

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 21 SEPTEMBER 2004 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 21 SEPTEMBER 2004 AT 7:00 PM

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
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr R. Avard	-	Acting Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mrs V. Bacich	-	Secretarial Assistant
Mr C. Ellis	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

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 (OCM 21/09/2004) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised that he had received written declarations of interest from Cllr Allen for items 14.10 and 15.2 which would be read at the appropriate time.

5 (OCM 21/09/2004) - APOLOGIES AND LEAVE ABSENCE

Cllr A. Edwards

6 (OCM 21/09/2004) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mr Logan Howlett – Ordinary Council Meeting – 17 August 2004 – Public Question Time – submitted a number of questions relating to Farrington Road which were responded to in a letter dated 19 August 2004, as follows:

Q1. *Which Elected Members, if any, had input and/or 'signed off' on the survey sheet issued in Cockburn Soundings?*

A. The survey questionnaire was prepared by the staff and circulated to all Elected Members for comment prior to finalisation and publication.

Q2. *Will photocopies of the survey form in the Cockburn Soundings be an accepted form of return?*

A. Yes.

Q3. *Are the responses from the community survey to be counted individually eg: per respondent or per household?*



- A. Each survey response will be counted as a single response.
- Q4. *What percentage of the returns are required for a decision either way on the proposal?*
- A. The returns will only serve as a guide as to the community view and will represent one of a number of factors to be considered by the Council. In addition, a random community survey will be undertaken by an independent marketing consultant which will also be taken into account when the matter is reconsidered by the Council.
- Q5. *Has any Elected Member of the City of Cockburn canvassed any individuals or community based groups to vote one way or the other on this matter?*
- A. This question can only be answered by each individual Elected Member.
- Q6. *Is the Cockburn Soundings delivered to all suburbs of Cockburn?*
- A. Yes.
- Q7. *What information has been forwarded to the City of Melville, Main Roads WA, Department of Environmental Protection, Council's Aboriginal Advisory Council and the Department of Indigenous Affairs in regard to them making comment on this matter?*
- A. All of the above authorities and organisations except for the Department of Indigenous Affairs were written to in accordance with the Council resolution of 15 June 2004 and provided with an abridged version of the Council report.
- Q8. *Have any meetings been held between Elected Members and/or officers of the City of Cockburn with any of the parties listed in 2.7 above and if so, who attended the meetings and what was the purpose of those meetings?*
- A. One staff member and an Elected Member attended a meeting of the Council's Aboriginal Advisory Committee to present and discuss the possible duplication of Farrington Road.

Mr Logan Howlett – Ordinary Council Meeting – 17 August 2004 – Public Question Time – submitted a number of questions relating to Security Patrols which were responded to in a letter dated 19 August 2004, as follows:

- Q1. *What community consultation has occurred prior to the introduction of private security patrols in the City of Cockburn?*



- A. See attached. (A Chronology of events and information was provided)
- Q2. *Who conducted the survey and when did it start and finish?*
- A. See attached. (as above)
- Q3. *What were the statistical results of the survey?*
- A. See attached. (as above)
- Q4. *When were the results of the survey first conveyed to the Council or its administration and to whom were they conveyed?*
- A. Elected Members were briefed on the outcomes of the latest survey on 13 July 2004.
- Q5. *Was any verbal or written agreement or 'in principle agreement' made with the City of Melville regarding the provision of security services to the City of Cockburn prior to the Council decision on the matter?*
- A. No.
- Q6. *If the answer is 'yes' to the above question, when was the agreement made, who made the agreement and what are the details of that agreement?*
- A. Not applicable.
- Q7. *Does the Council have access to a comparative table of crime in the City of Melville since the introduction of their private security patrols five years ago and those in Cockburn for the same period of time?*
- A. No.
- Q8. *Is a copy of the cost benefit analysis conducted by the City of Cockburn to determine the 'value for money' outcomes when comparing a 'stand alone service' versus a joint venture with the City of Melville available?*
- A. Yes.
- Q9. *Who is the City of Cockburn's contract manager for this particular service?*
- A. Will be employed prior to December 2004.
- Q10. *What statistics and performance measures are going to be used by the City of Cockburn to evaluate the performance of the contractor?*



A. Will be determined prior to December 2004.

Q11. *What are the estimated costs to ratepayers over a five year period from the proposed commencement date of December 2004?*

A. Year 1 \$37.50 per property
Year 2 \$51.50 per property
Year 3 \$53.00 per property
Year 4 \$54.60 per property
Year 5 \$56.25 per property

Q12. *In regard to 24 hour surveillance cameras to be set up within the City of Cockburn, what hot spots have been identified, where are they and who chose them?*

A. Council wishes to have its public, staff and Elected Members car parks at the Administration/Civic Centre Complex under continual camera surveillance due to continued vandalism and break-ins to vehicles using the area both during and after normal business hours.

Q13. *What additional services, if any, were included in the three months leading up to the Council's decision on private security patrols, who requested those services and what are the associated annual costs?*

A. None.

7 (OCM 21/09/2004) - PUBLIC QUESTION TIME

The Presiding Member advised that a letter had been received from Mr Alasdair Wardle, asking the following questions:-

Q1. What was the cost of sending Cllr Limbert and the Library Manager on a tour of New Zealand libraries?

A. \$10,251

Q2. Has a report been written on the tour and is it available?

A. Yes

Q3. What other libraries in the metropolitan area of Perth has Cllr Limbert visited to observe innovation and ideas?

A. Melville Square Public Library, Perth City Library, Rockingham Regional Campus and Community Library, Rottnest Public Library, Fremantle City Library, the State Reference Library, including the Battye Library, Volunteering WA Library, John Walliston Anglican Community School Library and the City of Stirling Library and



Information Service.

Q4. What changes are proposed to the City of Cockburn Libraries as a result of the observations of Clr Limbert and the Library Manager?

A. None at this stage.

Q5. Have Cockburn Library patrons and residents been asked what changes they want to see in libraries? If so, what are those changes? If not, why haven't they been asked?

A. Comments and feedback and suggestions for stock forms are available at every branch. Comments and feedback forms are responded to and in some cases, changes have been made such as the location of the large print collection in Spearwood Library. Library users have been surveyed about various matters such as preferred hours of opening. This resulted in the extension of Saturday hours at Spearwood and Coolbellup libraries and earlier opening at Coolbellup. The frequency of surveys has however been limited, as resources have been focused on providing day to day service.

Q6. Has the City of Cockburn looked at benchmarking data, assessing the strengths and weakness of Cockburn libraries compared with other libraries in the metropolitan area? If not, why not?

A. Yes.

Ken Hynes, Yangebup, in regards to his comments made during public question time at the August Council Meeting, stated that he was unimpressed with the 'watered down' report of the presentation. One of the matters he raised at the August meeting was the new intersection at Spearwood Avenue and Yangebup Road. He stated that this has become a very dangerous intersection for Yangebup residents and motorists. Mr Hynes also mentioned that Clr Oliver and Clr Limbert had attended a special meeting of the Yangebup Progress Association on 13 September and heard the concerns of the residents regarding this intersection. He requested that the minutes of the August Council meeting be amended to include his complete statement.

Mayor Lee advised that he would investigate the matter and that Clr Oliver and Clr Limbert had reported back on the Yangebup Progress Association meeting. Main Roads Department (MRD) have reviewed the intersection and painted 'Left Turn Only' on the road and ensured longer stopping time. However Council is currently in the process of lobbying the MRD to reassess the matter.



Acting Chief Executive Officer added that there is no requirement to record verbatim speeches in the minutes. This certainly has not been done in the past and would not be done in present or future minutes.

Mr Hynes submitted a copy of his August statement and this meeting's statement.

Alasdair Wardle, Coolbellup, raised the following questions regarding the Enquiry by Design Workshop held by the City approximately 12 months ago, specifically referring to the commercial precinct in Coolbellup:-

1. If the City of Cockburn was genuine, why hasn't the Council had any meetings with shop owners or centre management since then?
2. Why haven't there been any meetings with the Hotel owner?
3. Why hasn't Council done anything to assist shop owners to revitalise the centre?
4. Did Council ever intend to assist property owners to revitalise the shopping centre or was the Enquiry by Design Workshop a waste of time?
5. Was Council's real motive in holding the Enquiry by Design Workshop to come up with an excuse to give land to the Education Department to build a school?

Mayor Lee advised that Council would respond in writing to the questions.

Ron Kimber, Beeliar, advised that in August 2002, he raised an issue regarding the State Industrial Buffer Policy and that the State Government has introduced Planning Policy (4.1) relating to buffer zones and encouraged anyone living in a buffer to read it.

Mr Kimber referred to a television story about birds in backyards and said that he lived in a buffer zone and found his backyard teeming with birdlife. He praised Council for supporting the environment and conservation and encouraged people to support Council and its good deeds.

Mayor Lee thanked Mr Kimber for his input and stated that Cockburn has one of the largest environmental departments of any Council in the metropolitan area and spends considerable amounts of money on conservation and environmental enhancement and stated that he was very proud of Cockburn's natural assets.

Dean Winneroe, South Fremantle referred to an article in the May newspaper concerning the Newmarket Hotel and Council's law suit against Kee Vee



Properties to clean up the area. Mr Winneroe said the area was still in extreme disrepair and asked if anything further had been done about it.

Mayor Lee advised that the issue was listed at the August Council meeting and that prosecution is pending, although Council hopes to resolve the matter without having to prosecute.

Andrew Sullivan, CCAC, regarding Item 14.10 expressed concerns regarding the shortfall in public parking spaces of 123 bays at Port Coogee and that it shows very little seaside commercial area compared to Hillarys, which has 60 commercial tenants and 2500 parking bays. Mr Sullivan stated that 1,500m² was a bare minimum of commercial area having the rest as residential, which was of greater financial benefit to the developer and that this would not be a true marina village with such a small area of commercial activity and that it would not be likely any residential areas would be turned into commercial at a later stage. He urged Council to be more open about their intentions of having a marina village and having private residential areas by the seaside at Port Coogee. He asked Council not to compare Port Coogee to Hillarys as there was clearly no comparison and urged Council not to vote on a weak proposal.

Chris Lowe, Success, in regards to Agenda Item 14.4, which was in close proximity to his home. He firstly acknowledged the efforts of Cllr Whitfield for the free flow of information from him through the Success Residents Association.

Mr Lowe was critical of the community consultation process implemented through Council's Planning Department for the application to only a limited number of residents who live along side Lot 858. The signage was also insufficient as it could not be properly seen as it was behind a pile of limestone rubble. Mr Lowe did not believe the lot should be R40 and was concerned the public would not properly understand zoning from R20 to R40 and only see it as residential without realising it was 'high density' residential. He believed that this should be fully explained through Council's Cockburn Community Strategy meetings.

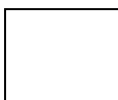
Mayor Lee encouraged Mr Lowe to raise that point at the next Cockburn Community Strategy meeting.

8. CONFIRMATION OF MINUTES

8.1 **(MINUTE NO 2549) (OCM 21/09/2004) - ORDINARY COUNCIL MEETING - 17/08/2004**

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 17



August 2004, be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/1

8.2 (MINUTE NO 2550) (OCM 21/09/2004) - SPECIAL COUNCIL MEETING - 03/08/2004

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Tuesday, 3 August 2004, be adopted as a true and accurate record.

COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0

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 2551) (OCM 21/09/2004) - DISABILITY ADVISORY COMMITTEE MEMBERSHIP (8413) (JZ) (ATTACH)**

RECOMMENDATION

That Council:-

(1) in accordance with section 5.10 of the Local Government Act, appoint the following individuals as members of the Disability Advisory Council for 2004/2005 :-

- City of Cockburn - Ctrs Val Oliver & Sue Limbert - Elected Members
- Pia Madrigali - Cockburn Community Care Manager
- Jill Zumach - Disability Access Officer
- Jan de Groote- Consumer Representative
- Beverly Ross – Consumer Representative
- Pam Jones – Consumer Representative
- Rosemary Fielder – Consumer Representative
- Michelle Hodgson- Consumer Representative
- Craig Beringer – Consumer Representative
- Robert Hughes – Consumer Representative
- Geoff West – Industry Representative
- Lesley Cangemi – Industry Representative
- Jo Filkin – Industry Representative
- Laura Pacini – Industry Representative

(2) adopt the revised changes to the Disability Advisory Committee's Terms of Reference as attached to the Agenda.

4.1 Membership

delete the words "Social Services Manager" and substitute the words "Cockburn Community Care Manager."

5.8 Term of Appointment

add the following paragraph:-

"If a committee member fails to attend 3 consecutive meetings without providing an apology they will cease to be a member of the Committee."

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

Nominations for new members were called for this committee through advertisements in the local papers (Herald & Gazette) and posters placed in public buildings. Posters were also mailed to Disability Organisations in Cockburn, looking to attract staff and clients. Applicants were required to be a resident of the City of Cockburn who have a disability, or are a parent, carer or advocate of a person with a disability or be a person who works in the field of disability either in a voluntary or paid capacity in the City of Cockburn. All applicants met the required criteria and are duly recommended for appointment by Council.

On 5 December 1995, Council approved the appointment of a Disability Advisory Committee to monitor and prioritise the implementation of the Cockburn Disability Services Plan.

The Disability Advisory Committee's Mission is to advise the City of Cockburn on the provision of universal access to all facilities and resources within and for the local community.

During the last year the committee has been actively involved in the Universal Playground/Manning Park, Employment opportunities for young people with disabilities, Disability Awareness Training in primary schools, accommodation for people with disabilities, an Intergenerational Playgroup and a Playgroup for children with disabilities or a developmental delay.

Submission

N/A

Report

In addition to the appointment of Members to the Committee, there have been minor changes recommended to the "Terms of Reference". (see attached)

A recommendation that the revised Terms of Reference be adopted was carried by all members of the Committee at the Annual General Meeting on 3 August 2004.



The Committee will continue to provide advice and information on disability issues within the district and to monitor the implementation of the City's Disability Services Plan.

Strategic Plan/Policy Implications

Key result area "Facilitating the Needs of Your Community" refers.

Budget/Financial Implications

The Disability Advisory Committee is allocated an annual budget of \$2,000.

Legal Implications

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

Community Consultation

The positions for the Disability Advisory Committee were well advertised and open to all members of the public who met the criteria.

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

Nil.

13.2 (MINUTE NO 2552) (OCM 21/09/2004) - AMENDMENTS TO THE CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS 2000 (1116) (LJCD) (ATTACH)

NOTE: THE PURPOSE AND EFFECT OF THE AMENDMENTS WERE READ ALOUD TO THE MEETING.

RECOMMENDATION

That Council:

- (1) pursuant to section 3.12 (2) of the Local Government Act 1995, amend the City of Cockburn (Local Government Act) Local Laws 2000, as recorded in the attachment to the report; and
- (2) implement the necessary statutory procedures to ensure the promulgation of the amendments.



COUNCIL DECISION

MOVED Clr M Reeve-Fowkes SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 9/0

Background

The City of Cockburn (Local Government Act) Local Laws 2000 were published in the *Government Gazette* on the 9 October 2000 and came into force fourteen (14) days later as prescribed by the Local Government Act 1995. Notwithstanding this point, from time to time amendments have been promulgated to make the local laws more functional for staff to carry out their duties.

The current position in relation to controlling damage to street signs is non-existent and the proposed amendment will provide improved control. In addition, the current local laws have a section on shopping trolleys but it is deemed inappropriate to deal with the situation. Shopping trolleys are being abandoned and the proposed amendment will stipulate that retailers will have to mark the trolleys with their name to improve the management of issues relating to shopping trolleys.

Submission

N/A

Report

A problem has occurred whereby a ratepayer has taken down a street sign and replaced it with his own street sign to indicate where he lived for a purpose of a party. The new paragraph (o) of section 9.3 will overcome this problem as it will be an offence to interfere with a street sign and a breach will attract a penalty of \$500.

Section 9.11 of the Local Laws is proposed to be amended to implement more appropriate measures to deal with matters relating to shopping trolleys. Currently the Rangers inform the owners of shopping trolley that there is a trolley in a particular location and could they arrange for the trolley to be collected. If the owners of the shopping trolleys do not act upon the request to collect the shopping trolley, therefore the shopping trolley is impounded. The owners of the shopping trolleys are not inclined to buy the trolleys back.

Recently Council called Tenders to dispose of fifty (50) shopping trolleys but no Tenders were received so the trolleys went to Sims Metal.



Retailers in accordance with the proposed amendment to the local laws, will be required to mark their shopping trolleys with their names. If the shopping trolleys owned by relevant retailers are not marked with such details, then a \$100 infringement notice may be issued. Furthermore, if a shopping trolley is left in a public place other than an area set aside for storage, an infringement notice may be issued and if the agent, 24 hours after being informed to remove a shopping trolley, does not, an infringement notice may be issued.

The proposed amendments to the local laws will improve management in relation to shopping trolleys.

Strategic Plan/Policy Implications

Key Result Area "Maintaining Your Community Facilities" refers.

Budget/Financial Implications

N/A

Legal Implications

Section 3.12 of the Local Government Act 1995, applies.

Community Consultation

A letter was sent to 18 stores which included Bunnings, Big W, Woolworths and Dewsons etc on 14 July 2004, seeking input and asking them to contact Council to arrange an appointment for a meeting. Although staff have received approximately 8 verbal replies, they have not received any written replies or requests to attend a meeting.

The stores spoken to provided contact phone numbers in the event that Rangers picked up their trolleys and were fully supportive of Council's intention in relation to the Local Law.

The public will be informed by an advertisement placed in The West Australian advising that Council is proposing to amend its Local Laws and members of the public will be invited to present a submission in relation to the amendments.

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

Nil.



13.3 (MINUTE NO 2553) (OCM 21/09/2004) - TIMING OF FUTURE LOCAL GOVERNMENT ELECTIONS (1700) (DMG)

RECOMMENDATION

That Council advise the W.A. Local Government Association that it does not support a change of Election day to the third Saturday in October every two years.

COUNCIL DECISION

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

CARRIED 9/0

Background

In April 2004, the Association canvassed members seeking an indication as to a possible change of date for the holding of Local Government Elections from May to October every two years. This request was after several of the Association's Zones requested that consideration be given to changing the date for the conduct of biennial Local Government elections. Currently all elections are held on the first Saturday in May each two years, with the next election due in 2005.

Responses were received from in excess of 100 member Councils and whilst there was not a specific date indicated, it was clear from the consultation that over 60 members supported a broad change to the September/October period. The City of Cockburn resolved to support the status quo of conducting the elections on the first Saturday in May every two years.

Submission

N/A

Report

In working through the likely scenarios of a suitable date for the elections, a number of points were considered including the following:

- Federal Elections – can be held anytime during this period.
- School holidays – generally including the last Saturday in September for two weeks.



- Long weekend and Royal Show during the last week of September or the first week of October.
- AFL Grand Final on the last Saturday in September. It is also likely that during the later part of September, many people are involved in the finals of various sporting events, which could impact on interest in the election process.
- If the election is held in September, many candidates and sitting Councillors will be campaigning during the budget process and from an administration viewpoint, the electoral function will impact significantly upon Councils who may already be under pressure to complete the budget in a timely way. From an Elected Member point of view, they may feel uncomfortable in standing for election immediately after adopting a budget, which may be causing concern in the community.
- A change to early September will still not overcome one of the main stated reasons for change being proposed and that is to be able to deal with the budget process.

The State Council, in considering the report on the outcome of the request for comment from members, noted that there was not a specific date proposed in the previous consultation process and as such felt that before adopting a position on a possible date, the specific proposal of the 3rd Saturday in October should be canvassed with members.

Against that background members are asked to provide a response to the following question:

Does your Council support a change of Election Day to the 3rd Saturday in October every two years?

As none of the issues mentioned adversely impacts on the City of Cockburn, it is recommended that Council not support any proposal to change the date of local government elections.

Strategic Plan/Policy Implications

Key Result Area “Managing Your City” refers.

Budget/Financial Implications

Nil.

Legal Implications

Nil.



Community Consultation

N/A

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

Nil.

13.4 (MINUTE NO 2554) (OCM 21/09/2004) - APPOINTMENT OF A NEW CHIEF EXECUTIVE OFFICER (2612) (ATC) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Minutes of the Interview Committee dated 9 August 2004, as provided under separate cover as a Confidential Attachment, together with a Confidential Final Selection Report on the preferred candidate for employment as Chief Executive Officer at the City of Cockburn;
- (2) consider behind closed doors the appointment of the Chief Executive Officer; and
- (3) consider behind closed doors the Contract of Employment for the Chief Executive Officer.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that Council designate this item as confidential business in accordance with clause 7.7(1)(a) of Council's Standing Orders and therefore consider the matter under section 23 of the agenda.

CARRIED 9/0

Explanation

The employment by Council of its new CEO is a matter that Council's Standing Orders require to be conducted behind closed doors unless the Council in any particular case, resolves otherwise. Council adopts the opinion that the discussion of the matter should be conducted behind closed doors.



Background

At the Special Council Meeting of 3 August 2004, Council resolved:

- “(1) pursuant to Section 5.8 of the Local Government Act 1995 (WA) (“the Act”), and in accordance with section 5.9(2)(a) of the Act, establish the “Interview Committee” (“the Committee”);*
- (2) establish the Terms of Reference of the Committee as to:
 - 1. interview short-listed candidates for the position of Chief Executive Officer (“CEO”);*
 - 2. recommend a preferred candidate to Council for employment as CEO.**
- (3) appoint Mayor Lee, Deputy Mayor Graham, Cllr Kevin Allen, Cllr Amanda Tilbury and Cllr Martin Reeve-Fowkes to the Committee;*
- (4) appoint Mr Peter Casey from Beilby Corporation Pty Ltd as a non-voting adviser to the Committee; and*
- (5) disestablish the Committee when the contract with the new CEO is executed.”*

The Interview Committee conducted its Inaugural Meeting on 9 August 2004. The Minutes of the meeting are required to be presented and its recommendations considered by Council.

Submission

The Minutes of the Interview Committee has been provided under separate cover as part of the Confidential Attachments. Items dealt with at the Committee Meeting form the Minutes of that meeting.

Report

The Members of the Interview Committee (the Committee), having conducted interviews of short-listed candidates, have selected their preferred candidate and the Committee recommendation is now presented for consideration by Council.

The Consultant assisting the Committee, Mr Peter Casey of Beilby Corporation Pty Ltd has prepared a Confidential Final Report on behalf of the Interview Committee and this has been forwarded under separate cover.

The Mayor has undertaken lengthy negotiations with the preferred candidate regarding a Contract of Employment for the position of Chief Executive Officer. These negotiations have been based on the Draft



Contract presented to Council at its Special Meeting on 3 August 2004, consultation with Committee Members and advice from Jackson McDonald Lawyers. The Contract that has resulted from the negotiations has been forwarded under separate cover as a confidential attachment and is submitted to Council for consideration.

Strategic Plan/Policy Implications

Key Result Area “Managing Your City” refers.

Budget/Financial Implications

Funds are provided in the Budget for the employment of a Chief Executive Officer.

Legal Implications

Legal advice may be required to finalise the Contract of Employment for the CEO.

Community Consultation

N/A

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

Nil

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 2555) (OCM 21/09/2004) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - PORTION CERTIFICATE OF TITLE 1282 FOLIO 28 PLAN 7952, SIMPER ROAD, YANGETUP (450099) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) request that the Minister for Planning and Infrastructure dedicate portion of the land contained in Certificate of Title Volume 1282 Folio 28 Simper Road, Yangebup, 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 9/0

Background

In 1964 when the Cockburn Cement railway was constructed, Simper Road had to be redirected to the eastern side of the railway reserve. Although the road pavement was constructed, the land was not separated from the railway land and dedicated as a road reserve. This was an omission by WAGR at the time.

Submission

The Department for Planning and Infrastructure has requested Council to initiate appropriate action to dedicate the land as road reserve.

Report

The road pavement is an extension of Simper Road and connects to Yangebup Road. The connection provides a required access to a future development area north of Yangebup Road bounded by railway reserves on three sides. This future development area has only one other access point, being Erceg Road.

The section of road pavement has had continuous use by the public since the 1960's.

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

Nil.

Legal Implications

Nil.



Community Consultation

N/A.

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

Nil.

14.2 (MINUTE NO 2556) (OCM 21/09/2004) - CLOSURE OF PEDESTRIAN ACCESSWAY - 128 TO 144 PHOENIX ROAD, HAMILTON HILL (450401) (KJS) (ATTACH)

RECOMMENDATION

That Council request the Minister for Planning and Infrastructure close the pedestrian accessway at the rear of properties 128 to 144 Phoenix Road, Hamilton Hill.

COUNCIL DECISION

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

CARRIED 9/0

Background

The pedestrian accessway (PAW) is approximately 3 metres wide and connects Southwell Crescent to Lot 432 Stanyford Place. The PAW was created as part of the original subdivision but has never been paved.

Submission

The adjoining owners in Phoenix Road and the Churches of Christ Homes and Community Services, being the owner of Lot 431 to the north have made written requests for the accessway to be closed.

Report

The adjoining owners in their requests for closure make the point that the accessway allows access to their properties for criminal activities.

The church group who run an aged care facility have indicated that because of a retaining wall on their boundary they have no interest in purchasing the land.



The adjoining owners in Phoenix Road have all indicated a willingness to purchase the land on closure.

All of the service authorities have stated that they have no objection to the closure.

The Western Australian Planning Commission has responded with a letter to say that they have no objection to the closure.

In this case the proposal was not advertised, given the fact that the accessway does not connect any properties to any destinations.

Satterley, the project manager for the Southwell Revitalisation Project, have given written consent to the closure.

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

Nil.

Legal Implications

Nil.

Community Consultation

Appropriate consultation has been undertaken.

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

Nil.

- 14.3 (MINUTE NO 2557) (OCM 21/09/2004) - GARAGE BOUNDARY WALL SETBACK - SINGLE HOUSE CODES APPROVAL - 4 PIMELEA RISE, BEELIAR - OWNER: H & S DINA - APPLICANT: IMPRESSIONS (6001524) (MD) (ATTACH)**

RECOMMENDATION

That Council:



- (1) grant approval to a Single House with a reduced setback to the garage boundary wall on Lot 263 (No. 4) Pimelea Rise, Beeliar subject to the following conditions:

STANDARD CONDITIONS

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
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. 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 such wall or fence is constructed with a 2.1 metre truncation.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

SPECIAL CONDITION

7. The surface finish of the boundary wall abutting the adjoining lot to be constructed to Council satisfaction.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In regards to Condition No. 7, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.



COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr K Allen that Council:

- (1) grant approval to a Single House with a reduced setback to the garage boundary wall on Lot 263 (No. 4) Pimelea Rise, Beeliar subject to the following conditions:

STANDARD CONDITIONS

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
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. 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 such wall or fence is constructed with a 2.1 metre truncation.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

SPECIAL CONDITION

7. The surface finish of the boundary wall abutting the adjoining lot to be constructed with a clean or rendered finish to the satisfaction of Council.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In regards to Condition No. 7, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be



completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.

CARRIED 9/0

Explanation

The change is required for consistency with the officer's recommendation.

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Vacant	
LOT SIZE:	635 m ²	
AREA of House:	247.7 m ²	
USE CLASS:	Single (R-Code) House – “P” Permitted Use	

Submission

The application proposes a single house which has a garage boundary wall that fails to comply with Clause 3.3.2 A2 (ii) of the Residential Design Codes (R-Codes), in that it is forward of the 6 metre setback line.

The applicant has provided the following justification for the variation: -

- The zero lot wall will make effective use of space by eliminating an unneeded 1 metre wide land area between the garage and side boundary fence.
- The garage boundary wall will not reduce privacy of the dwelling or neighbours future dwelling.
- The zero lot wall will allow the provision of a larger garage and wider bedroom thus enhancing the amenity of future occupiers.
- The wall complies with Acceptable Development Criteria of the Codes with respect to height and length. The wall should not therefore be construed to impose unreasonably on the adjoining property due to its scale or bulk.
- Garages (and their associated zero lot walls) are often setback 4.5 metres (or 5 metres) from the front property boundary pursuant to Clause 3.2.3 of the Codes.



Refer to plan with the Agenda attachments.

Report

One letter of 'Objection' was received from the adjoining landowner in relation to the application and as such, the application has been referred to Council for determination, as no delegation to the City exists to determine the application where an objection has been received.

Community Consultation

The application was advertised to the adjoining affected landowner in accordance with Clause 9.4.3 of the Council's Town Planning Scheme No. 3.

The landowner has objected to the proposal for the following reasons:-

- Not suitable in regards to the overall layout of the street.
- Street security could become an issue for the owners on either side of the property.
- The applicant has not provided adequate reason for the reduced setback.

The above concerns are addressed below:-

- There are a number of examples throughout the district where the City has approved reduced setbacks to garage boundary walls. The reduced setback of 5 metres will not have a negative impact on the streetscape given that garages may be set back 4.5m from the primary street as of right.
- The reduced setback to the parapet wall will not have a negative impact on the safety or security of the proposed dwelling or adjoining dwelling.
- It is considered that the applicant's reasons for the reduced setback (listed in the 'Submission' section) are justified in this instance.

In respect to this matter, it is recommended that the reduced setback to the parapet wall be supported provided the wall is constructed in a clean or rendered finish to the satisfaction of the Council.

Strategic Plan/Policy Implications

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

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



- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
- *"To conserve the character and historic value of the human and built environment."*

Budget/Financial Implications

Nil.

Legal Implications

Town Planning Scheme No. 3
Residential Design Codes 2002

Community Consultation

The application was advertised to the adjoining affected landowner in accordance with Clause 9.4.3 of the Council's Town Planning Scheme No. 3.

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

Nil.

14.4 (MINUTE NO 2558) (OCM 21/09/2004) - PROPOSED SCHEME AMENDMENT NO. 16 - LOT 858 BANINGAN AVENUE, SUCCESS - OWNER: GOLD ESTATES OF AUSTRALIA PTY LTD - APPLICANT: DEVELOPMENT PLANNING STRATEGIES PTY LTD (93016) (JLU) (ATTACH)

RECOMMENDATION
That Council:

- (1) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;
- (2) finally adopt the following amendment, the documents be signed, sealed and forward to the Western Australian Planning Commission:-

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



AMENDMENT NO. 16

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

1. Rezoning Lot 858 Banning Avenue, Success from 'Local Centre' Zone to 'Residential' Zone with a residential density coding of R40;
 2. Amending the Scheme Map accordingly.
- (3) advise those who made submissions of Council's decision accordingly.
- (4) advise the applicant of Council's decision and that when preparing a subdivision application that the intersection with Carnegie Parade is to be deleted.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Deputy Mayor R Graham that Council:

- (1) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;
- (2) finally adopt the following amendment, the documents be signed, sealed and forward to the Western Australian Planning Commission:-

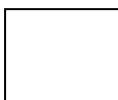
TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

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

AMENDMENT NO. 16

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

1. Rezoning Lot 858 Banning Avenue, Success from 'Local Centre' Zone to 'Residential' Zone with a residential density coding of R20;
 2. Amending the Scheme Map accordingly.
- (3) advise those who made submissions of Council's decision



accordingly.

- (4) advise the applicant of Council's decision and that when preparing a subdivision application that the intersection with Carnegie Parade is to be deleted.

CARRIED 9/0

Explanation

The majority of those who lodged submissions on the proposed amendment did not support the R40 code or the possibility of higher density development occurring in the vicinity of their existing homes.

Background

ZONING:	MRS:	Urban
	TPS:	Local Centre
LAND USE:	Currently vacant	
LOT SIZE:	1.2402ha	

At its meeting on the 20 April 2004 Council resolved to initiate Town Planning Scheme Amendment No. 16 to rezone Lot 858 Banning Avenue from 'Local Centre' to 'Residential' with a density of R40 (see locality plan contained in the agenda attachments). The rezoning will facilitate a strata development with 38 residential lots ranging in size from 220m² to 308m² and a communal open space area of 694m² (see concept plan contained in the agenda attachments). The Amendment has been advertised and is referred to Council for final consideration.

Report

The amendment was forwarded to the Environmental Protection Authority (EPA) in April 2004. The amendment was not assessed by the EPA and no environmental advice was provided.

All relevant Government agencies and 22 surrounding properties were notified in writing of the Amendment and invited to make comments. A sign was erected on the site and the Amendment was advertised for 42 days from 9 June to 20 July 2004. 23 submissions were received, three submissions were from Government agencies raising no objection to the proposal, 19 objections were received during the advertising period and one objection was received outside the advertising period (see Schedule of Submissions contained in agenda attachments).

The main issues raised by the objections and the Officer's response are provided below:



1. Proposed Change of Use and Feasibility of Local Centre – The site was identified as ‘Local Centre’ in the Thomson’s Lake Structure Plan (1999) to cater for local shopping requirements of future residents within the western sector of the Thomson’s Lake precinct. A number of the objections believe that further investigation and justification should be provided regarding the lack of viability for the local centre.

The applicant has advised that as a result of the overwhelming success and influence of Gateways District Shopping Centre the need for and the long term viability of this site for commercial purposes is questionable.

Council’s Local Commercial Strategy identifies a potential/proposed new centre (not specifically) in the location of the subject site. The Strategy states that a small centre of approximately 1,160 sqm may be required in the area by 2026. The Strategy goes on further to state that the location of sites are not intended to be applied rigidly and that it may be appropriate to move the sites depending upon the circumstances prevailing at the time. It also provides an ongoing role for the deli at the Hammond Road Caravan Park which is identified as a Neighbourhood/Local Centre.

The City has previously advised the landowner that it no longer has any plans to develop a Community Purpose facility on this site given the intention to consolidate the major sporting and community facilities in this area on Reserve 7756 Hammond Road and Lot 858 Wentworth Parade (adjacent Gateways Shopping Centre). There may be an opportunity however, to place a deli/corner store on Reserve 7756 Hammond Road that would service not only the users of the sporting facilities but also the community.

2. Proposed Residential Density of R40 – The proposed Amendment will facilitate a strata development with 38 residential lots ranging in size from 220m² to 308m². The majority of the objections suggest that if the site must be rezoned to residential that it should be consistent with the surrounding R20.

Given Council’s intentions to consolidate the major sporting and community facilities on Reserve 7756 Hammond Road, and the overwhelming success of the Gateways Regional Shopping Centre, there is no need for additional shopping or community facilities in this location. The proposed R40 density of the development seeks to maximise the potential of the site which abuts a large existing area of POS and is located within close proximity to a district shopping centre, public transport, future district level playing fields and adequate educational facilities.

The agenda attachment contains a plan showing the walkable catchments for the area that affect the site. This plan shows that the subject site is within 400m of bus stops and directly opposite an



existing public open space, 400m of Reserve 7756 Hammond Road which will contain district sporting facilities and 800m from Jandakot Primary School.

3. Purchased Land in the Area as a Result of the Site being Zoned Local Centre – A number of the objections stated that a factor in deciding to purchase land in the area was the subject site being zoned for a local centre/community facility.

Whilst it is acknowledged that the surrounding land uses assist in purchasers making a decision to buy land, no commitment can ever be given about the future use of an area.

4. Increased Traffic and Parking – As discussed the Amendment will facilitate a strata development with 38 residential lots. City's Engineering Services advise that typically a residential property generates seven vehicle movements per day. Applying this figure the proposed strata development would generate approximately 270 vehicles movements per day. As the site was identified as a local centre and would have likely consisted of a deli, Engineering Services also advise that residential use on the site could generate more traffic than a deli depending on the range of foods/services offered.

The Residential Design Codes prescribes that in the case of grouped dwellings that on-site parking is to be provided at the rate of two spaces per dwelling and visitor parking is to be provided at the rate of one space for each four dwellings. Whilst two parking spaces are provided per dwelling it does not necessarily equate to every household having two cars, equalling 76 cars. At least 10 visitor parking bays would be required. The Concept Plan shows 14 visitor parking bays. The details of the location of the bays would be addressed as part of a subdivision or development application, however, it is considered that sufficient parking can be provided.

The City's Engineering Services also requested that the intersection with Carnegie Parade be deleted. These issues will be addressed at the subdivision/development stage however it is recommended that they be flagged with the applicant now.

Council has also received Scheme Amendment No. 18 for the rezoning of land directly to the south of the subject site from 'Public Purpose' to 'Development' zone. The subdivision concept plan contained in the Amendment document shows a four-way roundabout at the intersection of Bartram and Banning Avenue. The roundabout would improve the traffic flow in the area.



Conclusion

It is recommended that Council finally adopts the rezoning of Lot 858 Banning Avenue, Success from 'Local Centre' to 'Residential' with a residential density of R40 for the following reasons:

- The issues raised in the submissions have been addressed;
- The need and long term viability of the site for commercial purposes is questionable given the close location of Gateways District Centre to the north;
- Part of the site is no longer needed for community purposes;
- The proposal will add to the diversity of lot sizes currently available in the area; and
- The proximity of the site to public open space, district sporting facilities, public transport routes and a primary school.

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."*
2. 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:-

SPD4 'Liveable Neighbourhoods'
APD4 Public Open Space

Budget/Financial Implications

N/A

Community Consultation

The Scheme Amendment was advertised in accordance with the Town Planning Development Act and Regulations (as amended).

Legal Implications

Nil



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

Nil.

14.5 (MINUTE NO 2559) (OCM 21/09/2004) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56 OF THE LAND ADMINISTRATION ACT 1997 - FREEHOLD PARCELS WITHIN MAIN ROADS PROTECTION BOUNDARY, STOCK ROAD - FANSTONE AVENUE TO PHOENIX ROAD (9704) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) request that the Minister for Planning and Infrastructure dedicate all that land within the Main Roads protective boundary and being reserved under the MRS as Primary Regional Road between Fanstone Avenue and Phoenix Road;
- (2) indemnify the Minister for Planning and Infrastructure against any reasonable costs incurred in considering and granting this request; and
- (3) acknowledge that Main Roads WA have indemnified the City against any claims.

COUNCIL DECISION

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

CARRIED 9/0

Background

Stock Road was constructed around 1975. Although Main Roads had acquired the many land parcels to enable the construction to proceed, they neglected to consolidate the lots and vest them as road reserve.

Submission

Complex Land Solutions acting on behalf of Main Roads WA, have lodged a written request to the City for the City to dedicate the land.



Report

The action to dedicate roads controlled by Main Roads WA is only possible pursuant to the Land Administration Act and by the Local Authority in which the road is located.

Main Roads WA have indemnified the City against any claims that could arise from the dedication of the land.

Existing land management processes inclusive of fire breaking will continue to be undertaken by Main Roads WA.

There is an administrative advantage to the City in that Stock Road will show as a single entity on the City's GIS system rather than the current multiple of land parcels and associated records as it currently does.

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

Nil.

Legal Implications

Nil.

Community Consultation

N/A

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

Nil.

- 14.6 **(MINUTE NO 2560) (OCM 21/09/2004) - RETROSPECTIVE WORKS - GARAGE EXTENSION - 4 KING STREET, COOGEE - OWNER: A C & N MIRAGLIOTTA - APPLICANT: C & R MIRAGLIOTTA (3309693) (MD) (ATTACH)**

RECOMMENDATION

That Council:



- (1) refuse a retrospective application for an existing Garage on Lot 19 (No. 183) Clontarf Road, Hamilton Hill, for the following reasons:-
1. The garage extension has resulted in a parapet wall that is 13.2 metres in length, which fails to comply with Clause 3.6.1 (A1.4) of the Residential Design Codes.
 2. The combined height of the fill (between 0.5m & up to 1.0m) and the 2.5m high parapet wall fails to comply with Clause 3.3.2 (A2) (ii) of the Residential Design Codes.
 3. The application is deficient in that it fails to meet the requirements of the Building Code of Australia with respect to fire separation, and on this basis it is not possible to determine how the development may have an impact on the safety or amenity of the adjoining landowners.
 4. The garage extension sits on top of fill to a height of approximately 0.5m to 1.0m, which has not been provided with an adequate retaining wall.
- (2) issue a written direction pursuant to section 10 (3) of the Town Planning and Development Act 1928 instructing the landowner to remove the illegal garage extension and the fill that has not been retained, within 60 days of the date of the notice.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that Council:

- (1) refuse a retrospective application for an existing Garage on Lot 37 (No. 4) King Street, Coogee, for the following reasons:-
1. The garage extension has resulted in a parapet wall that is 13.2 metres in length, which fails to comply with Clause 3.6.1 (A1.4) of the Residential Design Codes.
 2. The combined height of the fill (between 0.5m & up to 1.0m) and the 2.5m high parapet wall fails to comply with Clause 3.3.2 (A2) (ii) of the Residential Design Codes.
 3. The application is deficient in that it fails to meet the requirements of the Building Code of Australia with respect to fire separation, and on this basis it is not possible to determine how the development may have an impact on the safety or amenity of the adjoining landowners.



4. The garage extension sits on top of fill to a height of approximately 0.5m to 1.0m, which has not been provided with an adequate retaining wall.
- (2) issue a written direction pursuant to section 10 (3) of the Town Planning and Development Act 1928 instructing the landowner to remove the illegal garage extension and the fill that has not been retained, within 60 days of the date of the notice.
- CARRIED 9/0**

Explanation

The recommendation contained the incorrect address.

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	903 m ²	
AREA OF GARAGE EXTENSION:	42.24m ²	
USE CLASS:	Single (R-Code) House – (“P”)	

The background relevant to this proposal is:-

- On 22 January 2004, the City received a complaint from an adjoining landowner expressing concern that the illegal garage was built close to the boundary fence without the necessary retaining of the fill.
- The City subsequently investigated the issue and discovered that the garage extension had been constructed illegally and it appeared that the rear portion of the block had been filled up to 500mm to 1 metre without the prior approval of the City.
- On 18 June 2004, the City issued a notice under the Town Planning and Development Act which requested that the applicant remove the illegal garage and fill from the property, or alternatively, submit an application to the Council for retrospective approval of the illegal works.
- On 21 June 2004, the City proceeded to issue a Section 401 Notice requesting that the applicant remove the illegal garage.



- On 5 August 2004, the applicant submitted a retrospective planning application seeking approval for a portion of the illegal garage extension only.

Submission

The application seeks retrospective approval for an illegal garage extension approximately 13.2m long x 0.800m wide, clad with steel roof sheeting enclosed on the boundary side with a steel sheet wall and attached to the western side of the existing garage/garage.

Report

The garage extension has resulted in a boundary wall fails to comply with Clause 3.6.1 (A1.4) of the Residential Design Codes ("the Codes"), which permits parapet walls up to 9 metres in length in the Residential R20 zone.

The notice served under Section 10 of the Town Planning and Development Act on 18 June 2004, instructed the owner to either remove the garage extension and illegal fill or submit an application for approval for both improvements. However, the applicant has chosen to submit an application for only a part of the illegal garage extension (0.800m x 13.2m) and not the whole portion only and disputes that any fill has been placed on the property.

The applicant was also requested to provide engineering details on the retaining wall shown on the front elevation plan. The applicant has not submitted these details to Council and has not adequately addressed the issue of retaining the fill under the garage extension.

Recent inspections by the City's planning and building officers has confirmed that approximately between 500mm and 1.0m of fill has been placed on the rear portion at the western side of the property where the illegal garage extension is sited.

Two letters of 'Objection' were received from adjoining landowners in relation to the application and as such the application has been referred to Council for determination, as no delegation to the City officers exists to determine the application where an objection has been received.

A copy of the Table of Submissions and Council's response is contained with the agenda attachments.

The proposal is not acceptable from a planning point of view for the following reasons:-

1. The parapet wall exceeds that prescribed under Clause 3.6.1 (A1.4) of the Codes by 4.2 metres.



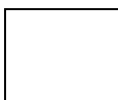
2. The garage extension sits on top of illegal fill which is approximately between 500mm and 1000mm high which has not been provided with an adequate retaining wall.
3. The application is considered deficient and it is not possible to determine the extent of the impact the development may have on the safety and amenity of the adjoining landowners for the following reasons:-
 - a) the garage structure is in breach of Part 3.7 Clause 3.7.1.6 (a) of the Building Code of Australia (BCA) in relation to fire separation requirements. On the eastern side of the garage there is only approximately a 500mm separation from the timber balcony attached to the rear of the residence.
 - b) the boundary wall of the garage fails to meet the requirements of Part 3.5 of the BCA with respect to cladding materials.
 - c) the garage extension fails to meet the requirements of Clause 3.11.4 and 3.11.5 of the BCA in relation to dead and live loads and wind loads.
 - d) the garage extension fails to meet the requirements of Clause 3.11.6 of the BCA in relation to steel, concrete and masonry construction.

In respect to this matter, it is recommended that the garage extension be refused for reasons outlined above.

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."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*



Budget/Financial Implications

Council's decision is appealable. Legal representation may incur costs to Council if an appeal is lodged with the Tribunal.

Legal Implications

Legal representation may be required if an appeal is lodged with the Tribunal.

Community Consultation

The application was referred to the adjoining landowner in accordance with Clause 9.4.3 of the City's Scheme. Two letters of Objection were received.

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

Nil.

- 14.7 (MINUTE NO 2561) (OCM 21/09/2004) - PROPOSED WAREHOUSE ADDITION TO EXISTING FRUIT & VEGETABLE STORE - LOT 7 HAMMOND ROAD, YANGEBUP - OWNER: C C ALESSANDRINI - APPLICANT: MAROCCHI ENGINEERING GROUP (4313047) (VM) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant approval to the Warehouse addition to the Fruit and Vegetable Store on Lot 7 Hammond Road, Yangebup subject to the following conditions:

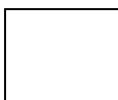
STANDARD CONDITIONS

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. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
4. A plan or description of all signs for the proposed



development (including signs painted on a building) shall be submitted to and approved by Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to Council prior to the erection of any signage on the site/building.

5. No bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).
6. Landscaping and tree planting to be undertaken in accordance with the approved plan.
7. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
8. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
9. The provision of bicycle facilities to be provided in the locations marked on the attached plans, and are to be installed prior to the extensions being occupied.
10. All stormwater being contained and disposed of on-site.
11. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
12. 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 yr storm event.
13. A minimum of 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.
14. The disabled car bay is to have a maximum grade 2.5%.



15. 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.
16. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use, or to such alternative system of effluent disposal as may be approved by the Department of Health prior to commencement of any use.
17. The development must display the street number and where there is no street number allocated to the property, the lot number shall be displayed instead.

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

18. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs;
 - (2) any lawns to be established;
 - (3) any natural landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and verge treatments.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
3. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
4. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1995, there shall be no approval to continue the use of the building for the purposes of the development herein conditionally approved and the land shall not continue to be used for any such purpose.
5. Detailed plans and specifications of the kitchen, dry storerooms, cool rooms, patron and staff sanitary conveniences and garbage room, are to be submitted to



and approved by the Council's Health Services prior to the occupation of the premises. The plans to include details of:

- (a) the structural finishes of all floors, walls and ceilings;
- (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
- (c) all kitchen exhaust hoods and mechanical ventilation systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provision for waste disposal.

These plans are to be submitted separately to those submitted to obtain a building licence.

The application must be in accordance with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only) and also include any information about the existing facilities to be retained and used (refer to the attached form).

- 6. 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 1995 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.

COUNCIL DECISION

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

CARRIED 9/0



Background

ZONING:	MRS:	Urban
	TPS3:	Light and Service Industry
LAND USE:	Commercial	
LOT SIZE:	2.2283ha	
AREA:	Additional 72.3 sqm	
USE CLASS:	Non-Conforming Use – Shop	

Council approved the original bulk vegetable store currently operating as Tony Ales on Lot 7 Hammond Road on 14 December 1979 (180sqm). Subsequent extensions were later approved on 14 June 1985 (330sqm), 9 February 1988 (45sqm) and 18 May 2004 (138.5sqm). The 9 February 1988 approval was renewed on 4 August 1993 together with the sale of a wider range of goods from the premises. As part of this latter application, the Council at the time advised the applicant that it would not entertain a further expansion of the shop while the property is not within the Commercial zone. At the time, the property was zoned Rural under Town Planning Scheme No. 2. The property is now zoned Light and Service Industry under Town Planning Scheme No. 3 and a shop is an 'X' use.

Submission

The applicant has submitted an application for some minor modifications and additions to the fruit and vegetable store. The application proposes an additional retail floorspace area of approximately 72.3sqm. This will facilitate room for additional required warehouse space.

A plan depicting the proposal is included in the Agenda Attachments.

Report

As a shop is not permitted within the Light and Service Industry Zone, the current fruit and vegetable store is a Non-Conforming Use which means: *“a use of land which, though lawful immediately prior to the coming into operation of a town planning scheme, is not in conformity with any provision of that scheme.”*

The application was advertised in accordance with clause 9.4 of Town Planning Scheme No. 3 by way of notice of the proposed development to nearby owners. Of the 10 notification letters sent by the City, 3 submissions of no-objection were received.

The store has been operating since December 1974, prior to the gazettal of Town Planning Scheme No. 1 (June 1974). The owner has over time expanded the store to increase the floorspace in order to keep up with demand.



The subject site complies with car parking and landscaping requirements. The site is neat and tidy. The store is widely used by the local community and provides a good service to the locality. It is considered the additions to the proposal will have no detrimental impact to the surrounding locality.

Council's rationale to advise the applicant back in 1993 "... *that it would not entertain a further expansion of the shop while the property is not zoned Commercial*" is unclear. Its location immediately adjacent to a Local Centre site, however, makes it an appropriate location for the use to continue.

Strategic Plan/Policy Implications

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

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

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes
APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

Nil

Legal Implications

Nil

Community Consultation

Adjoining and nearby neighbours were notified for 14 days in accordance with clause 9.4.3 of the scheme.

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

Nil.



14.8 (MINUTE NO 2562) (OCM 21/09/2004) - PROPOSED CONCRETE PRODUCTS FACTORY AND ASSOCIATED OFFICE (6000721) (MR) (ATTACH)

RECOMMENDATION

That Council issue a notice of refusal for the proposed Concrete Products Factory and Associated Office on Lot 210 (No 96) Cutler Road, Jandakot for the following reasons:-

1. The proposed development is defined as General (Licensed) Industry being Category No 77 under the Environmental Protection Regulations 1987, which is not permitted in the Light and Service Industry Precinct on the Structure Plan, adopted by Council pursuant to the City of Cockburn Town Planning Scheme No 3.
2. The proposed development should be considered in the Industry Zone of Town Planning Scheme No 3 where the Council could approve the proposed development subject to compliance with the standard Scheme requirements.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr K Allen that Council defer consideration of this matter to the October Ordinary Council meeting.

CARRIED 9/0

Explanation

The applicant has requested, in a facsimile dated 16 September 2004, that the decision by Council be deferred to the October meeting because it is awaiting legal advice on the classification of the proposed use. Council adopts the opinion that the request should be satisfied to enable the applicant and the Council to be more informed regarding the application.

Background

ZONING:	MRS:	Industry
	TPS3:	Development Zone (DA20)
LAND USE:	Vacant Lot	
APPLICANT:	Koltasz Smith & Partners	
OWNER:	Navarac Pty Ltd	
LOT SIZE:	6,585m ²	
USE CLASS:	General (Licensed) Industry "X" Not Permitted	



The subject land was subdivided into industrial lots 2 years ago. Council adopted a Structure Plan on 17 June 2003.

The Structure Plan was prepared by Koltasz Smith on behalf of landowners within the Solomon/Cutler Road Development Area (DA 20), in order to provide a framework for the future development of Mixed Business, Light Industrial and Service Industrial uses in the area (See Agenda attachments for proposal location details).

The submitted Structure Plan was prepared for Solomon Road Development Zone (DA20) Jandakot. The Structure Plan provides for an extension of North Lake Road (Verde Drive) through the site joining with Armadale Road in accordance with approved MRS Amendments No.1038/33 – Thomsons Lake Regional Centre.

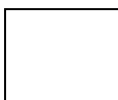
The Plan area covers approximately 63ha and includes 13 lots or portions of lots, some of which have been partially or fully developed. Existing residential areas are located south of Armadale Road in Atwell. Perth Urban Rail Development proposes a major transfer station to be constructed to service the Thomsons Lake area immediately north of Armadale Road and adjacent to the structure plan land. Industrial subdivision is presently being undertaken to the east of Solomon Road abutting the northern boundary of the eastern portion of the Structure Plan area.

The Structure Plan was adopted by Council at its Ordinary Meeting on 17 June 2004 and included the development of Mixed Business, Light Industrial and Service Industrial uses. As part of the Mixed Business uses, the allocation of precincts has been used to guide the development based on the property location within the Structure Plan area and the role they can be expected to play from a land use/service viewpoint. It also proposes a Regional Sportsground and a Public Open Space (also for drainage purposes) at the north-western portion of the Plan area, which are currently under review.

Submission

The applicant seeks the Council's consent to develop a concrete product premises for Twinside on Lot 210. The applicant's submission indicates that the site was chosen to reflect the needs of Twinside, recognising its location advantages and being serviced by major transport networks such as the Kwinana Freeway, Armadale Road and the proposed North Lake Road extension.

The current operation of Twinside is based in Bassendean, which must be vacated. The proposed development includes the construction of a 1,500sqm factory and 192sqm office at the Cutler Road lot frontage. The proposal has been summarised as follows:-



- The current workforce is 13 people and could be increased to 15 people at the new premises;
- Hours of operation are 7am to 5pm Monday to Friday (Public Holidays excluded) and 8am to 12pm on Saturdays;
- Machinery such as the concrete mixer and associated bobcat and loader do not operate generally until 8:30am and finishes operations at 2pm as product moulds are poured at that time;
- Most of the finished product will be stored in the factory building;
- The finished product will be stored in the building to cure and then loaded onto trucks for delivery. Other products will be stored in external areas no greater than 1.8m in height;
- Waste materials such as water, concrete and sand are removed off-site directly by a tanker and truck to an approved tip;
- The proposed building will be of a contemporary design and constructed concrete tilt up panel building. The building will be in keeping with other buildings nearby;
- 68 parking bays are provided as opposed to only 34 bays required;
- The processes carried out by Twinside development will not cause any injury or adversely affect the amenity of the locality and will therefore comply with the light industrial Scheme definition.
- The Twinside facility currently operates in Bassendean Light Industrial Area within an inadequately sized building and yards that have not created a nuisance in 23 years of operation to adjoining industrial development or nearby residential properties;
- The use is currently licensed by the Environmental Protection Authority and Twinside has no knowledge of any noise or dust complaint having been made against them.
- Herring Storer Acoustics have prepared an acoustic report which states that the predicted noise emission levels at noise sensitive premises are within the criteria in the EP Noise Regulations 1997.

The applicant has requested that this application be referred to Council for determination despite that such an application would normally be dealt with under delegated authority of Council.

Report

The land is within the Development Zone under Town Planning Scheme No 3 and is zoned Industry in the Metropolitan Region



Scheme. TPS3 classification of Development Area 20 provides the following requirements applying to the land:-

"1. Structure Plan adopted to guide subdivision, land use and development.

2. To provide for light and service industrial and mixed use development, to complement the Thomsons Lake Regional Centre.

3. Land uses classified on the structure plan apply in accordance with clause 6.2.13.

The Structure Plan adopted by Council on 17 June 2003 includes the subject land within the Light and Service Industry Precinct. Clause 6.2.6.3 of the Scheme enables a Structure Plan to impose a classification on the land included in it by reference to reserves, zones when recommending or approving development of land within a Development Area.

The applicant contends that the use is consistent with the light industrial definition of TPS3 because all impacts are contained on-site. Light Industry means an industry –

"(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause an injury to or adversely affect the amenity of the locality;

(b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services."

Twinside is currently operating in Bassendean and is a registered premises with the Department of Environment (Registration Category 77) as follows:-

"77. Concrete batching or cement products manufacturing: premises on which cement products or concrete are manufactured for use at places or premises other than those premises. – Production design capacity 100 tonnes or more per year."

General Industry (Licensed) means an industry which is a category of prescribed premises set out in Schedule 1 of the Environmental Protection Regulations, notwithstanding the production or design capacity for each category of prescribed premises specified in the Schedule, but where a prescribed premises is also included in Schedule 2 of the Health Act, the Health Act prevails, for the purpose of the Scheme."

Regardless of the production design capacity the proposed Twinside development is defined as General Industry (Licensed) as this is a



specific use mentioned in the Zoning Table and it is deemed to be excluded from the general terms used to describe the light industrial use, pursuant to clause 4.4.1 of TPS3. Accordingly the proposed development is not permitted in the Light and Service Industry Precinct depict on the adopted Structure Plan.

The Twinside operation also involves the processing of raw materials such as sand and blue metal and cement that is inserted into a concrete mixer via a loader operation. The proposed development requires the construction of a large factory building of 1,500sqm and associated office building. The scale of the operation and industrial processes involved could have off-site impacts associated with noise, dust and visual impacts on existing and future residents that will occupy adjacent land.

There is a foam factory within the same subdivision as the proposal that is also a Prescribed Premises, but this development was approved on 2 October 2002 at the same time lots were created as part of the industrial subdivision. The foam development was approved on the basis of the Industrial zoning in the MRS and was prior to the Council adoption of the Structure Plan on 17 June 2003, which included the land in the Light and Service Industry Precinct. The foam factory approval is not a sufficient reason for similar prescribed premises to be established in this light and service industrial estate.

Prior to preparing this report Council Officers met with the applicant and operator at their Bassendean premises to view their current operations, which has provided a better insight into the intended operations at Jandakot. The potential off-site impacts are such that they could probably be managed on-site by simply enclosing the rear processing area, but the use designation in TPS3 is a major impediment to granting an approval.

Despite that the proposal complies with the Scheme standards (e.g. car parking etc.) while the Twinside operation is specifically defined as a General Industry (Licensed) use it must be treated as a use that is not permitted under the Scheme. Accordingly, the application must be refused. Approval of the proposed development could also set a precedent for other similar Prescribed Premises to be approved in other Light and Service Industrial Zones in the district that could lead to future land use conflicts with adjacent residential land uses.

If Council refuses the proposed development the applicant has the right of appeal under Part V of the TYPED Act. The Council could contest an appeal if lodged given that the use is not permitted and could argue that it had no discretion to approve the proposed development.



Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

Council's decision is appealable. Legal representation will be required if an appeal is lodged with the Tribunal.

Legal Implications

Town Planning Scheme No 3
Structure Plan (DA20)

Community Consultation

The proposal was not advertised because it involved a use that was not permitted.

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

Nil.

14.9 (MINUTE NO 2563) (OCM 21/09/2004) - PROPOSED METROPOLITAN REGION SCHEME AMENDMENT - LOT 204 LYON ROAD, BANJUP (9645) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Western Australian Planning Commission of its support to lift the "Urban Deferred Zone" on portions of Lot 24 Lyon Road, Banjup being the residual balance of land not included in MRS Amendment No 1082/33 for inclusion in the "Urban Zone" pursuant to Clause 27 of the Metropolitan Region Scheme; and
- (2) advise the applicant accordingly.



COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that Council:

- (1) request the Western Australian Planning Commission to lift the "Urban Deferred Zone" on portions of Lot 24 Lyon Road Banjup, being the residual balance of land not included in MRS Amendment No. 1082/33 for inclusion in the Urban Zone pursuant to Clause 27 of the Metropolitan Region Scheme and that the request be included on the next agenda of the South West District Planning Committee;
- (2) advise the Secretary of the SWDPC that Council supports the proposal to lift the "Urban Deferred Zone" as described in (1) above, following its inclusion on the Committee Agenda; and
- (3) advise the applicant of Council's decision accordingly.

CARRIED 9/0

Explanation

The South West District Planning Committee has a statutory role in the presentation of the Council's recommendations regarding the management of the Metropolitan Region Scheme to the Commission.

Background

ZONING:	MRS:	Urban Deferred
	TPS3:	Development Zone
LAND USE:	Vacant	
APPLICANT:	Roberts Day	
OWNER:	LandCorp	
LOT SIZE	42.25ha	

Submission

The applicant has requested Council's support of the lifting of the Urban Deferred Zoning over portions of Lot 204 Lyon Road, Banjup for inclusion in the Urban Zone under the Metropolitan Region Scheme. This will facilitate the land being developed for residential purposes.

Lot 204 was identified as a Bush Forever "additional site" (No 492) that is subject to a negotiated planning solution in recognition that not all of the site contains regionally significant bushland.

LandCorp have negotiated an outcome with the Department for Planning and Infrastructure with the assistance of the Bush Forever



Office. This has resulted in three portions of land being identified as suitable for urban development.

The current Bush Forever MRS amendment reflects the revised Bush Forever site boundary for site number 492, which has been included as proposed Parks and Recreation reserve. The balance of Lot 204 has remained as Urban Deferred and requires a separate proposal to be rezoned to Urban

Report

The applicant has satisfied the requirements for the lifting of the Urban Deferred Zoning in the MRS. The criteria includes an assessment of the capability of the land being provided with essential services, design to guide future development, proposed urban development to follow a logical progression of development, regional requirements (ie open space) and any constraints to urban development are addressed.

The main issue regarding the final boundary of the Parks and Recreation reservation is being resolved through Bush Forever Amendment No 1082/33 (Proposal No 92), which is currently being advertised for public comment. Through a negotiated process, LandCorp have agreed to set aside 38.43ha of the 42.25ha site for conservation. This conservation outcome has been reflected in the amendment as the portion of land area that will be reserved for Parks and Recreation and reflects the agreement with the Department for Planning and Infrastructure. There is no reason therefore not to consider the current proposal.

The Urban Deferred Zoning provides an indication that the land is physically and locationally suitable for urban purposes. Prior to the land being included in the Urban Zone the Commission must be satisfied that all environmental and servicing considerations have been addressed. Under Clause 27 of the MRS, land included in the Urban Deferred Zone may be transferred to the Urban Zone by resolution of the Commission notified in the Government Gazette. Given the small size of the proposed Urban land it is not considered essential for a Structure Plan to be prepared at this preliminary stage.

It is not possible to include this proposal on Amendment No. 1082/33 given that the purpose of the amendment is to include portions of land included in Bush Forever throughout the Metropolitan Region within the Parks and Recreation reserve in the MRS. Amendment No. 1082/33 has also advanced to the advertising stage.

There are no objections to the lifting of the Urban Deferred Zoning to an Urban Zone in the MRS.



Strategic Plan/Policy Implications

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

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

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

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

If the proposal is included in an MRS Amendment no consultation is required as it doesn't constitute an amendment to the regional planning scheme.

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

Nil.

DECLARATION OF INTEREST

Clr Allen declared a proximity interest in item 14.10. The nature being due to the proximity of his property to the proposal.

Mayor Lee advised that written permission had been granted by the Department of Local Government and Regional Development, in accordance with delegated authority by the Minister, under s5.69(3) of the Local Government Act 1995, to allow Clr Allen to fully participate in the discussion and decision making process relating to the Port Coogee Marina development.



14.10 (MINUTE NO 2564) (OCM 21/09/2004) - AMENDMENT NO. 3 TO TOWN PLANNING SCHEME NO. 3 - PORT COOGEE (93003) (9662) (MR)

RECOMMENDATION

That Council:

- (1) advise the Western Australian Planning Commission that it is prepared to amend its adoption of Amendment No 3 to Town Planning Scheme No 3 regarding Port Coogee by modifying Provision No. 15 and 17:

Delete Provision No.15:

15. Despite the provisions of the Scheme, the Council may, when considering a Detailed Area Plan (DAP), impose development requirements including but not limited to vehicle parking greater than the standards prescribed under the Scheme, if in the opinion of the Council, it would result in a more desirable outcome for the use and development of the land the subject of the DAP's.

Replace Provision No.15 as follows:

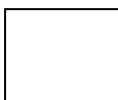
"15. A Detailed Traffic and Car Parking Study being prepared (at the proponent's cost) to determine traffic circulation and car parking requirements to serve the needs of the marina and to demonstrate the adequacy of the design."

Delete Provision No.17:

17. Where development within the Marina Village or in areas coded R80 or higher density is to be a multi-storey development, then the ground floor shall be set aside for commercial, retail or mixed business and may not be used for any other use unless the Council decides otherwise.

Replace Provision No.17 as follows:

"17. Where development within the Marina Village or in areas coded R80 or higher density is to be a multi-storey development, then the building design is to provide the opportunity for the ground floor to be used for either residential, and/or commercial, retail or mixed business uses, subject to the appropriateness and economic viability of the uses in the short or long term."



(2) advise the applicant accordingly.

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr L Goncalves that Council:

(1) advise the Western Australian Planning Commission that in respect to Amendment No 3 to Town Planning Scheme No 3 regarding Port Coogee Provisions No. 15 and 17; it is:-

1. not prepared to modify Provision No. 15 adopted by the Council at its meeting held on 16 March 2004, namely that:-

“15. Despite the provisions of the Scheme, the Council may, when considering a Detailed Area Plan (DAP), impose development requirements including but not limited to vehicle parking greater than the standards prescribed under the Scheme, if in the opinion of the Council, it would result in a more desirable outcome for the use and development of the land the subject of the DAP's.”

2. prepared to modify Provision 17 by:-

“17. The ground floor of all proposed development within the Marina Village shall be set aside for commercial, retail or mixed business and may not be used for any other use unless the Council decides otherwise, and in relation to areas immediately adjacent to the Marina Village coded R80 or higher density, and the development is proposed to be multi-storey, preference is to be given to commercial, retail or mixed business being located on the ground floor where it can complement uses in the Marina Village.”

(2) advise the applicant accordingly.

CARRIED 9/0

Explanation

That Council continues to be concerned about a potential shortfall in parking that could arise in and around the Marina Village due to its potential popularity as a beach-side destination. Therefore the Council needs to retain its ability to require a parking provision in excess of the standards in the scheme. In respect to the extent of commercial development, the Council is firmly of the opinion that in and adjoining



the Marina Village, the ground floor of all development should be used for commercial, retail or mixed business to ensure that it develops into a vibrant and attractive centre promoted by a mix of complementary uses and activities.

Background

On 16 March 2004, Council proceeded to adopt Amendment No 3 to Town Planning Scheme No 3 subject to various additional provisions being inserted into the amendment (refer to Minute No.2335 – OCM 16/03/04). The amendment documents were modified in accordance with Council's resolution and forwarded to the Western Australian Planning Commission seeking the endorsement of the Hon. Minister for Planning and Infrastructure.

At the Council meeting held on 17 August 2004, it was resolved that Council:-

- “(1) defer the matter; and*
- (2) have the matter presented to a Concept Forum prior to being reconsidered at the Council Meeting to be held on 21 September 2004.”*

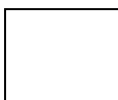
Submission

Planning Consultants acting on behalf of the proponent have raised concerns about two of the additional provisions required by Council as follows:-

“15. Despite the provisions of the Scheme, the Council may, when considering a Detailed Area Plan (DAP), impose development requirements including but not limited to vehicle parking greater than the standards prescribed under the Scheme, if in the opinion of the Council, it would result in a more desirable outcome for the use and development of the land the subject of the DAP's.”

The applicant acknowledges that Council already has the ability to require development standards over and above the requirements of the scheme in any event, by applying clause 5.6. However, it is in the interest of the developer to ensure that there is sufficient parking for commercial operators and visitors. The Centre Plan for the Marina Village should include a detailed parking assessment.

“17. Where development within the Marina Village or in areas coded R80 or higher density is to be multi-storey development, then the ground floor shall be set aside for commercial, retail or mixed business and may not be used for any other use unless the Council decides otherwise.”



The applicant has not objected to the above requirement in the Marina Village, which is the intention in the Structure Plan, but it was considered that the R80 sites on the southern side of the southern breakwater or on individual sites would not be viable or appropriate for ground floor commercial. The uptake of commercial development will be slow in the early stages of establishing the community and so it is the consultants belief that a more flexible approach is needed to make clear statements through the building design and policy on the mixed use objectives for the area.

Report

Provision 15 – Car Parking Requirements are specified in Council's Town Planning Scheme No 3 based on Table 3 – Commercial Use Classes. These parking provisions however are based on traditional commercial land uses as distinct from commercial uses within a marina village where the parking demand is likely to be higher. As an alternative to the provision adopted by Council that provides the ability for higher parking requirements to be applied than prescribed in the Scheme, it is therefore, recommended that provision 15 be amended to require a detailed traffic and parking study to determine the parking requirements for the development. This will ensure a site specific approach is taken to assess the likely parking requirements based on the level of commercial development within the marina village and could include a comparative analysis with other operating marinas.

Provision 17 – Mixed Use development is a type of development that is often slow to integrate into centres. The Marina Village is the focal point within the Port Coogee Structure Plan, which facilitates a range of retail, commercial and passive recreational activities. While sufficient land has already been identified for commercial development options, could be left open by permitting residential development on the ground floor of the apartment R80 sites as a transitional land use not the building space designed to facilitate the possible commercial development in the future should this become viable.

It is recommended that Council modify its adoption of Amendment 3 to TPS3 – Port Coogee on the above basis and notify the Western Australian Planning Commission accordingly. Upon return of the amendment documents, changes will then be carried out in accordance with Council's decision prior to seeking the endorsement of the Hon Minister for Planning and Infrastructure.

Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas that apply are:

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



- *"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."*
- *"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."*
- *"To facilitate and provide an optimum range of community services."*
- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*

The Council Policies that are relevant are:

APD4	Public Open Space
APD28	Public Open Space Credit Calculations
APD30	Access Street/Road Reserve & Pavement Standards
APD31	Detailed Area Plans
APD32	Residential Design Codes
APD36	Shopping Centres and Service Stations

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Council has already carried out community consultation on both Amendment No 3 to TPS3 and the Port Coogee Structure Plan in accordance with the Regulations. No further consultation is required.



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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2565) (OCM 21/09/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for August 2004, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 9/0

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.

DECLARATION OF INTEREST

Clr Allen declared a conflict of interest in Item 15.2. The nature being that he is an Office Bearer at the Melville/Cockburn Chamber of Commerce.

AT THIS POINT, THE TIME BEING 7.41PM, CLR ALLEN LEFT THE MEETING.

15.2 (MINUTE NO 2566) (OCM 21/09/2004) - MELVILLE/COCKBURN CHAMBER OF COMMERCE - CONTRIBUTION (1224; 8910P) (ATC) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report from the Melville/Cockburn Chamber of Commerce, as attached to the Agenda; and
- (2) grant \$20,000 to the Melville/Cockburn Chamber of Commerce in accordance with the 2004/05 Budget.

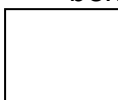
COUNCIL DECISION

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

CARRIED 8/0

Background

At its Budget Meeting on 3 August 2004, Council allocated funds for a contribution of \$20,000 subject to a report to Council setting out the benefits to be obtained and how funds would be spent. Council's



contribution was also subject to an equal contribution by the City of Melville.

Submission

The Melville/Cockburn Chamber of Commerce (MCCC) has submitted a report setting out the reasons for their request for a grant of \$20,000. A copy of their Business Plan – June 2004 has also been forwarded in support of their request. Copies of the submission and Business Plan are attached to the Agenda.

Report

The MCCC has submitted their request for funding to both Melville and Cockburn Councils to ensure its continuing viability and to expand its services to the business community of the Cities.

The benefits to both Councils is the MCCC's:

- [a] interest in attracting new business to the City and in encouraging networking opportunities to develop a business culture in both cities;
- [b] ability to provided a voice for the business community; and
- [c] ability to make representation to the Council on matters affecting the business fabric of the City.

The grants by the Cities of Melville and Cockburn would allow the Chamber to employ a second person so that the staff functions can be divided between the marketing effort and the administration effort. The Executive Officer has not had the time to fulfil both roles satisfactorily which has resulted in a decrease in both the rate of new membership and the retention of existing members.

Strategic Plan/Policy Implications

Key Result Area 'Managing Your City' refers.

Budget/Financial Implications

An amount of \$20,000 has been allocated in the 2004/05 budget subject to the above report.

Legal Implications

N/A



Community Consultation

N/A

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

Nil.

AT THIS POINT, THE TIME BEING 7.43PM, CLR ALLEN RETURNED TO THE MEETING.

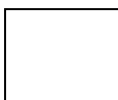
16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2567) (OCM 21/09/2004) - TEMPORARY CLOSURE - LYON ROAD (FROM GIBBS ROAD TO HARMONY AVENUE), ATWELL - SECTION 3.50 LOCAL GOVERNMENT ACT (4292) (SA) (ATTACH)

RECOMMENDATION

That Council approve the closure of Lyon Road to 31 March 2005, between Gibbs Road and Harmony Avenue to enable works to be undertaken for Stages 7 to 9 of the Harvest Lakes Development, pursuant to Section 3.50 of the Local Government Act (1995); subject to the following conditions:

1. Adequate consultation must take place with affected landowners prior to implementing the closure.
2. A Traffic Management Plan is to be prepared in accordance with Australian Standards and that traffic safety to these standards is maintained throughout the contract period.
3. All emergency services and service providers are to be advised of the proposed roadworks and road closure.
4. If the works extend into night hours, then suitable signage and flashing lights are to be positioned (to comply with Australian Standards). This equipment is to be tested to ensure it is in good working order and signs secured each day prior to leaving the site.
5. Notices are to be placed in the local printed media at least one week prior to the works.
6. Suitable signage is installed on site providing motorists with fair warning of the road closure.



7. Receipt of written agreement from adjoining landowners and Service Authorities that the works are accepted.
8. The closure is to extend to March 2005.

COUNCIL DECISION

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

CARRIED 9/0

Background

Works on stages seven through to nine of the Harvest Lakes Development (area bounded by the Kwinana Freeway, Bartram Road and Gibbs Road) has recently commenced to a stage whereby the earthworks are now being undertaken.

The majority of the road network within this development has been constructed, however there is section of Lyon and Gibbs Roads still to be completed/upgraded. These roads will be upgraded once the majority of the subdivisional works are complete.

Submission

The contractor is seeking Council approval to close the section of Lyon Road, between Gibbs Road and Harmony Avenue to facilitate the earthworks phase. They anticipate that the period of the earthworks contract will be between now and March 2005, and the closure will be in place for this period.

Report

The contractor has advised that there will be a significant quantity of fill material imported to site during the period of closure, estimated to be at a rate of 300 trucks per day. In addition all trucks carrying the material will be stopping at a recently installed weighbridge on Lyon Road in order to measure the material being delivered.

It is considered that due to the anticipated volumes of heavy vehicles, the possible conflict involving cars and other trucks should be avoided during the construction period. Furthermore, as the internal roads for this subdivision are basically complete, the impact on motorists is considered negligible, as alternative routes are comparable in distance. Access to the primary school and Atwell to the north will be primarily via Harvest Lakes Boulevard, Harmony Avenue and Aurora Drive.



In accordance with the Local Government Act Section 3.50 "Closure of Thoroughfares to Vehicles" Local Governments must authorise any road closure for periods of up to four years.

Approval would need to be granted subject to the conditions stipulated in the recommendation.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Plan is to construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians.

Budget/Financial Implications

No financial impact on Council.

Legal Implications

Nil.

Community Consultation

Will be required as a condition, prior to closure.

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

Nil.

16.2 (MINUTE NO 2568) (OCM 21/09/2004) - PROGRESS DRIVE - PROPOSED WORKS NEAR ADVENTURE WORLD (450691) (JR) (ATTACH)

RECOMMENDATION

That Council endorse the proposed improvement works to Progress Drive at Adventure World, subject to Adventure World contributing 50% towards the cost of the works.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council endorse the proposed improvement works to Progress Drive at Adventure World up to a value of \$35,000, subject to Adventure World contributing \$17,500 towards the cost of the works.

CARRIED 9/0



Explanation

The addition of the amount of money being specified in the recommendation makes the commitments to each party clearer and repeats what is in the officer's report.

Background

A request was received from Adventure World to upgrade the section of Progress Drive fronting their facility. There was a need to improve the facility's general presentation, provide more convenient and increased picking up and setting down areas for patrons, discourage illegal and undesirable parking and compliment other improvements in the area. In this regard, Adventure World offered a 50% contribution towards the improvement works.

Submission

At the Special Council Meeting held on Tuesday 3rd August 2004 to set the 2004/05 Budget, Council gave consideration to Adventure World's request and in this regard resolved:

- (1) to allocate \$35,000 for Progress Drive Improvements near Adventure World subject to a contribution of \$17,500 towards the works by Adventure World; and
- (2) to require a report to be presented to Council on the proposed works prior to the project commencing including consultation with Adventure World.

Report

Accordingly, an on-site meeting was held with Adventure World management representatives and agreed on the following improvement works in Progress Drive:

- Extension of the bus embayment and adjacent footpath by about 18 metres on the west side, south of the Adventure World main entrance.
- Provision of strategically located and attractive bollards to the frontage of the main entrance to prevent vehicles parking and stopping off-road in that area.
- Highlighting the pedestrian crossing area in red asphalt across the road in front of the main entrance.
- Provide an embayed pick-up and set-down area of about 40 metres on the west side, north of the main entrance.



- Replace weathered and aged bollards as required on the western verge, north of the main entrance.
- Removal of narrow grassed sections as required on the western verge, north of the main entrance, and replacement with an appropriate treatment.
- Replace the “No Stopping” prohibition in the embayment on the east side, north of the main entrance with “Pick-up and Set-down Only”.

The works are indicated on the plan attached to the Agenda.

The extent of these works can be adjusted so that no more than the allocated budget of \$35,000 is spent.

Strategic Plan/Policy Implications

An objective of the Corporate Plan is to construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards and convenient and safe for use by vehicles, cyclists and pedestrians.

Budget/Financial Implications

There is a specific Budget allocation for undertaking these works.

Legal Implications

Nil.

Community Consultation

Consultation has taken place with Adventure World to determine their requirements.

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES



17.1 (MINUTE NO 2569) (OCM 21/09/2004) - COCKBURN YOUTH ADVISORY COUNCIL MEMBERSHIP (8304) (MA)

RECOMMENDATION

That Council, in accordance with Section 5.10 of the Local Government Act 1995, appoint the following individuals as new members of the Youth Advisory Council:

- Elise Ward
- Jade Castle
- Renae Whiteford

In place of retiring members:

- Kyoyagala Kitafuna-Nunez
- Paul Bridle
- Russel Holliday

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Cockburn Youth Advisory Council was established as a Junior Council in 1993 to provide advice to the City on youth issues. In 1997, the State Minister for Youth Affairs encouraged the establishment of Youth Advisory Councils. At this time the Cockburn City Council adopted the changeover of the Junior Council to Youth Advisory Council. Members of the Youth Advisory Council are required to be between the ages of 12 and 21.

The Youth Advisory Council established a Charter in 1997 to outline its objectives and administrative processes. In 2003, the Charter was revised and reformatted as the Youth Advisory Council Terms of Reference.

Submission

N/A



Report

Seats on the Youth Advisory Council are advertised as they become vacant. Applications for vacant positions are publicised through posters, leaflets and public notices in local publications, for example, the Cockburn Gazette, Cockburn City Herald, school newsletters and in notices to community and sporting groups.

The Youth Mayor, Deputy Youth Mayor and Youth Services Coordinator interviewed the Youth Advisory Council applicants. The names put forward for consideration by Council are those considered most appropriate for the role of Youth Advisory Council Member.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The Youth Advisory Council is allocated an annual budget of \$2000.

Legal Implications

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

Community Consultation

Seats on the Youth Advisory Council are advertised as they become vacant. Applications for vacant positions are publicised through posters, leaflets and public notices in local publications, for example, the Cockburn Gazette, Cockburn City Herald, school newsletters and in notices to community and sporting groups.

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

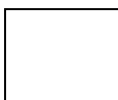
Nil.

17.2 (MINUTE NO 2570) (OCM 21/09/2004) - COCKBURN BOWLING AND RECREATION CLUB (INC.) (8003) (RA)

RECOMMENDATION

That Council require a report be prepared by a suitably qualified consultant which:

- (1) identifies the viability of establishing a Bowling Club on Visko Park in Yangebup; and
- (2) identify land use options and the value to Council of those



options for the land currently leased by the Cockburn Bowling and Recreation Club (Inc.).

COUNCIL DECISION

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

CARRIED 9/0

Background

In response to a request from the Cockburn Bowling and Recreation Club (Inc.) for Council funds for the upgrade of their Spearwood premises, Council resolved to undertake a review of the Cockburn Bowling and Recreation Club (Inc.) facility's capacity to meet current and future needs. The Y.M.C.A. Perth was subsequently contracted to carry out the brief.

Members of the Cockburn Bowling and Recreation Club met with Council officers and agreed to look at alternative locations for the club on a without prejudice basis.

Submission

The Y.M.C.A. Perth has provided the results of consultation with the Club's executive and members, a review of the Club's financial viability and options available to the Club and Council to address issues identified.

The Y.M.C.A., as required by the brief, carried out the following tasks:

- Consultation with the Cockburn Bowling Club and their members to determine their current activities.
- The viability of Cockburn Bowling Club to meet current and future needs from their existing premises.
- Analysis of population demographics and data for the local and catchment area and its population growth potential.
- Identification of existing and proposed similar facilities for the sub region and the identification of current and future gaps in service provision.



- Consultation with the Department for Sport and Recreation, State associations, Peak sporting associations and relevant departments within the City on future lawn bowls and compatible recreational requirements.
- Analysis of the current location and possible alternate sites for the Cockburn Bowling & Recreation Club with respect to its viability.

Surveys were sent out to all members of the Club which comprise 185 full bowling members and 210 social members. Approximately 35% of full bowling club members responded and only 6% of social club members giving a total response rate of 77 out of a possible 398 or 19.5%. The salient points of the survey are summarised as follows:-

- 84% of respondents were over 55 years of age with approximately 62% male and 38% female.
- More than half of respondents had been members for more than 10 years.
- Of the respondents approximately 82% used the bar facilities; 73% to play competition bowls; 55% played social bowls 41% used the T.A.B. and 22% participated in social activities such as darts. It could be said that the use of the bar was also a social activity.
- 82% of respondents advised that they travelled to the club by vehicle and 18% by foot with only 3% using public transport.
- 91% of respondents indicated that they would not be prepared to travel more than 25 minutes to get to the club with 48% stating that they would not travel longer than 15 minutes.
- 83% of respondents would not change their membership status if membership fees increased by 10%, however, 60% would change their membership status or leave the club if there was a 20% increase in membership fees.
- Generally, respondents rated the bowling greens and parking as very good. Approximately two thirds of the respondents saw the clubhouse facilities as fair or worse than fair.
- Respondents saw the financial viability of the club; membership growth and the standard of the clubhouse facilities as the main issues facing the club over the next 5 years.

An issue which the consultants were to consider was canvassed in the survey was that of the location of the club. The key results emerging from this area of inquiry are:-



- Club members have a strong preference for remaining at the current location rather than moving to a new facility in either the West or East Wards. Some feedback was provided by survey participants however indicating that their preference was coloured by not knowing the precise location/s of possible new premises.
- Should new premises be considered in the future however, a West Ward location is more acceptable to current members than is an East Ward location.
- The most acceptable facility sharing options amongst participating members is for a new facility shared with other community groups or another sporting group. A similar level of acceptance exists for sharing the current facility with other community groups.
- All options relating to facility sharing or a merger with the Spearwood Bowling Club were considered highly unacceptable amongst the majority of survey participants.

Report

It is evident from the survey responses that the Bowling Club has an older long-term membership with relatively few new members being attracted to the club. There was recognition that the financial viability of the club, the state of the building and lack of young members were issues of concern. There was some reluctance for the club to be relocated and very strong reluctance for the club to merge with the Spearwood Dalmatinac Bowling Club.

The consultants carried out a financial analysis of the club for the past 5 years and found that the club was currently financially viable in terms of its day-to-day operating expenses. There is, however, no capacity within the existing operation of the club to fund substantial refurbishment or redevelopment of the facilities. The State Government, through the Community Sporting Recreation Facilities Fund (C.S.R.F.F.), is unlikely to provide any financial assistance to the club to upgrade and refurbish the facilities as there is another club in close proximity.

There appears to be three options available to the City in respect to the Club's original request for assistance to upgrade the facilities.

Council has the option to fund the cost of refurbishment of the facility to bring it up to a modern standard which will reduce the cost to the club of regular maintenance and may assist in increasing membership through having more attractive premises. These funds could be provided as a direct contribution or on a loan basis to the Club. This latter option is very problematic as there is no evidence in recent financial reports that the club would be able to service a loan. It is



likely that any worthwhile refurbishment work would cost in excess of \$500,000.

A second option is for Council to explore, with the support of the club, the relocation of the club to a more central location within the City. Such an arrangement could be partly funded through the realisation of funds through the sale of land on which the Bowling Club is located. The club has a lease of 18,500m² of land which would have an approximate value of at least \$1,500,000 depending upon the final zoning and market conditions. The State Government, through the C.S.R.F.F. program may be prepared to contribute to the formation of a new club if it was more centrally located and distant from other clubs.

The final option is for Council to leave the club to its own resources and review the status of the club and the facilities at the expiration of the lease in 2016. This is the low risk option for the Council but does not address nor offer any options for the club to upgrade and refurbish its steadily degrading infrastructure.

As previously agreed with Elected Members the Executive of the Cockburn and Recreation Club were provided with a copy of the Y.M.C.A. report. The report recommended a move to Visko Park in Yangebup. The Club has written to the City indicating that they have an interest in pursuing the option of a new club being established on Visko Park and the current leased area being relinquished back to Council.

It is proposed that a report be prepared for Council's consideration which investigates issues related to the possible establishment of a bowling club on Visko Park, Yangebup. The report should include land use options for the current bowling club site and the value to Council of the identified options.

Strategic Plan/Policy Implications

"To construct and maintain community buildings, which are owned or managed by the Council, to meet community needs."

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

Budget/Financial Implications

Funds are available for consultancies in the Municipal Budget. There are no funds available or identified in forward financial plans for the City to undertake any works associated with the Cockburn Bowling Club premises. Should the Bowling Club relinquish the lease of its current premises, funds could be made available through the sale of the land and used as a contribution toward new facilities for the Club.



Legal Implications

Sections. 3.58 and 3.59 of the Local Government Act, 1995, refer.

Community Consultation

The consultants have surveyed members of the Bowling Club. Should Council decide to proceed with the sale of land associated with the current bowling club it would be required to proceed in accordance with Section 3.59 of the Local Government Act 1995 which has public notification requirements.

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

Nil.

17.3 (MINUTE NO 2571) (OCM 21/09/2004) - HALL - FREDERICK ROAD HAMILTON HILL (PROPERTY 2201149) (RA) (ATTACH)

RECOMMENDATION

That Council:-

- (1) enter into a lease agreement with the City of Cockburn RSL for the use of lot 14 Frederick Road Hamilton Hill for a period of 5 years with an option for a further 5 years, with the following terms and conditions:-
 1. for peppercorn rental:-
 - (a) Lessee is responsible for all upgrading, maintenance and outgoings associated with the property;
 - (b) All other terms and conditions agreed to the satisfaction of the Chief Executive Officer;
- (2) grant approval for the construction of a fence on the rear boundary of the property.

COUNCIL DECISION

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

CARRIED 9/0



Background

The City of Cockburn owns Lot 14 (number 71) Frederick Road Hamilton Hill, which has been leased to the Scout Association of Western Australia. The lease is due to expire on 22 August 2010. The land is a reserve set aside for community purposes and drainage. Prior to Council receiving a letter from the Scout Association seeking to relinquish the lease of the property the RSL approached the City ascertaining the situation with the property and indicated an interest in taking out a lease of the property should the scouts no longer require it.

Submission

The Scout Association has written to the City of Cockburn seeking to withdraw from the lease as of 1 September 2004, as it no longer uses the building and is seeking to consolidate its activities on the Hope Road, Bibra Lake site.

The Cockburn RSL has written to the City indicating that it would like to lease the property from the City to hire out to the general public, as a museum for military memorabilia, storage area and games room. The Cockburn RSL indicate that it would also be a good venue to hold their garage sales.

The club has also sought \$1,600 toward the cost of a fence for the rear of the property.

Report

The property includes an older main hall building with a number of sheds. All buildings are old and the sheds are in a very poor state of repair. There would be a reasonable cost involved in bringing the building up to a standard to meet Health Department requirements for a public building.

Council has a number of options available to it in respect to the building. The buildings could be demolished and the site turned into a small park.

The property could be put out to tender in accordance with section 3.58 of the Local Government Act 1995 seeking a lessee for the property. The regulations for this section of the Act allows for an exemption to the section so land can be disposed of (including leasing) by private treaty to a body incorporated or not if "the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions." The Cockburn RSL clearly meet this criterion for exemptions from section 3.58.



In respect to the request for funds toward the cost of a fence it is proposed that the RSL be required to make an application for a community grant.

Strategic Plan/Policy Implications

“To facilitate and provide an optimum range of community facilities.”

Budget/Financial Implications

The lease with the Scout Association required the scouts to maintain the building and pay for all outgoings associated with its operation. The lease fee was a peppercorn. The nature of the land and the condition of the building are such that they are unlikely to attract any income of significance. The property cannot for example be leased to a private company or for profit organisation.

There would be a significant cost to demolish the building as the roof is asbestos and there are other areas that are likely to be of a similar nature. The building as mentioned requires significant expense to bring up to the health standards for a public building. Any of these works could be carried out by the RSL.

Legal Implications

Disposal of Local Government Land needs to be in accordance with section 3.58 of the Act and its regulations.

Community Consultation

The property has been used for community purposes for many years with the adjoining properties being the base for the Cockburn RSL and a drainage sump. The property is very close to Forrest Road and has adequate parking. It is deemed unnecessary to seek public comment when there is simply a change of the user of a community facility rather than a change of purpose.

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

Nil.

17.4 (MINUTE NO 2572) (OCM 21/09/2004) - SUCCESS YOUTH FACILITIES (RA) (8136A) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the Cockburn Central Youth Centre Feasibility Study Report;

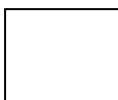


- (2) approve the development of detailed plans and costings for a youth facility of 1000m² that includes areas for computer games, music practise and recording, informal socialisation space, café, multifunctional auditorium, arts/craft/display, office space, meeting room and requisite toilet and entry areas;
- (3) include an office space in the facility and requisite support facilities to accommodate youth services staff which are currently located at the Yangebup Community Centre;
- (4) seek registrations of interest for potential tenants/partners from not for profit organisations and the private sector for the provision of services and facilities to be co located that target young people for consideration by the City;
- (5) call tenders for the appointment of an Architect for the development of the Success Facilities:
 - To develop a concept plan for the site that includes the proposed youth facilities, landscaping, car parking and possible future library, satellite Council office, community hall/ lecturette, crèche, meeting rooms and entry foyer with gallery space for consideration by Council. The concept plan is to include any space requirements identified through the process of the calling of registrations for other tenants; and
 - Carry out the design documentation and supervision of works for the development of the facilities agreed to by Council for the site; and
- (6) reconsider the budget allocation for the Cockburn Central Youth Facilities at the time the agreed design of the building and more detailed costing for the total project are before Council.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr L Goncalves that Council:

- (1) receive the Cockburn Central Youth Centre Feasibility Study Report;
- (2) approve the development of detailed plans and costings for a youth facility of 1250 square metres that includes areas for computer games, music practice and recording, informal socialisation space, café, multifunctional auditorium, arts/craft/display, office space, meeting room and requisite



toilets and entry areas;

- (3) include an office space in the facility and requisite support facilities to accommodate youth services staff which are currently located at the Yangebup Community Centre;
- (4) seek registrations of interest for potential tenants/partners from not for profit organisations and the private sector for the provision of services and facilities to be co located that target young people for consideration by the City;
- (5) call tenders for the appointment of an Architect for the development of the Success Facilities:
 - To develop a concept plan for the site that includes the proposed youth facilities, landscaping, car parking and possible future library, satellite Council office, community hall/ lecturette, crèche, meeting rooms and entry foyer with gallery space for consideration by Council. The concept plan is to include any space requirements identified through the process of the calling of registrations for other tenants; and
 - Carry out the design documentation and supervision of works for the development of the facilities agreed to by Council for the site; and
- (6) reconsider the budget allocation for the Cockburn Central Youth Facilities at the time the agreed design of the building and more detailed costing for the total project are before Council.

CARRIED 9/0

Explanation

The in-house Reference Group which included Elected Members, considered that a building envelope of 1250 square metres was the optimal size for the facility to provide a good service to the youth community. For the purpose of preparing plans and costings, Council adopts the interim view that it agrees with the assessment of the Reference Group.

Background

Council at its meeting of 18 November 2003, resolved as follows:



“(1) Approve the brief for the Cockburn Central Community Youth Facilities Study as attached to the Agenda;

(2) Amend the text under the heading "Supervision" on Page 3 of the brief to read as follows:

"The successful applicant will liaise with an 'in-house' Reference Group. The Reference Group will:

- (i) comprise*
 - (a) three Elected Members;*
 - (b) the Chief Executive Officer;*
 - (c) the Youth Advisory Council Youth Mayor and Youth Deputy Mayor;*
 - (d) the Manager Community Services; and*
 - (e) the Youth Services Co-ordinator*
- (ii) be facilitated by the Manager Community Services.*

The successful applicant will ultimately be responsible to the Manager Community Services."

(3) appoint three Elected Members, namely Deputy Mayor Graham and Cllrs Goncalves and Whitfield to the Cockburn Central Community Youth Facilities Study Reference Group."

In accordance with the Council decision, Matrix consulting was contracted to carry out the study. Meetings of the reference group were held on 28 January 2004, 4 April 2004, 9 June 2004 and 29 July 2004, to provide guidance to the consultants. As a result of the findings of the study and the deliberations of the reference group the Council at its meeting of 18 May 2004, resolved to seek approval from the Minister for Planning and Infrastructure to alter the purpose of Reserve 46894 on the corner of Wentworth Parade and Beeliar Drive in Success to community and auxiliary purposes which will allow for some commercial activity on the site. This approval has been subsequently granted for a change in the reserve purpose.

Submission

A final copy of the feasibility study has been considered by the Cockburn Central Community Youth Facilities Study reference group. The views of this group have been considered in the text of this report. The executive summary of the report is attached to the agenda.



Report

The reference group gave consideration to the findings of the comprehensive consultancy which involved survey forms completed by 314 young people, 22 focus groups were held across the City with school, community, sporting and church groups involving 350 people. Consultation was also held with 50 government and non government agencies.

The reference group gave consideration to the findings of the consultancy in relation to youth needs and matched the identified needs against the suitability of the community purposes site (reserve 46894) to meet these needs. The amenities identified in the survey were in priority order as follows:

- Outdoor recreation area eg skate park, climbing wall, half court.
- Space to hang out.
- Café/canteen.
- Computers/ Internet.
- Indoor games eg play station, video games arcade games.
- Ovals/sports facilities.
- Outdoor area for hanging out.
- Area for arts, cultural activities
- Live music, dancing
- Quiet area. Workshop/mechanical area. Music recording and practise area.

The reference group identified the following facilities as those for which there was an identified need and which would be appropriate to the site given that activities would need to be accommodated primarily inside.

- Space to hangout.
- Café/canteen.
- Computers/ Internet.
- Indoor games eg play station, video games, arcade games.
- Area for arts, cultural activities.
- Live music/dancing.
- Quiet area.
- Music recording and practise area.

To reflect the desire for activities such as climbing walls and a half court it is considered that these facilities could be accommodated within the performance auditorium/indoor activity portion of the building.

Those facilities of a strictly outdoor nature identified as of need in the area will be considered for more appropriate sites in the City.

On the basis of the identified proposed facilities the consultant arranged for a draft plan for the facility to allow for a cost estimate for



construction to be ascertained. Based on a building envelope of 1250m² with current building costs for a building of this nature running at \$1,540/m² the total building works contract is estimated to be \$1,925,000.

Capital Cost Estimate Summary

Item	Cost (excluding GST) 1250 m ²	Cost (excluding GST) 1000 m ²
Construction @\$1540/m ²	\$1,925,000	\$1,540,000
Fit out	\$200,000	\$175,000
Minor landscaping paving around building.	\$5,000	\$5,000
Contingency 15%	\$320,000	\$231,000
Professional Fees (Architect and project management) 10%	\$192,500	\$154,000
Sub Total	\$2,642,500	\$2,105,000
Car parking 150 vehicles	\$150,000	\$125,000
Road access to site	\$30,000	\$30,000
Landscaping of balance of site	\$50,000	\$60,000
GRAND TOTAL	\$2,872,500	\$2,320,000

Council placed on its budget the sum of \$2,000,000 for the total project of which there is \$300,000 estimated to come from external sources. The initial budget figure was an estimate. Due to the building boom there has been significant increases in building costs in recent times, which has contributed to the budget allocation appearing to be inadequate. Furthermore the original estimate was made without any clear idea as to what would be included in the facility.

It is not recommended that the size of the building be reduced below 1000m² as it will compromise the services available and income generating potential of the facility. A building of this size as demonstrated above at \$2,320,000 is still in excess of the allocated budget for the project.

During the consultation process it became evident that there are a number of private and not for profit organisations that could be readily located on the site to create a multi functional facility catering for the needs of young people. From the not for profit sector there are particular community based employment and training providers that could be readily accommodated on the site. Such providers are usually funded from State and Commonwealth Government sources. It may also be possible to access government funds for capital works.

Whilst approval has been given by the Department of Planning and Infrastructure to include some commercial activity on the site it must be ancillary to the other activities occurring. A Time Zone, surf wear shop or youth café co located on the site would provide a good synergy with



the proposed activities and would also create some income generating potential. These facilities could be funded by the private sector or Council could construct the facilities and enter a lease arrangement for their use over a period. The latter option would be of value to the City, as it would give flexibility at the expiration of the lease to accommodate another service within this portion of the building if required such as a library, satellite Council office or another commercial youth focused operator.

It is proposed that Council approve the calling of registrations of interest from the not for profit sector and private firms which have youth as their target market, interested in having a presence on the site facilities from which to provide their services.

The consultants were required to give some indicative costs for the operation of the centre and some income sources. The figures provided below are consolidated from the report and based on a facility of 1250m².

Anticipated annual operating expenses.

Item	Projected annual cost
Advertising promotion	\$6,000
Cleaning	\$12,000
Computer expenses	\$12,000
Insurance –public liability	\$10,000
Insurance- building content	\$11,000
Music equipment	\$6,000
Office expense	\$12,000
Accounting/bank expenses	\$2,000
Payroll Manager (all Inclusive)	\$62,500
Payroll- office staff (1.5 FTE)	\$60,750
Payroll (after hours (90 hours @ \$25 per hour	\$91,000
Security	\$8,000
Telephone facsimile	\$12,000
Training expenses	\$6,000
Utilities	\$6,000
Repairs and Maintenance	\$30,000
Uniforms	\$1,000
Sundries	\$20,000
TOTAL	\$368,250.00

There would need to be some consideration of replacement of equipment and fittings, which on \$200,000 would be in the vicinity of \$40,000 per year (i.e. depreciated over 5 years).

Incomes from other arrangements such as those described above have not been assessed, as other potential partners are unknown.



Potential Income

Vending Machines (4)	\$5,000
Hire of Facilities	\$15,000
Centre run events (arranged by staff such as concerts)	\$20,000
Special events (bookings by large groups such as schools)	\$10,000
Total	\$50,000

These figures are considered modest by the consultant who states that the income generated depends upon a 'good proactive manager' with the brief and the skills to actively promote the centre. It would be expected that the income generated would grow over time when the centre becomes better known, the shopping centre precinct is further developed, the local youth population increases and the public transport system is fully functional. For indicative purposes the income generated from several larger community centres within the City are provided. Neither of these facilities have full time managers nor coordinators directly involved in running the centre as would be the case in the proposed youth facility.

Community Centre	Income 2003/04
Yangebup Community Centre	\$21,000
Atwell Community Centre	\$37,000

In summary the city is likely to be required to provide an additional \$320,000 per annum in funds to subsidise the operation of the centre.

Reserve 46894 is of a significant size and covers an area of 2.1 hectares. It is in a prime location and over time will become a site of great community value. It is imperative that the youth facilities provided on the site are located in the context of an overall site plan, which maximises the opportunities for the future use of the site. It is proposed that Council include within the contract for Architectural Services the development of a site plan showing the proposed youth centre, parking and access, and possible future additional facilities including a library, satellite Council offices, community hall/ lecturette, crèche, meeting rooms, entry foyer with gallery space and space for a collocated commercial operator. The site plan is also to include a landscape plan for the first and subsequent stages of the development.

Strategic Plan/Policy Implications

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

To facilitate and provide an optimum range of community services.



Budget/Financial Implications

The sum of \$800,000 has been placed on the 2004/05 budget and \$900,000 on the Principal Activity Plan for the 2005/06 from municipal funds for the construction of youth facilities on the Success site. A further \$300,000 from other external sources has been identified giving a total project capital budget of \$2,000,000. A building with a minimum recommended size of 1000m² will exceed the allocated budget. It is most likely that the Council will need to increase the budget for this project significantly to provide for a building of at least 1000m² and to provide the necessary parking and landscaping of the site.

The anticipated operating expenses for this facility will be in the vicinity of \$368,000. There has been no provision for any ongoing costs for this project in the future financial plans.

Legal Implications

N/A At this stage. Land tenure issues will need to be reassessed, dependent on future Council decisions.

Community Consultation

The consultants carried out an intensive community consultation process the involved 314 questionnaires being received, 22 focus groups held and contact with approximately 50 government and non-government agencies. There were over 350 people involved in the consultation process.

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil



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

21.1 (MINUTE NO 2573) (OCM 21/09/2004) - HENDERSON LANDFILL SITE RECYCLING OPTIONS (4900) (CLR GONCALVES)

COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr S Limbert that:

- (1) Council engage consultants to prepare a business plan for the establishment of an integrated recycling plant at the Henderson Landfill site;
- (2) the business plan is to cater for the commercial waste that is being deposited there and any other initiatives that may be available; and
- (3) the required funds of \$45,000 to be drawn from the Rubbish Development Reserve Fund.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

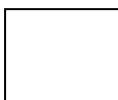
Explanation

Large quantities of waste are deposited at the Henderson Landfill site on an annual basis. There are opportunities for much of this waste to be separated and reused. It is recommended consultants be engaged to explore all options that may be available for recycling the materials being brought to the site and also to canvas other private companies that may bring their waste to the site if suitable recycling facilities were available. Funds up to \$45,000 can be drawn from the Rubbish Development Fund.

22 (MINUTE NO 2574) (OCM 21/09/2004) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE

Mayor Lee requested that a report be provided on the establishment of an Annual Cockburn Sound Festival. Mandurah has its Crab Festival and Freo has its Sardine Festival, we at Cockburn could have a Cockburn Sound Festival/Feast. Promoting, for example, the wonderful basket of seafood delights to be caught in Cockburn Sound. From crabs to crayfish, from mussels to mullet and from sardines to snapper.

The Cockburn Sound Festival could not only consist of a delightful seafood orientated festival/feast, but could also be a substantial musical event extending from the Coogee Beach/Port Coogee area out into the surrounding local and regional parklands. Thus producing a truly sensual delight from



both an aural and oral perspective.

The report should explore all possibilities based around the principals listed above and should comprehensively address the issues of budget, timing of the event, promotion of the event and format of the day/evening.

(MINUTE NO 2574) (OCM 21/09/2004) – MEETING BEHIND CLOSED DOORS

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr L Goncalves that pursuant to s7.7(1)(a) of Council's Standing Orders, Council proceed behind closed doors, the time being 7.51pm.

CARRIED 9/0

ACTING CEO, ACTING DIRECTOR ADMINISTRATION AND COMMUNITY SERVICES, COMMUNICATIONS MANAGER AND SECRETARIAL ASSISTANT LEFT THE MEETING AT THIS STAGE, THE TIME BEING 7.51PM.

DIRECTOR PLANNING AND DEVELOPMENT AND DIRECTOR ENGINEERING AND WORKS LEFT THE MEETING AT THIS STAGE, THE TIME BEING 7.51PM AND DID NOT RETURN.

23 (MINUTE NO 2575) (OCM 21/09/2004) - APPOINTMENT OF A NEW CHIEF EXECUTIVE OFFICER (2612) (ATC) (ATTACH)

COUNCIL DECISION

MOVED Mayor S Lee SECONDED Deputy Mayor R Graham that Council:

- (1) receive, as provided under separate cover as a confidential attachment, the:
 1. Minutes of the Interview Committee ("the Committee"), dated 9 August 2004.
 2. Final selection report ("the Selection Report") on the Interview Committee's preferred candidate for employment as Chief Executive Officer of the City of Cockburn ("the CEO").
- (2) believes Stephen Gerald Cain is suitably qualified for the position of CEO in accordance with s5.36(2)(a) of the Local Government Act 1995 (WA) ("the Act");

- (3) is satisfied with the provisions of the proposed employment contract ("the Employment Contract"), as provided in the Selection Report, in accordance with s5.36(2)(b) of the Act;
- (4) employ Stephen Gerald Cain as CEO on the terms contained in the Employment Contract with effect from 8 November 2004;
- (5) authorise the Mayor to issue memoranda and statements in relation to the appointment of the CEO to external organisations and Council's staff, as he sees fit, in accordance with s2.8(1)(d) of the Act; and
- (6) authorise the Mayor to design an induction programme for the CEO, in consultation with the former members of the Committee, and Stephen Gerald Cain.

CARRIED 9/0

Explanation

There is a process contained in the Local Government Act concerning the employment of the CEO and this recommendation confirms Council has abided by that process.

(MINUTE NO 2576) (OCM 21/09/2004) – MEETING OPEN TO THE PUBLIC

COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr M Reeve-Fowkes that the meeting be opened to the public, the time being 8.00pm.

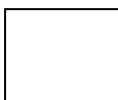
CARRIED 9/0

ACTING CEO, ACTING DIRECTOR ADMINISTRATION AND COMMUNITY SERVICES, COMMUNICATIONS MANAGER AND SECRETARIAL ASSISTANT RETURNED TO THE MEETING, THE TIME BEING 8.00PM.

24. (MINUTE NO 2577) (OCM 21/09/2004) - 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 L Goncalves SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 9/0

25 (OCM 21/09/2004) - CLOSURE OF MEETING

MEETING CLOSED 8.05PM.

CONFIRMATION OF MINUTES

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

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

