**Report**

Council at its meeting of May 2003 resolved to initiate the PAW closure. Advertising of the proposal for public comment was undertaken following Council's meeting with a period of 42 days from 20/06/2003 to 01/08/2003. Signs were erected at each end of the walkway advising of Council's decision. Letters were also sent out to Department for Planning and Infrastructure (DPI) and servicing authorities including Water Corporation, Telstra and Alinta Gas for comment.

A total of 11 submissions were received from the public during the advertising period, with five objections raised to the proposed closure. The reasons are:

- The PAW provides a major link to and from Lakes Shopping Centre and other community facilities and amenities. Alternative routes would increase the walking distance to those facilities and are not considered safe.
- The alternative routes to the community facilities would result in increased pedestrian traffic passing the objectors' residences.
- Installation of lighting along with other methods such as pruning of overhanging vegetation and controlling litter should be undertaken to improve amenity and security of the PAW.

People supporting the proposed closure raised their concerns over the anti-social behaviour occurring at the rear of the Lakes Shopping Centre and in the accessway. It is noted that people supporting the proposal live in the immediate vicinity of the accessway, while people objecting to the proposal are scattered in the locality (see attached map).

Comments have also been received from the servicing authorities. Telstra have advised that the PAW accommodates cabling, which is an essential component of the major network. The Water Corporation made an objection to the proposal as an existing water and sewer main are located within the accessway and will be affected by the closure.

DPI does not support the proposed closure. It indicated that the PAW provides an integral link between the residences in and around Blackthorne Way the nearby public open space, the Lakes Shopping



Centre and access to public transport. Closure of the PAW would result in a significant increase in walking distances for a number of residents.

It also indicated that the City should give adequate consideration to "implementing measures to mitigate perceived problems with the PAW, which include installation of additional lighting and more regular maintenance of the PAW through pruning of vegetation and removal of litter. These measures have been shown to reduce the incidence of antisocial behaviour in other instances."

It should be noted that Council's 2001 resolution states:

*"note the problems being experienced by residents living near the pedestrian accessway and investigate options, (such as improved lighting, pruning vegetation and restricting access) to improve the security and function of the pedestrian accessway and surrounds through liaison with local residents and the Lakes Shopping Centre Management;"*

Council officers have undertaken to investigate the possible means to reduce the problem following Council's 2001 resolution. Works have been carried out by different Council services departments. However, some aspects such as the installation of lighting have not been completed. Council's engineering services has confirmed that the budget for installing lighting is still available this financial year.

#### Summary

It is recommended that it is not appropriate to close the PAW given that:

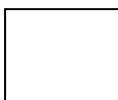
- The closure of this walkway would significantly affect people's walkability to community facilities,
- DPI objected to proposed closure,
- Water Corporation and Telstra have major services lines through the accessway.

Installation of additional lighting to improve the amenity and security of the PAW and to fulfil Council's previous resolution made in 2001.

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

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

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





5. Maintaining Your Community Facilities

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

The Planning Policies which apply to this item are:-

APD 21 Pedestrian Access Way Closures

**Budget/Financial Implications**

Lighting installation is within the budget of Engineering Department.

**Legal Implications**

N/A

**Community Consultation**

Community consultation has been undertaken from 20/06/2003 to 01/08/2003.

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

Nil.

**14.14 (MINUTE NO 2287) (OCM 20/01/2004) - SINGLE HOUSE - OVER HEIGHT BOAT OUTBUILDING- 10 KIESEY STREET, COOGEE - OWNER/APPLICANT: DA & JA BLACK (3309687) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant approval to an overheight Boat Outbuilding on Lot 16 (No. 10) Kiesey Street, Coogee subject to the following conditions:

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application dated 30 December 2003 as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.



3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. The boat shed shall be used for domestic purposes only associated with the property, and not for human habitation.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly; and
- (3) advise those who lodged submissions of the Council's decision.

**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	URBAN
	TPS3:	RESIDENTIAL R20
LAND USE:	RESIDENTIAL	
LOT SIZE:	1155m <sup>2</sup>	
AREA OF SHED:	39m <sup>2</sup>	
USE CLASS:	HOUSE SINGLE (R-CODE)	

**Submission**

The application proposes a residential outbuilding, which is to be used as a boat shed. The proposed boat shed is 4.05 metres in height, 4.7 metres in width and 8.3 metres in length. The proposed height of the shed is required in order to house a boat within the shed.



The applicant has provided the following information in support of the application:

*“The boat shed is required to house a new 5.8 Chivers Meridian aluminium boat. The height of the boat on its trailer is 3150mm...The door opening clearance is shown as 3200mm to which must be added 650 mm for the roll of the door and 200mm for the fall of the roof. The wall height shown of 4050mm is the minimum height that will allow clearance for the boat and accommodate the door”.*

The application plans are contained in the Agenda Attachments.

### **Report**

A shed is defined as an outbuilding under the City’s Town Planning Scheme No. 3. An outbuilding means a roofed structure that is enclosed on more than half of its perimeter used for domestic or rural purposes consistent with the Town Planning Scheme.

The subject land is zoned ‘Residential’ under Town Planning Scheme No.3. An outbuilding, which is ancillary to a Single House, is a permitted use within the Residential Zone.

The proposed boat shed, which is 4.05 metres high, exceeds the maximum height allowed under the policy by 1.05 metres. The total floor area of existing and proposed outbuildings on site will total 99.9 m<sup>2</sup>, which complies with the 100m<sup>2</sup> maximum allowed under the policy.

The applicant has given a legitimate reason for seeking a variation to the maximum height requirement of the policy. Further, no objections were received from surrounding landowners. As such, it is considered that the policy can be varied in this instance.

The proposed boat shed will be setback 1.4 metres from the rear boundary, 7.85 metres from the eastern side boundary and 7.2 metres from the western side boundary. It is considered that the proposed boat shed will not have a significant impact on the amenity of surrounding residences given that the proposed setback distances exceed the requirements of the Residential Design Codes.

For the reasons detailed above, it is recommended that Council approve the boat shed subject to the conditions contained in the recommendation.

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

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



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

The Planning Policies which apply to this item are:-

APD18      Outbuildings

The proposed height of the outbuilding exceeds Council's APD 18 – Outbuildings Policy requirements with respect to maximum height of an outbuilding. As such the application has been referred to Council for determination.

Council's policy pertaining to residential outbuildings states the following:

*"(1) The combined floor area of existing and proposed outbuildings and the wall height of proposed outbuildings are not to exceed the following:*

*Residential & Development Zone:            100m<sup>2</sup> and 3m height".*

The policy further states:

*"(2) Any outbuilding(s) that do not conform to the above are not considered ancillary to the Residential use of the property. Outbuildings exceeding the above criteria in the Residential and Resource zone will be deemed an 'X' use (not permitted) and refused".*

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

Nil.

### **Community Consultation**

The applicant sought and received letters of no objection to the proposal from two properties

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

Nil.



**14.15 (MINUTE NO 2288) (OCM 20/01/2004) - CHANGE OF USE - RESTRICTED PREMISES (ADULT SHOP) - STRATA LOT 2; 328 CARRINGTON STREET, HAMILTON HILL - OWNER: LIQUOR EQUITY PTY LTD - APPLICANT: D MADDESTRA (2212148) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grants approval to establish a Restricted Premises (Adult shop) and associated signage at Strata Lot 2 (328) Carrington Street, Hamilton Hill, subject to the following conditions:

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.

SPECIAL CONDITIONS

1. The illuminated roof sign is specifically excluded from this approval.
2. The top of the two fascia signs shall not protrude above the top of the walls upon which they will be attached.
3. The windows of the shop shall be treated to the satisfaction of the Council to prevent views into the building from outside.
4. No other advertising material is to be visible from outside the building.

FOOTNOTES

1. This approval is issued by the Council under its Town Planning Scheme, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice should be provided to the Council.
2. A Building Licence may be required for the internal fit-out



- work for the proposed development. To this extent, it is recommended the developer liaise with the Council's Building Department prior to commencement of works.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant; and
  - (3) advise those who lodged a submission of Council's decision.

**COUNCIL DECISION**  
 MOVED Cllr M Reeve-Fowkes SECONDED Cllr S Limbert that the recommendation be adopted.

**CARRIED 8/0**

**Background**

ZONING:	MRS:	Urban
	TPS:	Local Centre
LAND USE:	Neighbourhood Shopping Centre	
AREA:	125m <sup>2</sup>	
LOT SIZE:	902m <sup>2</sup>	
USE CLASS:	"Restricted Premises" = Use not listed	

At its Ordinary Meeting on 15 August 2000, Council approved the establishment of a Restricted Premises ("Barbarella's") in the same building for which approval for the current application is being sought. As the use never established, the development approval subsequently lapsed.

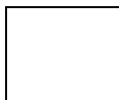
**Submission**

It is proposed to establish a Restricted Premises (retail adult shop "4Play") in vacant retail floorspace adjoining Blockbuster Video and Pizza Hut in the neighbourhood shopping centre on the corner of Carrington and Winterfold Streets, Hamilton Hill.

Approval has also been sought for associated illuminated signage, both on the building roof/facade and a pylon sign on the verge adjacent Carrington Street.

The applicant states that the proposal is similar to the previous application referred to above, with the exception that 4Play will not sell lingerie, while Barbarella's would have.

Extracts from the application are contained in the Agenda Attachments.



## Report

Restricted Premises are defined in Town Planning Scheme No.3 (“TPS No.3”) as:

*“meaning premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display, delivery of -*

- a) Publications that are classified as restricted under the Censorship Act 1996;*
- b) Materials, compounds, preparations or articles which are used primarily in or in connection with any form of sexual behaviour or activity.”*

As there is no reference to Restricted Premises in the TPS No.3 Zoning Table, the proposal is to be considered as a Use Not Listed.

The application was advertised in the newspaper for public submissions and a sign was erected onsite pursuant to Clause 9.4 of the Scheme. Four submissions were received objecting to the proposal, including a petition containing 36 signatures attached to one of the submissions.

The concerns expressed in the submissions include:

- The proposed shop will degenerate the area;
- Inappropriate location for an adult shop;
- The shop will be visible to children/families using the area.

From a planning perspective, the moral issues associated with the establishment of the proposed use are not matters of planning relevance, as there is other specific legislation in place intended to regulate such activities.

It is understood however, that:

- the windows will be treated to prevent views into the shop from outside;
- minimum age of entry will be 18 years and over;
- other restricted premises are located in the immediate vicinity, including a tavern.

The proposed use is consistent with the definition of a “Shop” in all other ways, which would be considered a “P” use in the zone.

There is sufficient car parking on site to accommodate the needs of the business, being developed at the time the shops on the site were constructed.



With the exception of the stand-alone roof sign, the type and extent of signage proposed is not considered inappropriate for the site, given the zoning of the land and the need for retailers to be able to advertise their businesses.

In conclusion, it is recommended Council grants approval to this application, subject to the conditions listed above, on the basis that:

- the proposed activity is a restricted form of retail activity, which is consistent with the objectives of the Local Centre Zone which is to *"provide for convenience retailing, local offices, health, welfare and community facilities which serve the community, consistent with the local serving role of the centre"* ;
- adequate car parking exists onsite to accommodate the needs for the shop;
- legislation exists to regulate and censor indecent material available to the public, and
- approval has previously been granted by the Council for a very similar activity in the same location.

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

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

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

The Planning Policies which apply to this item are:-

APD17      Standard Development Conditions and Footnotes

### **Budget/Financial Implications**

N/A





**Legal Implications**

N/A

**Community Consultation**

Application was advertised for submissions and a sign erected onsite. Copies of the submission and the petition are attached to the Agenda.

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

Nil.

**14.16 (MINUTE NO 2289) (OCM 20/01/2004) - AMEND BUDGET FOR PLANNING CONSULTANCY SERVICES (5405) (MR)****RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) amend the Municipal Budget as follows:
  1. Reduce Account No.500-6233 - consultancy Review Municipal Inventory by \$1,500.
  2. Reduce Account No.500-6587 - Printing and Stationery by \$1,500.
  3. Increase Account No.500-6229 - Consultancy Expenses by \$3,000.

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

MOVED Clr L Goncalves SECONDED Clr I Whitfield that the recommendation be adopted.

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

Due to increases in costs of employing consultants it is recommended that the Municipal Budget be amended.



## Submission

The submission by the Planning and Development Division is to reallocate a Municipal Budget amount of \$3000 to cover estimated Consultancy expenses for checking Geotechnical Reports for development within the district with particular reference to the grouped housing development occurring at 485 Rockingham Road (cnr Troode Street), Spearwood.

The City has employed Coffey Geosciences Pty Ltd over the last year checking Geotechnical Reports and compaction results prepared by MPA Williams for 485 Rockingham Road. The development is at its final stage and the additional funds are required to complete the checking of geotechnical reports.

## Report

The current Municipal Budget for Consultancy expenses for Statutory Planning only provides for \$1,000- of which about half of this amount has already been spent on consultant fees. The reallocation of \$3000 is proposed to cover additional geotechnical costs.

Both the amended Printing & Stationary Budget and Consultancy – Review Municipal Inventory will have sufficient amounts to cover anticipated expenses for the remaining financial year while covering anticipated costs for checking geotechnical reports.

It is not usually necessary for geotechnical reports to be checked by a geotechnical consultant. The Principal Building Surveyor usually reviews these reports against the relevant Australian Standards, together with compaction results provided by the civil engineer. In situations like 485 Rockingham Road however where the development is on a suspect site that contains a subsurface peat layer the City's consultant geotechnical engineer has checked three of the four development stages to date. Stage 4 is the last stage of assessment. The amended budget would cover costs incurred thus far for stage 3 and 4.

## Strategic Plan/Policy Implications

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

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



**Budget/Financial Implications**

The cost of consultancy work as outlined in the above reports will be offset by the reallocation of expenditure. The cost of the consultancy fees will be funded by transferring funds from an existing budget allocation.

**Legal Implications**

The developers geotechnical engineer – MPA Williams has indemnified the Council against any claims arising from the geotechnical investigations that support the residential development of the site.

**Community Consultation**

N/A

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

Nil.

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

**15.1 (MINUTE NO 2290) (OCM 20/01/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council received the List of Creditors Paid for December 2003, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr K Allen SECONDED Clr S Limbert 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**

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

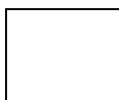
**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (MINUTE NO 2291) (OCM 20/01/2004) - ROE HIGHWAY STAGE 7 - BRIDGE AT KAREL AVENUE TO JANDAKOT AIRPORT (1211) (BKG) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) request the Minister for Planning and Infrastructure and the Roe 7 Alliance to construct a bridge over the railway line to connect to Karel Avenue as part of the Roe Highway Stage 7 Project; and
- (2) advise Jandakot Airport that the City of Cockburn is not prepared to provide funds for the bridge as it is a Main Roads project.



**COUNCIL DECISION**

MOVED Clr K Allen SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 8/0**

**Background**

The State Government has provided funds and awarded a tender for the construction of Roe Highway Stage 7. This project extends the Roe Highway from South Street to Kwinana Freeway. The construction is to be undertaken by an alliance of Main Roads staff and the successful contractors, Clough. The Alliance is known as the Roe 7 Alliance.

**Submission**

A letter has been received from Jandakot Airport requesting support to construct a bridge over the railway line to connect to Karel Avenue in Jandakot as part of the Roe Highway Stage 7 Project. The Managing Director, Doug Green, recommends that the City of Cockburn pay one third of the cost, Jandakot Airport to pay one third of the cost and the State Government be requested to provide one third of the cost.

A copy of the letter is attached to the Agenda.

**Report**

The Metropolitan Region Scheme shows Karel Avenue being continuous from Hope Road to Leach Highway.

This includes a bridge over Roe Highway and the railway line to connect to Berrigan Drive at the Hope Road intersection. However, the State Government has advised that the bridge over the railway line will not be built. Vehicles will need to use the existing at grade railway crossing in Hope Road.

This is not a desirable or easy access to Jandakot Airport. The Jandakot Airport has requested a bridge be constructed. For a safe and convenient access this proposal should be supported. It should be noted that this may cause an increase of traffic in Berrigan Drive between Hope Road and Glen Iris Drive. It may be an easier route to access Roe Highway rather than using Kwinana Freeway.



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

One of the commitments in the Strategic Plan is:

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

### **Budget/Financial Implications**

The estimated cost of the construction of the bridge is \$5.0 million.

### **Legal Implications**

N/A

### **Community Consultation**

There is a Roe 7 Alliance Community Committee. John Radaich and Cllr Oliver are members of the Committee.

Currently there are no Glen Iris representatives on the Committee.

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

Nil.

## **16.2 (MINUTE NO 2292) (OCM 20/01/2004) - TENDER NO. 51/2003 - CONSTRUCTION OF LINED CELL NO. 5 - HENDERSON LANDFILL SITE (4900) (BKG) (ATTACH)**

### **RECOMMENDATION**

That Council accept the submission from Roadstone for Tender No. 51/2003 Construction of Cell No. 5, Henderson Landfill Site for the sum of \$2,162,600.00 (GST included), subject to receipt of Works Approval from the Department of Environment.

### **COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr S Limbert that the recommendation be adopted.

**CARRIED 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 is currently being filled and now the construction of Cell 5 is required.

Tenders closed on the 22<sup>nd</sup> December 2003.

## Submission

Four tenders were submitted and the prices are attached to the Agenda.

## Report

The assessment criteria outlined in the tender documents are:

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

On this basis the scores of each company were:

Roadstone	91
Georgiou Group	91
ATA Constructions	89
Ertech	81

GHD Consulting Engineers were engaged to do the design for Cell 5 and prepare the tender documentation. Part of their brief was also to recommend the preferred tenderer. Their report states that Roadstone and Georgiou Group had the same assessment score and both companies are capable of doing the work.

In the scoring for the price factor there was some adjustment to allow for a variation that will occur. In the tender documents it was assumed that, fill in the north west corner could be used for this project. It has now been established that Cockburn Cement owns the material and intends removing it before the start of the contract. However, the price being accepted from Roadstone is the price that was submitted at the closing of the tender. The Georgiou Group is a large Civil Engineering contractor that has carried out many projects in the Cockburn area. They scored more highly than Roadstone in the safety and quality assurance areas.

As the scores finished up the same, GHD has recommended the contract be awarded to Roadstone as their tender price is lower.



Roadstone is a company based in Cockburn and has been involved in earthworks and material production over a long time. They had previously constructed one of the Cells at Henderson.

They have nominated they will use West Coast Lining for the supply and laying of the impermeable synthetic material at the base of the Cell. This layer prevents leachate from entering the water table. West Coast Lining was the Company who supplied and laid the liner for Cell 4.

An application for Works Approval has been made to the Department for Environment for the construction of Cell 5. The work will not be able to commence until the approval is given.

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

One of the commitments in the Strategic Plan is:

- *To deliver services and to manage resources in a way that is cost effective.*

The provision of an additional cell will allow Council to continue to accept Commercial and Industrial waste and the contents from residents' trailers.

There is currently approval to operate the site until 2011 and on current volumes Cells 4 and 5 should be filled by 2009.

### **Budget/Financial Implications**

Sufficient funds have been allocated in the budget for the construction of Cell 5.

### **Legal Implications**

N/A

### **Community Consultation**

The adjoining owners were notified during the works approval process for Cell 4 in 2000. At that time it was indicated that Cell 5 would be built within 2 years.

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

The recommended tenderer is a private enterprise company based in Bibra Lake.





**17. COMMUNITY SERVICES DIVISION ISSUES**

Nil

**18. EXECUTIVE DIVISION ISSUES**

Nil

**19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****19.1 (MINUTE NO 2293) (OCM 20/01/2004) - PROPOSED CLOSURE OF CARDIAC UNIT - FREMANTLE HOSPITAL (1242) (DMG)****RECOMMENDATION**

That Council:

- (1) opposes the recommendation outlined in the Reid Report regarding the closure of the Cardiac Unit of Fremantle Hospital; and
- (2) writes to Mr Jim McGinty - Minister for Health, objecting strongly to any proposal to reduce the size or scope of services at Fremantle Hospital.

**COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr A Tilbury that Council:

- (1) opposes the recommendation outlined in the Reid Report regarding the closure of the Cardiac Unit of Fremantle Hospital; and
- (2) write to Hon. Jim McGinty, MLA, Minister for Health, expressing Council's strong objection if he chooses to implement the proposal put forward in the Reid Report to reduce the size or scope at Fremantle Hospital.

**CARRIED 8/0**

**Explanation**

As the Minister has not decided if he will implement the recommendations of the Reid Report, it would be presumptuous of Council to assume that he will.



## **Background**

By email received on Monday, 12 January 2004, the following Notice of Motion was submitted by Clr Reeve-Fowkes:

*That Council:*

- (1) opposes the recommendation outlined in the Reid Report regarding the closure of the Cardiac Unit of Fremantle Hospital; and*
- (2) writes to Mr Jim McGinty - Minister for Health, objecting strongly to any proposal to reduce the size or scope of services at Fremantle Hospital.*

## **Submission**

N/A

## **Report**

Clr Reeve-Fowkes attended an advertised Public Meeting in Spearwood recently concerning the possible closure of the Heart Unit at Fremantle Hospital.

It appears that a State Government report (The Reid Report) has recommended the closure of the Cardiac Unit at Fremantle Hospital. This may become part of the present Government's Policy, (report has not been rejected). It was stated at the meeting that closure of the surgical heart unit would also mean closure of Intensive Care and closure of a number of other surgical and trauma facilities at Fremantle.

It is suggested that Council write a strongly worded letter to Jim McGinty expressing Council's extreme concern at the possibility of the southern suburbs losing still more health facilities. It is considered that Cockburn's ageing population needs Fremantle Hospital to be expanded - not to have a major part closed and relocated to Perth and Sir Charles Gardiner Hospitals.

For these reasons, it is recommended Council support a position opposed to this cost cutting at Fremantle Hospital. While it is acknowledged that Local Government is not directly involved with health or State Government issues Council would be doing the right thing for the residents of Cockburn if it were to add support to this campaign to have the State Government to reconsider its position.

## **Strategic Plan/Policy Implications**

Key Result Area *Maintaining Your Community Facilities* refers.



**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

A Public Meeting held in Spearwood on 7 January 2004 attended by over 300 people unanimously supported the recommended position.

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

Hospitals and its associated services and facilities are funded and administered by the State Government.

**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 2294) (OCM 20/01/2004) - SECURITY PATROL SERVICE (8957) (RA)****COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr K Allen that:

- (1) pursuant to s5.8 of the Local Government Act 1995 (WA), Council establish a committee to examine issues in relation to the establishment of a Community Security Service ("the Service");
- (2) for the purposes of this motion, a "Community Security Service" is a district wide mobile security/surveillance service, with the objective of enhancing safety and security within the City of Cockburn;
- (3) the committee referred to in (1) above, be called the Cockburn Security Service Committee ("the Committee");
- (4) the Terms of Reference of the Committee are to:
  1. Consider the contents of the Business Case prepared for the Service4 and any other associated documentation;

and

2. Provide a recommendation to Council on a proposal to establish the Service.
- (5) the Committee be provided specific administrative support by the Director, Community Services and Manager, Community Services, and general administrative support by any other staff member considered appropriate by the Chief Executive Officer; and
- (6) the members of the Committee be Mayor Lee, Deputy Mayor Graham, Cllrs Limbert, Allen and Reeve-Fowkes.

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

**22. (OCM 20/01/2004) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Deputy Mayor Graham requested that a report be presented to a future Council Meeting on the estimated cost of providing locker facilities at the Coogee Beach Reserve. The objective of providing lockers at Coogee Beach would improve the security of users of the beach.

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 2295) (OCM 20/01/2004) - 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:-

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



**COUNCIL DECISION**

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

**CARRIED 8/0**

**25 (OCM 20/01/2004) - CLOSURE OF MEETING**

MEETING CLOSED 7.42 PM

**CONFIRMATION OF MINUTES**

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

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

