

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JULY 2011 AT 7:08 PM.

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JULY 2011 AT 7:08 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Deputy Mayor
Mr I Whitfield	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor
Mr B Houwen	-	Councillor

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms L. Boyanich	-	Media Liaison Officer
Mrs L Jakovich	-	PA Dirs. Engineering & Works and Planning & Development

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.08 pm.

Mayor Howlett made the following announcements:

##### NAIDOC Week Celebrations

I congratulate the staff at the City of Cockburn together with the City's Aboriginal Reference Group Members and all those who attended the various celebratory events during NAIDOC Week. The events included the Flag Raising Ceremony, the unveiling of Sharyn Egan's artwork, 'Beeliar Kep Boodja' to the Youth Ball, the Seniors Ball, the bush tucker barbecue and Sean Gorman's presentation of his book, The Brotherboys (a story about Phil



and Jim Krakouer) and the many other opportunities for discussion and reflection on the journey of reconciliation. The week's activities were an outstanding success and I congratulate all those who participated.

### **2011 Clean Beach Awards**

The City of Cockburn's Coogee Beach has been awarded Western Australia's 'Friendly Beach' Award for 2011.

As I said in a recent media release the City's staff work closely with the Friends of Coogee Beach, Coastcare, Coogee Beach Surf Life Saving Club, Coogee Beach Progress Association, and organisations such as Conservation Volunteers Australia on a range of projects including community planting days, general clean ups and environmental education tours.

This culminated in the City receiving this prestigious award for Coogee Beach.

In another category, the City also received a commendation for the Environmental Protection Award again related to work done by the City and in particular volunteers along the Coogee Beach area. It is good to see the many volunteers out on the planting days throughout the year.

### **National Local Government Award – Canberra**

I was fortunate enough to be in Canberra when the City received a National Local Government Award under the category of 'Leading Community Climate Change Action'.

The Award was one of 17 category winners and chosen from 152 entries submitted by 101 local governments to receive national recognition. These highlight the significant contribution local governments are making in their communities.

Congratulations go to the staff across all disciplines within the City and their engagement in the wider community to achieve results that have led to this national recognition. Copies of the information booklet are available for viewing in the public gallery.

### **Metropolitan Review of Local Government**

On Friday 24 June 2011, the Premier, Honourable Colin Barnett and Minister for Local Government, the Honourable John Castrilli, announced the commencement of a Local Government reform review.

Since February 2009 when the Minister for local government first announced a review of local government, nothing really changed over that time and this has now come to the government establishing an eminent three-member panel to review the social, economic and environmental challenges facing Perth over



the next 50 years and recommend appropriate governance models and resultant boundaries for the local government sector.

The panel will be chaired by Professor Alan Robson, Vice Chancellor of UWA and includes former Vice Chancellor of Notre Dame University, Dr Peter Tannock and Dr Sue van Leeuwen, the CEO of Leadership WA.

The WALGA President and Deputy President will be one of the advisory groups providing input to the Panel, which will report to the Minister in June 2012. Our City will be ensuring its views are put to the Review Panel and also through the WALGA process.

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

Nil.

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

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

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

Nil

**5 (OCM 14/7/2011) - APOLOGIES AND LEAVE OF ABSENCE**

Clr Helen Attrill – apology  
Clr Lee-Anne Smith – apology

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

Nil

**7 (OCM 14/7/2011) - PUBLIC QUESTION TIME**

**Colin Crook, Spearwood**

Item 17.3 – City of Cockburn Dog Exercise Areas

Q1. *What is the total length of Coogee Beach and will the boundaries of*



*the new surf club have any effect on the classification (as far as dogs are concerned) of the affected beaches?*

- A1. The total length of Coogee Beach is approximately 1200 metres. The new Surf Club will be built within the current Reserve's southern boundary, meaning the beach area in front of the Club will not be accessible by dogs off leash.
- Q2. *Would it be correct to say that all beaches, except for Coogee Beach are available for walking "dogs on a leash"? If this is so, how is it humanly possible to police such an arrangement? Even Coogee beach has unleashed dogs on it every day of the week.*
- A2. Yes, dogs are allowed on all other beaches at the moment, provided they are leashed .As with all areas of policing, compliance checks are only carried out on an occasional basis, unless complaints are received and more regular action is deemed warranted.
- Q.3. *If you follow the officer's recommendation do you really think that dogs running free will stay within the new boundaries? Their owners have demonstrated over the past 4 months that THEY won't!*
- A3. It would be expected that an initial awareness campaign will be necessary, which would likely require the allocation of additional ranger resources for a short time. Additional monitoring will be allocated during the summer months to enforce Council's Local Laws, where necessary.
- Q.4. *Do you honestly think that the officers report contains enough information for you to make a responsible decision tonight?*
- A4. Yes.
- Q.5. *How many "dog exercise areas" are there in Hamilton Hill and Spearwood? What is the total area of these sites and are they over-used? (This includes C.Y. O'Connor dog beach).*
- A5. Hamilton Hill has 4 Dog Exercise Reserves–Dixon, Hyam, Isted and Southwell Reserves. Total area approx 11ha.  
Spearwood has 3.–Bavich, McFauld and Bishop Parks. Total area approx 11.5ha.  
Anecdotally, these reserves do not appear to be overused.  
C Y O'Connor Beach area is approximately 1700 metres in length and is well utilised as a dog exercise area.
- Q.6. *How many "dog exercise areas" are there in Coogee/Munster? Are they ever used?*





A6. There is one Dog Exercise Reserve in Coogee – Powell Reserve and one in Munster, being Hagan Park. Both of these are known to be used by dog owners at least on an occasional basis.

Q.7. *Will any Councillor voting tonight be affected indirectly by the decision taken?*

A7. No elected member has declared an impartiality interest in this item.

Q.8. *Don't you think that it would best for all concerned if you omitted the 'POWERHOUSE BEACHES' from your decision tonight?*

A8. That is a decision for Council to determine tonight.

*Items not on the Agenda*

**Mr Eamon McGreal, Yangebup**

Q1. With regard to the mention of underground power being financed partly by the Council' when do we expect the same in Yangebup and surrounding areas?

*Mr McGreal did not attend; therefore, his answer will be forwarded in writing.*

**Jeff Anderton, Site 534, Naval Base Holiday Park**

Q1. With regard to the removal of the chalets at the Naval Base Holiday Park. I understand that the estimate for this is \$1.38M. We have received quotes from commercial removalists (I will table this document) saying that it is less than \$200,000 to remove the lot, including toilets and the buildings owned by Council. We would like Council to justify and reconsider the \$600.00 being charged for each.

A1. *This will be considered and responded to in writing.*

Q2. Rubbish being charged at the Naval Base Holiday Park. We are being charged \$345.00 each for the removal of rubbish which engineering said it was a cross Cockburn type charge. We don't have green bins; there, we never have. We have four skip bins at the Holiday Park. We have received quotes again to empty those on a regular basis and that is \$30.00 each time. It would cost \$18,000 for the whole year. You are charging us over \$60,000, nearly \$70,000 for waste removal. Either give us the bins or can you reconsider it and reduce the charges?

This document was presented to Council.

A2. *This question will be answered in writing.*



**Mary Jenkins, Spearwood**

Q1. I understand according to the tribunals, the CEO's all across the state have been awarded 4.1%. Is Cockburn considering this 4.1% across all workers that work for Council because this will be an inequitable thing to do. Some Councils have done this. I would like the Council to consider less for the simple reason people are feeling the pinch and with charges right across the board, I do think 2 or 3% would be fair across the board.

A1. *The pay rises for employees is governed by the City's award system which is through an Enterprise Agreement which is a legal document agreed to at the Fair Work Australia Commission. All pay rises for all employees with the exception of those on contract is set by law by that Agreement. In regard to the pay rise for those on contract, they have separate contracts for employment which dictate the pay they will get each year and the missive by which it will be reviewed. The only one separate of that is the CEO's which is a state wide determination and is provided by way of guidance to Council which is due in October/November this year.*

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 4557) (OCM 14/7/2011) - CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That Council adopt the Minutes of the Ordinary Council Meeting held on Thursday, 9 June 2011, as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 8/0**

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

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil



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

Nil

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

Nil

**13. COUNCIL MATTERS**

**NOTE:** AT THIS POINT IN THE MEETING, THE TIME BEING 7:26 PM THE FOLLOWING ITEMS WERE CARRIED BY AN "EN BLOC" RESOLUTION OF COUNCIL:

13.1	14.1	15.1	16.1	17.1.
	14.2	15.2	16.2	17.2
	14.3			
	14.4			
	14.5			
	14.7			

- 13.1 (MINUTE NO 4558) (OCM 14/7/2011) - PROPOSED NEW POSITION STATEMENT PSES16 'REQUEST FOR INFORMATION ABOUT OWNER OCCUPIERS, ELECTORS AND RATEPAYERS' - AMENDMENT TO REGULATION 29B OF THE LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 (CC/P/002) (P WESTON) (ATTACH)**

**RECOMMENDATION**

That Council adopt proposed new Position Statement PSES16 'Request for Information about Owner Occupiers, Electors and Ratepayers', as attached to the Agenda.

**COUNCIL DECISION**

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

**CARRIED 8/0**

## **Background**

Amendment to Regulation 29B of the *Local Government (Administration) Regulations 1996* has placed restrictions on the availability of information of owner occupiers, electoral and ratepayer details being disclosed to the public to use for commercial purposes.

## **Submission**

N/A

## **Report**

The amended Regulation states that a person seeking owner occupier, electoral or ratepayer details is required to complete a Statutory Declaration stating the information obtained will not be used for commercial purposes<sup>1</sup> by themselves or another person. Persons unable to make this declaration are not able to receive the information.

To simplify the process for the City's customers, a person requesting this information is required to complete the Request for Information about Owner Occupiers, Electors and Ratepayers Statutory Declaration, which includes the request for information and a declaration in accordance with the amended Regulation.

<sup>1</sup>*Commercial purpose* is defined to mean to seek to obtain by formal application a public record for the purpose of the sale or resale or the producing of a document containing all or part of the copy, printout or photograph for sale, and/or obtaining of names and addresses from the public record for the purpose of solicitation, and/or monetary gain from the direct or indirect use of the public record.

## **Strategic Plan/Policy Implications**

### **Governance Excellence**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

As provided in the report.

### **Community Consultation**

N/A



**Attachment(s)**

1. Proposed new Position Statement PSES16 'Request for Information about Owner Occupiers, Electors and Ratepayers'.
2. Statutory Declaration Form.
3. Customer Information Sheet.

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

N/A

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

Nil.

**13.2 (MINUTE NO 4559) (OCM 14/7/2011) - MAYORS FOR PEACE (1054) (SCAIN) (ATTACH)**

**RECOMMENDATION**

That Council endorses the Mayor's request to join the Mayors for Peace organisation.

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr V Oliver that Council endorses the Mayor's request to join the Mayors for Peace organisation, subject to not signing the membership pledge.

**DECLARED LOST ON CASTING VOTE OF PRESIDING MEMBER 4/4**

MOVED Mayor L Howlett SECONDED Clr S Limbert that the recommendation be adopted and the membership pledge be signed.

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

Clr C Reeve-Fowkes requested her vote against the recommendation be recorded.

**Background**

Mayor Logan Howlett has written to the Chief Executive requesting that the Council consider an invitation from the International Campaign to



Abolish Nuclear Weapons (ICAN) to join the Mayors For Peace network.

### **Submission**

Invitation from ICAN seeking membership.

### **Report**

Mayor Howlett received the attached correspondence from ICAN seeking that he join the Mayors for Peace network. This organisation operates as a confederation, with more than 4700 local governments as members and from across 150 countries. Within Australia there are over 70 local governments that belong to the network, which is approximately 10% of all Local Governments in the country.

The specific membership pledge that would be signed states:

“I hereby express my city / municipality’s support for the abolition of nuclear weapons and desire to join the Mayors for Peace network.”

As this outcome seeks to bind the City, the Mayor has asked for this matter to be put before Council. Additional information on this organisation can be found at [www.mayorsforpeace.org](http://www.mayorsforpeace.org). There would be no costs to the City in joining this organisation.

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A



**Attachment(s)**

Correspondence from ICAN dated 13 May 2011.

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

N/A

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

N/A

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES****14.1 (MINUTE NO 4560) (OCM 14/7/2011) - CITY OF COCKBURN  
RESPONSE TO THE STATE GOVERNMENT'S DRAFT  
PROSTITUTION BILL 2011 (HS/L/001) (A LEFORT)****RECOMMENDATION**

That Council note the State Government's Draft Prostitution Bill 2011 and provide comments relating to the bill to the Attorney General as follows:

1. The Attorney General liaise with the Western Australian Planning Commission (WAPC) in order to modify the model scheme text (MST) to include development control provisions relating to prostitution. The provisions should include a use class definition and listing in the zoning table of the MST.
2. Section 76 of the draft bill be amended, specifically the heading of 'City of Perth provisions' as the information in Section 76 ought to relate to the entire state (excluding Section 76 (2) which only relates to the City of Perth.
3. All of the Henderson industrial area is contained within Special Use zones (SU 2 and SU22) under the City of Cockburn's Town Planning Scheme No .3 and under the provisions of the draft act, no prostitution business would be able to be permitted under any circumstances in that area. The scheme provisions for that area require businesses to be associated with the marine industry or the oil and gas industry.
4. To the City's knowledge there are no existing prostitution businesses operating within the City of Cockburn.
5. The draft bill provide for the buffer distances in Section



76 to apply to future residential zones and residential zones in greenfields areas where dwellings are yet to be constructed.

6. The draft bill makes provision for additional comments that may not be able to be considered as part of the planning process. These additional comments would be provided by the local government for consideration prior to the issue of a licence by the CEO of the Department of Racing Gaming and Liquor.
7. He considers the implications associated with the application for a sensitive use (such as residential uses or protected places) within the buffer areas of already established and approved prostitution businesses; particularly, if there are any requirements for disclosure of this information to prospective purchasers or tenants.
8. Consideration be given to how the Bill will address prostitutes who seek to obtain a licence but who are not attached to permanent premises (for example a prostitute visiting a hotel). The draft bill indicates that these prostitutes are required to provide evidence of a planning approval however these prostitutes would obviously not be associated with a permanent business (and therefore have no planning approval). Is it the intention of the legislation not to provide for this type of prostitution and therefore eliminate it? The City questions whether this is the intent and if not whether the draft bill should consider this situation.
9. All aspects of a building/s meet the requirements of the Building Code of Australia. Given the nature of the activity within such a building, strong consideration should be given to including specific requirements for showers, closet pans and wash basins to be provided within in each bedroom/work area as part of any future regulations created under the proposed legislation. Compliance with the BCA would not require such.

**COUNCIL DECISION**

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

**CARRIED 8/0**





## Background

The State Government has initiated reform to the laws governing prostitution in Western Australia and has recently released a draft bill for public comment (Prostitution Bill 2011). The draft bill is intended to be stand alone legislation governing prostitution in WA and seeks to impose a strong regulatory and enforcement framework on prostitution. The legislation is designed to assist police in responding to public complaints and closing down unlawful prostitution businesses in residential areas. The key matters addressed in the draft bill are:

1. Licensing
2. Planning and Development Controls
3. Enforcement
4. Protecting vulnerable people
5. Health

It is estimated by the State Government that there are presently 1700 prostitutes and 38 known brothels in Western Australia, 30 of which are in the metropolitan area.

The purpose of this report is to review the State Government's draft Prostitution Bill 2011, recognise its implications for the City of Cockburn and provide the Attorney General with meaningful input that may increase the effectiveness of the future legislation and its implementation.

## Submission

N/A

## Report

### Draft Prostitution Bill 2011 – Key Features

#### *Licensing*

- Prostitutes, managers and operators of brothels will be required to possess valid licences and only conduct business from premises approved for that purpose through the local government planning process. Licences are to be displayed at places where business is being conducted.
- Licences are proposed to be valid for a period not exceeding 3 years.
- The licensing process is to be managed by the State Government (Department of Racing, Gaming & Liquor) and is reliant on local government planning approvals being granted prior to licences being issued.



- Stringent application criteria for the issue of licences to prostitutes, managers and operators including the evidence of planning approval for the local government. For prostitutes, the licencing requirements include evidence of where they will conduct business (i.e. showing a valid planning approval).
- Licences can be issued with conditions imposed by the Department of Racing Gaming and Liquor (DRGL).
- All advertisements of prostitution services will need to display a licence number.

#### *Planning and Development Controls*

- Licences to prostitutes, managers of brothels and owners will only be granted where the local government has granted planning approval.
- Land in residential areas or special use areas will not be permitted to be used for any prostitution business in any circumstances.
- Land in places other than residential areas or special use areas may be used for prostitution business where planning approval is granted by the local government/relevant planning authority.
- Outside of the City of Perth area, land which is not in a residential area but is nevertheless within 100m of a residence or 200m of a protected place will not be permitted to be used for any prostitution business in any circumstances.
- Planning schemes may not be amended to override the proposed legislation, for example to make prostitution businesses a prohibited use in areas other than residential or special use areas, or to permit applications in residential areas.
- Existing appropriately situated businesses may be permitted to continue to operate for up to 18 months, but only if DRGL is satisfied that the business has not been causing disturbance or interfering with the amenity of the area.
- Restrictions imposed on the maximum number of rooms to be used for prostitution acts, prostitutes at the premises at any one time and total numbers of staff at the premises at any one time.

#### *Enforcement*

- Conducting of any form of prostitution business without a licence will be a criminal offence.
- Police will have the power to enter premises other than residences which they reasonably suspect are being used to conduct prostitution businesses without a warrant.
- Police will have the power to issue closure notices and make barring notices and prohibition orders to deal with dangerous or undesirable persons working in or attending brothels.
- Licence numbers will be required to be displayed in any advertisements for prostitution.



- The State Government will have absolute discretion to reject a particular licence or direct that licences are not issued in relation to particular areas of the state.
- Infringements will be issued for acting as an unlicensed prostitute.
- Police to enforce compliance with the act (not local government).

#### *Protecting Vulnerable People*

- A prison term for any person who engages in an act of prostitution whom they knew or could be expected to have known was being coerced and for anyone who causes, permits or induces a child to act as a prostitute.
- Obligations of those managing prostitution businesses to ensure children do not work within the businesses or be on the premises of business.

#### *Health*

- A number of clauses to protect the health of those engaging in acts of prostitution (including workers and clients) and offences for non compliance.

#### Officer Comments – Implications for the City of Cockburn

The draft bill has many implications for local government particularly in relation to the statutory planning framework, public health and building related issues, all of which are discussed below.

#### *Statutory Planning Implications*

#### Use

The City of Cockburn's Town Planning Scheme No. 3 (TPS 3) currently contains no use class definition for a prostitution business and is therefore not included in the zoning table (Table 1). As such, any planning application lodged with the City will need to be dealt with as a use not listed in accordance with Clause 4.4.2 (a) of TPS 3 (where a use is not listed in the zoning table). This clause is applicable to applications which cannot reasonably be determined as falling within the type, class or genus of activity of any other use category in the table. It allows the City to determine whether the use is consistent with objectives of the particular zone. If Council determines that the use is not consistent with the objectives of a particular zone then a Refusal may be issued under the scheme. Should Council consider that an unlisted use is consistent with the scheme the application may be considered for planning approval following the advertising procedures of Clause 9.4.



The City can defer to the definition of a prostitution business as contained in the draft bill to ascertain whether a proposed use does in fact constitute a prostitution business. The draft bill states that:

*“a prostitution business means a business involving one or more persons taking part in, or being available to take part in, acts of prostitution whether the acts of prostitution take place in the place from which the business is conducted or elsewhere”.*

It is considered that as a consequence of this legislation, that the Western Australian Planning Commission (WAPC) should modify the model scheme text (MST) to include development control provisions relating to prostitution. The provisions would be expected to include a use class definition and the use class being included into the zoning table. It is recommended that comments to the State Government from the City should include a recommendation for the Attorney General to liaise with the WAPC to ensure that this occurs.

#### Location Criteria

The draft bill prohibits any prostitution business from operating within a residential area or special use area. The prohibition of these uses within residential areas is supported. It is likely that due to the limitations of the draft bill that most prostitution activities would seek to be located within areas zoned industry or light/service industry.

The State Government should be advised that the City of Cockburn contains 19 special use zones as listed in Schedule 4 of TPS 3 and several of those relate to industrial land in Henderson which may otherwise be considered a suitable location for prostitution businesses.

The draft bill includes the following buffers for the location of prostitution businesses for areas not within a residential or special use area:

- 100 m from a residential dwelling (excluding a caretakers dwelling on the same land as a building, operation or plant).
- 200 m from a protected place (hospital or other prescribed place or a place used for education, worship, the care or recreation of children, or for a prescribed purpose).

Section 76 of the draft bill containing the buffer provisions are included under the heading of ‘City of Perth provisions’ however officers have clarified that the buffer provisions do apply state wide (not just in the City of Perth) and this is an error. It is recommended that the City raise this in it comments to the Attorney General.

It should be noted that there is a potential for a residential dwelling or protected place to locate within a buffer distance of an existing



approved prostitution business. It is recommended that Council seek clarification from the Attorney General as to whether those seeking to develop a dwelling or protected place within the buffer be advised or notified of this.

The wording of the draft bill refers only to proximity to existing dwellings. However it is recommended that it should also recognise proximity to existing residential zones or future residential zones where there may be no existing dwellings (for example in an area subject to a structure plan). It is recommended that the City's comments to the Attorney General identify this issue.

It should be noted that whilst Council cannot control the number of prostitution businesses in any one particular area, section 68 of the draft bill makes provision for the CEO of the Department of Racing Gaming and Liquor to choose not to issue a licence based on the particular area for that reason in much the same way as liquor licencing is controlled.

### Assessment

Assessment criteria for the development of prostitution businesses within the City is recommended to be guided by in a future local planning policy which should be drafted and adopted by Council pursuant to Clause 2.3 of TPS 3. It is anticipated that a local planning policy relating to the establishment of prostitution businesses would include a definition and assessment criteria for determining the appropriateness of this use within the City. Examples of relevant criteria include:

- Zones where the use can be considered for approval.
- Referral and consultation procedures.
- Information to be lodged with a planning application.
- Car Parking standards.
- Signage requirements.
- Enforcement under TPS 3.
- Any other relevant development requirements.

Clause 5.9 of TPS 3 outlines general development requirements for commercial and industrial uses which would apply to prostitution businesses. In addition, areas of the City are subject to specific design guidelines that would also apply to these types of proposals.

In determining an application for a prostitution business, in accordance with the Planning and Development Act 2005 and TPS 3, the City may only consider the application on its planning merits. Non-planning related reasons (for example moral concerns from nearby landowners) may not be used as reason for refusal. It is therefore recommended that the draft bill make provision for additional comments from the local



government to be considered prior to issuing of a licence. The current format of the bill provides the planning application as the only input from local government i.e. The City is not requested to comment on the Licence.

### Consultation

Section 75 (4) of the draft bill provides for advertising of an application in accordance with the provisions of the *Planning and Development Act 2005*. It is suggested that the City advertises all applications for prostitution businesses to nearby and/or affected landowners and the procedure or requirements for advertising be contained in the future local planning policy. The extent of consultation and the appropriate method for the advertising of prostitution business planning applications is yet to be determined and would be further investigated during the formation of a future local planning policy.

### Delegation

Council must consider its powers of delegation in relation to the determination of planning applications for prostitution businesses and whether the existing powers of delegation to officers remain appropriate or require amendment. It is suggested that should Council wish to modify the extent of delegation that it be undertaken in tandem with the adoption of a local planning policy.

### Planning Compliance

A major focus of the draft bill is focused on enforcement and compliance with the proposed legislation. The responsibility for which will be undertaken by the police. However, the local government will still be responsible for enforcing the conditions of the planning approval issued under the Scheme as it would with any other development.

### *Environmental Health Implications*

In the interest of public health there is a need for minimum standards of fixtures and fittings to be established and for minimum standards of hygiene to be maintained. It is preferable that Local Government is not involved in routine inspections of prostitution premises due to the potentially sensitive nature of the business. Ideally the licence fee will be used by the Department of Racing Gaming and Liquor to pay for expert officers to carry out routine hygiene inspection. The capacity to maintain satisfactory standards of hygiene is extremely dependent upon the fixtures, fittings and especially sanitary facilities provided.

There is a need for a standardised and consistent approach to the fit out of prostitution premises throughout WA and it is recommended that



this be achieved via appropriate regulations attached to the Act. It is especially important that the fit out standard be provided in the regulations because the current capacity of the BCA cannot require the standards recommended by Council officers. The minimum recommended standard includes provision of a shower and hand basin in each of the prostitution rooms plus separate toilet facilities for staff and for customers within the premises. This is a critical issue because in many cases it is anticipated that an applicant may wish to retrofit an existing industrial/commercial building and there is likely to be significant costs associated with the additional plumbing fixtures.

### *Building Implications*

The classification of such a building determined by its purpose and the manner in which it would be used confirms such a building would be “Class 5: an office building used for professional or commercial purposes...” Should such a building include an associated caretaker flat or similar the flat would be a “Class 4: a dwelling in a building that is a Class 5...”.

All aspects of the Building Code of Australia must be met in regard to the building classification. This may be easily achieved in the case of a purpose built building, however where it is proposed that buildings be retrofitted it may be far more difficult to achieve. Issues such as but not limited to fire resistance, access and egress (including disabled access), fire services, energy efficiency, health and amenity issues and provision of sanitary and other facilities must be addressed to meet BCA requirements.

In regard to disabled access all building applications/proposals submitted for consideration after 1 May 2011 are subject to compliance with the Federal Government legislation in regard to access for persons with disabilities. Again this may have implications for retrofit buildings.

The required sanitary facilities in a Class 5 building must include facilities for male employees and female employees in accordance with BCA Part F2. The prescribed facilities include:

- Closet Pans
- Urinals
- Wash basins

It is to be noted there is no requirement for any other facilities such as showers for employees. The required facilities for the employees would need to be “accessible sanitary facilities” in accordance with the BCA F2.4 to facilitate employees with disabilities.



In regard to customers/patrons attending a Class 5 building, there is no requirement within the BCA for any sanitary facilities to be provided.

Given the nature of the activity within such a building, strong consideration should be given to including specific requirements for showers, closet pans and wash basins to be provided within in each bedroom/work area as part of any future regulations created under the proposed legislation. Compliance with the BCA would not require such.

A Class 4 building such as care taker's flat or similar would need to meet all BCA requirements including provision of all facilities that are provided in a single residential type dwelling. The caretaker's flat or similar (Class 4) would need to be fire separated by a fire wall from the remainder of the Class 5 portion of a building.

#### *Existing Prostitution Businesses in the City of Cockburn*

The provision of comments to the State Government relating to this draft bill is to include details of any known prostitution businesses within the City of Cockburn. Currently officers are not aware of any existing prostitution businesses within the City and the recommendation will state this.

Officers are generally supportive of the State Government's draft Prostitution Bill 2011. However, several modifications and additions to the bill as discussed in this report are recommended. It is therefore recommended that Council respond to the Attorney General noting the draft bill and providing relevant comments.

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

#### **Demographic Planning**

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A





**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

- 14.2 (MINUTE NO 4561) (OCM 14/7/2011) - REVISED PORT COOGEE LOCAL STRUCTURE PLAN AMENDMENT - STAGE 5 REVISED LAYOUT. OWNER: PORT CATHERINE DEVELOPMENTS - APPLICANT: TAYLOR BURRELL BARNETT (TOWN PLANNERS) (9662) (T WATSON) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the revised layout to Stage 5 in the Port Coogee Revised Local Structure Plan prepared by Taylor Burrell Barnett Town Planners on behalf of Port Catherine Developments pursuant to the provisions contained under Clause 6.2.14.1(a) and 6.2.14.3 of the City of Cockburn Town Planning Scheme No. 3, subject to the following:
  1. The Revised LSP being notated with the requirement for a Section 70A notification on the large 'L' shaped lot that extends around the south-western corner of Stage 5. The notification is to inform prospective purchasers of potential impacts to residential amenity due to noise and disturbance associated with the use of parking bays within the stage, and the boat pens attached to the stage. The notification will apply as a requirement of the LSP to the subdivision proposals currently before the City, and any subsequent subdivision i.e. strata titling.
  2. Any development of the lots subject of the amendment to Stage 5 (the two large lots) necessitating the provision of more visitor parking in the public domain than catered for in the Port Coogee Transport Report (due to an increase in dwelling yield beyond that previously anticipated) being provided on-site as part of any development.



- (2) advise the applicant that in the event both subdivisions currently before the City for Stage 5 are approved and the small lot subdivision is not undertaken or expires (and the land in question is not developed with multiple dwellings), the City is likely to require a further change to the LSP should the subdivision of the two larger lots into smaller lots be again preferred or intended. Furthermore, there are no guarantees the Council will support a future change back to purely small lot development, considerations in respect of which would include the extent to which apartment (multiple) dwelling development has taken place elsewhere outside the marina village.
- (3) forward the amended Port Coogee Structure Plan to the Western Australian Planning Commission for endorsement (on the basis of point 1) above; and
- (4) advise the applicant of the Council resolution to approve the amended Structure Plan and refer it to the Western Australian Planning Commission for endorsement (on the basis of point 1) above.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Local Structure Plan History

In March 2004 the Council adopted the Port Coogee Local Structure Plan in conjunction with the local Scheme Amendment providing for Development Area 22. DA22 sets out development requirements for Port Coogee. The amendment was gazetted in June 2005. Subsequent to its initial adoption, a number of minor amendments to the Local Structure Plan (LSP) have been approved by Council (in June and August 2005, July 2006 and September 2008).

Revised Local Structure Plan

The most recent changes to the Port Coogee Local Structure Plan were delivered via a State Administrative Tribunal (SAT) determination in May 2010. The *Port Coogee Revised Local Structure Plan* was



approved by SAT, providing for the following main changes to the development of Port Coogee:

- The relocation of the Southern Neighbourhood Centre to the Marina Village.
- An increase in dwellings numbers. The revised LSP provides for just over 2300 dwellings (early iterations of the document provide for 1630 dwellings). The majority of the increase in dwelling numbers is within the Marina Village (an increase of approximately 650 dwellings).
- Removal of the R160 density previously shown across the Marina Village.
- Comprehensive parking provision within the Marina Village.
- The introduction of a Waterfront Park within the Marina Village (4701 m<sup>2</sup>).

### **Submission**

Australand and its consultant team have reviewed the design and layout of Stage 5 viz a viz the outcome likely under the currently layout. Stage 5 is the southernmost residential island within the marina, situated centrally and immediately to the west of the town beach.

The proposed changes involve:

- The shifting of land shown for residential development and currently situated centrally within the centre to the perimeter of the island, specifically the southern and western edges.
- The centralising of residential visitor and boat pen parking to the middle part of the island. At present, this parking is shown to be developed along the southern and western edges.
- A new road layout to facilitate the above.

### **Report**

The changes to Stage 5 are considered to provide for the superior development of the land in question for the following reasons:

- The revised layout provides for a 'developed' edge to the marina whereby residential dwellings will address the public domain and boat pens that extend along the southern and western edges of the island. At present, the road layout for the stage separates



future development from the water's edge. The changes should provide for better engagement between the public and private domains, with the significant benefit of improved natural surveillance over both the waterside pedestrian environment and boat pens beyond;

- The relocation of the public parking areas away from the waterways edge and therefore removing the potential for antisocial behaviour at this location;
- The waterside pedestrian access way, currently four (4.0) metres wide, is being increased to eight (8.0) metres in width. This additional width, along with the road relocation to the centre of the island, stands to significantly improve the pedestrian environment, and therein the pedestrian experience.

Although the above is supportive, there are a number of matters requiring further consideration.

#### *Development of Land for Multiple Dwellings*

Due to issues of viability and changes in the apartment market, a number of previously identified multiple dwelling sites within Port Coogee are now being developed for small lot single residential. This makes the retention and development of remaining grouped and multiple dwelling sites outside the marina village important.

The document showing the amendment to the LSP depicts two large lots, where currently the LSP shows two smaller lots and 16 single residential lots. Ideally, the two larger lots will be developed with multiple dwellings (apartments). The objective in this regard is the maintenance of a high degree of diversity in accommodation types across the whole of the project area, particularly given the extent of single residential development outside the village.

Bearing the above in mind, and despite the City being in possession of two subdivision applications for the stage, one generally reflecting what is currently depicted on the LSP, the other based on the subject amendment, it is recommended the applicant be advised:

- In the event both subdivisions are approved and the small lot subdivision is not undertaken or expires (and the land in questions is not developed with multiple dwellings), the City is likely to require a further change to the LSP should the subdivision of the two larger lots into smaller lots be again preferred or intended. Furthermore, there are no guarantees the Council will support a future change back to purely small lot development, considerations in respect of which would include the extent to



which apartment (multiple) dwelling development has taken place elsewhere outside the marina village.

### *Protection of Residential Amenity*

Australand and its planning consultant have previously been asked to consider the protection of residential amenity as part of any proposal to change the layout of Stage 5 via an amendment to the LSP. In this regard, the principal concern relates to the internalising of visitor and boat pen parking to the centre of the subdivision – and the potential for this to impact on what might be typically expected in terms of amenity by surrounding residents.

Over 70 boat pens are indicatively shown for development on the southern and western sides of Stage 5. This stands to result in high demand on the part of boat owners for the parking bays now shown within the centre of the island. Equally, the use of these bays across the course of the day, evening and early morning is likely to result in unreasonable levels of noise and disturbance.

Bearing the above in mind, and in the absence of alternative appropriate and practical means to addressing the concern raised, it is recommended the amendment to the LSP be supported subject to the requirement for a Section 70A notification on the large 'L' shaped lot that extends around the south-western corner of the stage. If supported, the notification will be applied as a requirement of the LSP to the subdivision proposals currently before the City, and any subsequent subdivision of the land in question i.e. strata titling. The notification will inform prospective purchasers of potential impacts to residential amenity due to noise and disturbance associated with the use of parking bays within the stage, and the boat pens attached to the stage.

To assist boat owners and their visitors with proximate access to the two gatehouses serving the 70+ boat pens, two pick up/set down zones are proposed on the island.

### *Parking Provision*

The number of parking bays proposed within the stage (sufficient or otherwise) has been raised in the context of the recent change to the R-Codes. Specifically, limitations on dwelling yield no longer apply to multiple dwellings where the land being developed is zoned R30 or greater (the subject land is identified for development at the R60 standard). Against this setting, the amount of public parking proposed has been questioned, noting 50% of visitor parking for residential development within Port Coogee is provided off-site i.e. within the road reserve.



In the event the land in question is developed at a dwelling yield necessitating the provision of more visitor parking than catered for in the Port Coogee Transport Report, those bays which cannot be provided for in the public domain (in accordance with the 50% requirement) should be provided on-site as part of the development. The amendment to the LSP should only be supported on this basis.

#### *Waterway Access*

The relocation of the marina edge road will result in a reduction in the views obtained by vehicles using the road and parking areas however it is considered that this is balanced by the increase in the pedestrian amenity by increasing the waterside pedestrian access way to 8.0metres. The proposed variation will also result in the public parking areas being relocated from being directly adjacent to the marina to the centre of the island. Given the proposed location of the controlled access points (gatehouses) to the marina boat pens it is not considered the relocation of the public parking area will result in significantly greater distances for individuals accessing their boat pens. As previously indicated there will be two pick up/set down areas in close proximity to the gatehouses.

It is also acknowledged that the current location of the public parking area has greater potential for social disruption to occur and the proposed location should reduce this potential.

#### Conclusion

It is recommended the proposed amendment to the LSP be approved subject to the conditions and advice note mentioned. Whilst it has been suggested the concerns raised represent details more appropriately dealt with at the subdivision or Detailed Area Plan stage, they are considered fundamental to the acceptability of the revised layout given the uniqueness of Stage 5 and the distinctly different and competing interests of both the residents and boat owners who will occupy/use the island.

The approval of the amendment to the Port Coogee Revised Local Structure Plan is in accordance with the provisions of 6.2.14.1(a) and 6.2.14.3 of Town Planning Scheme No. 3. In accordance with the requirements of 6.2.14.3, the amended Structure Plan is to be referred to the Western Australian Planning Commission for endorsement if approved by Council (as it involves subdivision).



## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Lifestyle and Aspiration Achievement**

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

### **Governance Excellence**

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

## **Budget/Financial Implications**

N/A

## **Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act

## **Community Consultation**

No community consultation has been undertaken in respect of the proposed changes to Stage 5 in the Port Coogee Revised Local Structure Plan. The land in question is an island owned by Port Catherine Developments and to this end, no private landholders are affected by the proposed changes.

## **Attachment(s)**

1. Current Port Coogee Revised Local Structure Plan/Amended Port Coogee Revised Local Structure Plan.
2. Cross sections of the current and proposed Local Structure Plan–Stage 5



### Advice to Proponent(s)/Submissioners

The proponent has been advised this matter is to be considered at the 14 July 2011 Ordinary Council Meeting.

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

Nil.

**14.3 (MINUTE NO 4562) (OCM 14/7/2011) - CLOSURE OF WESTERN POWER PADMOUNT SITE - LOCATION: LOT 4 JUNCTION BOULEVARD COCKBURN CENTRAL- OWNER: AUSTRALAND HOLDINGS PTY LTD - APPLICANT: JBA SURVEYS (6008604) (L GATT) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) pursuant to Section 58 of the *Land Administration Act 1997* request the Minister for Lands to close portion of the road reserve adjoining lot 4 Junction Boulevard, Cockburn Central which encompasses the Western Power padmount site;
- (2) subject to the road closure being finalised, the land be made available for purchase to the adjoining landowners; and
- (3) advise the applicant of Council's decision accordingly.

#### COUNCIL DECISION

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

**CARRIED 8/0**

### Background

A request has been received on behalf of the landowner of Lot 4 Junction Boulevard Cockburn Central to close the portion of the road reserve which encompasses a Western Power padmount site. The purpose of this report is to consider this request.

### Submission

A letter from JBA Surveys requests that the City initiate the closure of a portion of the road reserve located in Junction Boulevard, Cockburn





Central (refer to Attachment 1). The subject area is a Western Power padmount site adjoining Lot 4 Junction Boulevard (refer to Attachment 2). The proponent has agreed in writing to meet all costs associated with the proposed road closure.

## Report

At the time of creating Lot 4 Junction Boulevard, a small road widening of 17.5m<sup>2</sup> was created to accommodate a Western Power transformer. This now conflicts with the proposed development for Lot 4, and accordingly removal of the transformer site is proposed as part of the development of the land. As the transformer site sits within a portion of the adjoining Junction Boulevard road reserve, formal road closure processes must occur to allow the land to be transferred into the title of the adjoining Lot 4.

Following the request being received from JBA Surveys for the road closure, letters seeking comment were sent to servicing authorities. Responses have been received indicating that they have no objections to the proposed closure. Western Power has indicated that there will be costs associated with relocation of the transformer site, and these costs will be factored into the eventual sale price of the closed road reserve.

The proposed closure was also advertised to the general public in accordance with the *Land Administration Act 1997* and associated regulations. No submissions were received.

It is recommended that Council support the request, and initiate the closure of the portion of the road reserve lot 4 Junction Boulevard in accordance with Section 58 of the *Land Administration Act 1997*.

If the closure is recommended, the Department of Regional Development and Lands investigate the costs that will be applied to the relocation of the transformer site and any associated road widening. These costs will be a matter for Western Power and the proponent to agree on.

## Strategic Plan/Policy Implications

### Demographic Planning

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



**Governance Excellence**

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

**Budget/Financial Implications**

All associated costs will be paid by the applicant

**Legal Implications**

Section 58 of the *Land Administration Act 1997*.

**Community Consultation**

The proposal was advertised in the West Australian Newspaper on 21 April 2011 with a period of 35 days for submissions. The proposal was also specifically referred to servicing authorities in accordance with the requirements of the *Land Administration Act 1997*. No objections have been received through these processes.

**Attachment(s)**

1. Letter of request from JBA Surveys
2. Location Plan

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

The Proponent has been advised that this matter is to be considered at the 14 July 2011 Council Meeting.

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

Nil

**14.4 (MINUTE NO 4563) (OCM 14/7/2011) - DRAFT LOCAL PLANNING POLICY APD63 'LODGING HOUSES - DEVELOPMENT GUIDELINES' (PS/A/001) (T WATSON) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) resolves to support the draft Local Planning Policy APD63 'Lodging Houses – Development Guidelines' for the purpose of consultation in accordance with the requirements of Clause 2.5.1 of Town Planning Scheme No. 3; and
- (2) publishes notice of the policy in accordance with Clause



## 2.5.1(a) of Town Planning Scheme No. 3.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Council has previously requested the preparation of a policy dealing with the establishment of lodging houses, particularly for proposals in residential areas. Lodging houses are classified as 'A' uses under the City's Town Planning Scheme No. 3, requiring an application to be advertised prior to determination. In recent times, consultation has resulted in the receipt of a number of responses from the local community. To provide greater clarity to all stakeholders the attached policy has been prepared to inform the design, assessment and determination process for lodging house development applications within the City.

**Report**

The Policy has been structured to provide a clear appreciation of the City's expectations in relation to the development of a lodging house. The 'development guidelines' applicable to the development of a lodging house are prefaced by an introduction to the Policy and a list of five objectives. The 'development principles' provide an orderly basis to the preparation or assessment of a Lodging House development application, commencing with the fundamental considerations of 'size' and 'location', followed by 'site planning' considerations, 'building design' requirements and the 'management' of the use.

The 'Lodging House – Development Guidelines Policy' APD63 will:

- inform proponents of the City's requirements and expectations, providing direction in terms of where and how the development of a lodging house may acceptably take place; and
- provide the City's technical officers and/or the Council with a detailed set of parameters against which lodging house proposals can be assessed and determined.

To provide a framework whereby a lodging house proposal might reasonably be expected to be approved, the content of the Policy



includes several specific provisions aimed directly at the protection of residential amenity. These provisions include:

1. Limiting the size of a lodging house to 30 lodgers. Recently approved lodging houses are limited in size to 32 and 38 lodgers. These numbers are considered to represent a maximum lodging house size, noting they involved the adaptive re-use of existing larger non-residential buildings in residential areas. Typically, lodging house proposals catering for a smaller number of lodgers are expected.
2. Requiring a separation distance of 200 metres between lodging houses. A spatial concentration of lodging houses premises, given the increased density of occupancy associated with this form of accommodation has the potential to impact or erode residential amenity. The separation distance recommended should assist in the protection of residential amenity by distributing traffic volumes and pedestrian movement across a residential area.
3. The requirement for a lodging house building to be designed and developed as if it were a typical residential building, characteristic of other dwellings in the vicinity. To achieve this, the design of a lodging house is to generally accord with the requirements of the R-Codes and relevant City Policies in the following areas – building setbacks, open space, site works, building height, and importantly, privacy requirements.
4. The provision of on-site parking bays additional to the requirements of the City's planning scheme. The requirement of the Scheme is not considered to take into account increased car ownership rates across all sections of the community (including persons that might be lodgers). Bearing this in mind, additional parking is proposed as a requirement for visitors and staff. A requirement for bicycle parking has also been included.
5. The requirement for active spaces (communal or otherwise), both internal and external, to be centrally located where possible within the lodging house building, or the centre of the site on which the lodging house is being developed. It is considered this approach to building design and site layout will be beneficial to both lodgers and adjoining property owners alike, whereby 'living' areas on juxtaposed sites are generally separated.
6. The submission of a detailed Management Plan particular to the subject proposal at the time of application. The Management Plan will form part of any approval granted by the City/Council, addressing considerations such as: lodging house hours, the



lodger 'Code of Conduct' (or 'Lodger Rules'), security and access details, and waste management. For the benefit of the proponent, the Policy elaborates on the City's expectations regarding Waste Management.

Other matters covered by the Policy include the requirement for sustainable design principles to be considered in the site layout and design of a lodging house, signage, and the requirement for externally placed building hardware such as air conditioner condenser units to be suitably placed on-site or screened.

### **Conclusion**

The proposed Policy should aid the orderly and proper development of lodging houses within the City. It should do this by providing prospective developers with a clear understanding of minimum expectations that aim to ensure the successful coexistence of a lodging house within a residential area because amenity stands to be protected. It is, therefore, recommended Council support the proposed draft policy to enable advertising in accordance with Clause 2.5.1 of the Town Planning Scheme No. 3.

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

#### **Demographic Planning**

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

#### **Governance Excellence**

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.
- To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way.

### **Budget/Financial Implications**

Costs are involved with the advertising of the Policy. These are paid out of Statutory Planning's operational budget.



### Legal Implications

The adoption of the Policy is to be in accordance with Section 2.5 of Town Planning Scheme No.3.

### Community Consultation

The proposed policy, if adopted for the purpose of advertising, will be advertised in accordance with Clause 2.5.1 of Town Planning Scheme No. 3.

### Attachment(s)

Proposed Policy APD63 'Lodging House – Development Guidelines'.

### Advice to Proponent(s)/Submissioners

N/A

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

Nil.

**14.5 (MINUTE NO 4564) (OCM 14/7/2011) - SCHEME AMENDMENT NO. 89 TO CITY OF COCKBURN TOWN PLANNING SCHEME NO. 3 (COCKBURN COAST) AND COCKBURN COAST MASTER PLAN (CONSIDERATION OF ADOPTION FOR COMMUNITY CONSULTATION) (SM/M/053 AND 93089) (D DI RENZO) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) in pursuance of Section 75 of the *Planning and Development Act 2005* ("Act"), initiate Amendment No. 89 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") for the purposes of:
  1. Rezoning the Cockburn Coast area from 'Industry' and 'Light and Service Industry' to 'Development' zone.
  2. Introducing a new 'Development Area' (No. 33), and including provisions under Schedule 11 of the Scheme as included at Attachment 5.
- (2) adopt the Draft Cockburn Coast Master Plan for community consultation, for the purposes of providing a guiding document to inform the preparation of future Local Structure Plans within the Cockburn Coast area, subject to the following modifications:



1. Renaming the 'Cockburn Coast Master Plan' to the 'Cockburn Coast District Structure Plan Part 2', and updating all references contained therein.
2. Inclusion of a plan and table within the Master Plan report setting out the variations between the Cockburn Coast District Structure Plan and the Master Plan, and the reasons for these modifications.
3. Conceptual details shown on the foreshore reserve being removed from the Master Plan, and the area being delineated and annotated to indicate that it will be subject to a future Foreshore Management Plan.
4. Figure 41 (Irrigation Requirements) being modified to remove annotations for irrigation requirements within the foreshore reserve, and inclusion of an annotation that this is subject to a Foreshore Management Plan.
5. Section 3.0 (Opportunities) being renamed to 'Opportunities and Constraints', and modified to also include a discussion of the constraints within the project area.
6. Section 4.0 (Cultural Heritage) being modified to outline that the Cultural Heritage, Placemaking and Public Art Strategies are to be prepared for the whole Cockburn Coast area, rather than being a Local Structure Plan issue.
7. Modification to Section 5.2.2 (Architecture and Design) which refers to the development as 'low/medium' density, to refer to the development as being 'medium/high' to reflect the proposed densities shown in the density yield table which shows R40-R160.
8. Modification to Section 5.2.2 (Height) to include an annotation on Figure 28 (Building height plan) and Figure 30 (Land use plan) that taller elements may also be permitted as outlined within the Cockburn Coast District Structure Plan.
9. Rewording the Section 5.2.3 (Affordable Housing) to exclude references to the potential for less than 20% being provided, which would be inconsistent with the Cockburn Coast District Structure Plan, and to include references to when further work is likely to be undertaken on this matter.

10. Section 5.2.3 (Public Open Space) being modified as follows:
  - (a) Table 4 and 5 being modified so that they reflect the format set out in Table 11 of Liveable Neighbourhoods.
  - (b) Modification to Table 5 (Public Open Space schedule) to remove the portions of POS corridors that are existing portions of Beeliar Regional Park reserve.
11. Modification to Section 4.4.4 to clarify the purpose of the 'mixed use' zoning, and likely range of permissible land uses.
12. Inclusion of further explanation within Section 5.2.3 (Activity Centres) to outline the factors which may drive the commercial and office component of the centre to perform at a district and sub-regional level.
13. Inclusion of the assumptions which have been used in the Land Use Demand modelling.
14. Modification to Section 5.2.3 (Activity Centres; Mixed Use; Mixed Business) to correct all references to various 'uses' and 'zones' so that they are consistent with the terminology within City of Cockburn Town Planning Scheme No. 3.
15. Clarification of references to the 'Mixed Use' zone within Section 5.2.3 given that this zone is not defined in the Scheme, and specifying that the Local Structure Plan will outline the permissibility of land uses.
16. Inclusion of a definition of 'pedestrian retail' in Section 5.2.3 (Mixed Use) as this is not a land use defined in the Scheme.
17. Section 5.2.3 (Mixed Business) being modified to clarify the potential permissibility of 'heavy industrial' uses, as this section discusses such uses being retained, and then lists 'heavy industrial' uses as not suitable.
18. Inclusion of a concept plan to demonstrate that the proposed playing field (minimum sized AFL oval) is capable of being accommodated on the proposed site,





- including change rooms, spectator stand, and car parking whilst retaining the heritage listed trees Moreton Bay fig trees.
19. Correction to Section 5.2.3 (Employment and Land Use Demand) so the total number of jobs shown in Table 1 and 2 is consistent.
  20. Table 1 contained within Section 5.2.3 (Land Use Demand) being updated so that the most current PLUC codes are used as follows: Manufacturing; Storage/Distribution; Service Industry; Shop/Retail; Other Retail; Office/Business; Entertainment; Health; Residential; and Utilities.
  21. Inclusion of information within Section 5.2.3 (Land Use Demand) to explain the basis for the employment figures shown in the Table, particularly with regards to Health. (369 jobs) and Utilities (92 jobs).
  22. Inclusion of further information within Section 6.4 (Green Infrastructure - Key Findings) to specify how these matters can be mandated.
  23. Clarification within Section 8.2.4.1 (District Water Management Strategy – Water efficiency measures) of how these measures will be adopted for Cockburn Coast.
  24. Inclusion within Section 11.6.1 (Green Infrastructure Implementation Strategy) of implementation measures, setting of what matters (if any) can be mandated or encouraged, and how this will be achieved.
  25. Inclusion of visual impact modelling demonstrating the conceptual appearance of proposed building heights from key view corridors, including from the east.
- (3) advertise the Draft District Structure Plan for a period of 42 days in conjunction with Amendment No. 89, with advertising to generally follow the procedural requirements established under Clause 6.2.8.1 of City of Cockburn Town Planning Scheme No. 3;
  - (4) following advertising, consider the Draft District Structure Plan for endorsement as a guiding document in light of submissions or further information received during the advertising period;
  - (5) advise the applicant that prior to the Master Plan being



considered for final approval it must be accompanied by an Employment and Economics Strategy;

- (6) upon preparation of the necessary amendment documentation refer the amendment to the Western Australian Planning Commission ("WAPC") for consent to advertise pursuant to the Town Planning Regulations 1967, given that the amendment is inconsistent with the Metropolitan Region Scheme zoning;
- (7) upon preparation of the necessary amendment documentation, the amendment be referred to the Environmental Protection Authority ("EPA") as required by Section 81 of the Act; and
- (8) on receipt of a response from the EPA indicating that the amendment is not subject to formal environmental assessment, and consent being received from the WAPC, the amendment is to be advertised for a period of 42 days in accordance with the Town Planning Regulations 1967.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Cockburn Coast District Structure Plan

The Cockburn Coast District Structure Plan ("CCDSP") has been prepared to guide future land use and transport initiatives within the area stretching between South Beach and the Port Coogee marina (Attachment 1). The Western Australian Planning Commission ("WAPC") endorsed the CCDSP in August 2009.

The CCDSP sets a framework for future redevelopment of the Cockburn Coast area as an intensive, vibrant, mixed use coastal urban environment. It contains provisions relating to the desirable character of identified Precincts, including land use mix, height and built form elements. It provides a framework for guiding development, and furthering local level planning and decision making.

The WAPC has resolved to amend the Metropolitan Region Scheme ("MRS") to rezone the North Coogee industrial area to reflect the



outcomes of the CCDSP (MRS Amendment No. 1180/41). At the meeting of 8 April 2010, Council resolved to make a submission to the WAPC supporting the proposed MRS amendment, subject to some minor modifications. It is anticipated that a decision will be made on the MRS Amendment later this year.

#### Amendment No. 82 (Cockburn Coast Industrial Area and Newmarket Precinct)

Council previously adopted Amendment No. 82 to City of Cockburn Town Planning Scheme No. 3 ("Scheme") at the meeting of 17 March 2011 for final approval. Amendment No. 82 was subsequently referred to the WAPC on 20 April 2011 with a request for the approval of the Minister for Planning, and a decision is still pending.

The purpose of Amendment No. 82 is to modify the Scheme in such a way so as to implement the outcomes of the Cockburn Coast District Structure Plan ("CCDSP") for the Newmarket Precinct. It also seeks to facilitate appropriate interim uses on the current 'Industry' zoned land within the CCDSP area, and to ensure industrial uses become subject to greater limitations than what is currently provided for under the Scheme. It is anticipated that Amendment No. 82 will be gazetted ahead of proposed Amendment No. 89, and it will facilitate a range of benign light industrial uses in the interim period.

#### **Submission**

The Cockburn Coast Master Plan has been submitted by HASSELL on behalf of Landcorp.

#### **Report**

The purpose of this report is for Council to consider adopting Amendment No. 89 and the Cockburn Coast Master Plan for community consultation.

#### Purpose of the Master Plan

This Master Plan applies to the Cockburn Coast project area south of Rollinson Road only. It excludes the Newmarket and Fremantle Village Precincts, which were included in the CCDSP, as these precincts are subject to separate planning processes.

The CCDSP provides the statutory and land use framework intended to inform future detailed planning and the preparation of Local Structure Plans. The Master Plan illustrates the next layer of detail, and describes the approach to the provision of local roads, key infrastructure, public open space, drainage, land use and built form; as



a precursor to the preparation of Local Structure Plans. The Draft Master Plan (Land Use Plan) is included in Attachment 2.

It is intended that the both the CCDSP and the Master Plan will be used as guiding documents to inform the assessment of Local Structure Plans. It is therefore intended that the Master Plan will be endorsed by Council as a guiding document, not as a structure plan pursuant to Clause 6.2.9 of the Scheme.

As the Master Plan provides the next layer of detail to the CCDSP, to the extent of any inconsistencies between the CCDSP and the Master Plan, the Master Plan will prevail.

#### Draft Master Plan

The Master Plan is consistent with the underlying intent of the CCDSP, however it does incorporate some key changes which have evolved from a 'preferred land use' concept developed by LandCorp. This was prepared concurrently with the preparation of an Integrated Transport Plan ("ITP"). The ITP has driven several of these changes.

The development of the preferred concept considered two land use scenarios to achieve the CCDSP's objectives. One land use concept retained the highest concentration and mix of uses along Cockburn Road as presented in the CCDSP. The alternative shifted these core areas westward towards the coast (Attachment 6). The 'coastal nodes' concept was selected to take advantage of the proximity to the coast for scenic views and physical access to the foreshore. It also allowed for the first stage of development, which would occur on land owned predominantly by LandCorp, to create a high quality main street.

By relocating the main street activities to other streets (rather than Cockburn Road), this land use concept was considered to create more flexibility for the future of Cockburn Road as an interim through route for regional traffic. While ultimately Cockburn Coast Drive will take on this function; completion of Cockburn Coast Drive is unfunded and its construction date is uncertain. Without the pressure of transforming this roadway from its current function, conflicts between competing roles can be minimized.

Therefore one of the key points of difference between the Draft Master Plan and the CCDSP is that commercial activity is no longer focussed along Cockburn Road. The Master Plan, in line with the evolving policy context relating to Directions 2031 and the Activity Centres policy, creates a hierarchy of coastal activity nodes which will be serviced by a dedicated rapid public transit system with the potential to accommodate light rail in the future.



Additional work is being undertaken to provide a business case to support a rapid transit route through Cockburn Coast. The broader regional network potential for rapid transit is also being reviewed by the applicant and the Cities of Cockburn, Fremantle and Melville. This work will ensure the regional context is considered rather than just the proposed Cockburn Coast development. In due course, a report will be presented to Council to consider rapid transit in this regional context.

To summarise, the key differences between the CCDSP and the Draft Master Plan are:

- \* A shift in the rapid transit corridor alignment from Cockburn Road to a new north south road to the west (as shown in Attachment 6).
- \* The concept of the 'Local Activity Nodes' along Cockburn Road being replaced a shift in the Activity Centre focus and Main Street to reflect the new proposed rapid transit corridor.
- \* Provision of additional POS within the Emplacement Crescent precinct and widened POS corridors to the east of Cockburn Road.
- \* Modification to the shape of the proposed primary school site and active playing field to enable a minimum sized playing field to be accommodated.

It is recommended that the Master Plan include a section which specifically sets out all of the differences between the Master Plan and the CCDSP, and explains the reasons for these changes. It is recommended that this additional information be included prior to advertising, as this will assist landowners and members of the community in providing their comments.

#### Land Use Plan

The Master Plan includes a land use plan which is based on the following key principles:

- \* Focusing intensity and diversity of land use along the rapid transit alignment and at proposed transit stations.
- \* Locating employment, tourism and recreational opportunities at the Power Station site, in accordance with the objectives of the CCDSP.
- \* Locating a second activity centre along a more localised main street to service day to day needs of local residents;



- \* Focusing recreational and entertainment opportunities at specific beach nodes - Catherine Point, Robb Jetty and the Power Station.
- \* Providing for a range of residential opportunities, with height and density of residential buildings generally responding to topography, green linkages and proximity to the coast and activity centres.

### *Activity Centres*

The Master Plan identifies two activity centres (Robb Jetty and Power Station), which are intended to contain a mix of land uses. They have been strategically located on the proposed rapid transit line at proposed transit station locations. Their location ensures that residents and workers are within easy walking distance of their transit and daily/weekly shopping needs.

One of the proposed activity centres is located at the Robb Jetty Main Street. The Robb Jetty Activity Centre will focus on the provision of daily shopping needs for residents, including an opportunity for a supermarket site. It could also accommodate restaurants, cafes and small scale office opportunities that will not only service local residents, but will have a wider catchment.

The Robb Jetty Activity Centre also includes the proposed primary school site along a portion of the main street. The primary school site is intended to be developed as a multi-level 'urban' school on a 1.5ha property. The school will be designed to address the main street.

The Master Plan identifies that the Robb Jetty Activity Centre may potentially be bookended by an urban plaza on the beach side of the railway line, which will provide a further incentive for people to travel through Main Street, past the shops and cafes, to the beach. This is conceptual at this stage, and all development of the foreshore area will be subject to a detailed Foreshore Management Plan and Hazard Risk Assessment Study.

The Power Station Activity Centre was identified as a 'Local Activity Node' in the CCDSP, surrounded by a large area of 'Mixed Use' zoning. The Master Plan designates this corresponding area as an Activity Centre.

The Power Station Activity Centre is a longer term prospect, given the significant infrastructure works, stakeholder negotiations and site preparation works required to de-risk the site in preparation for the market.



The Power Station Activity Centre is intended to provide a range of opportunities relating to recreation, entertainment and tourism. The Master Plan identifies that this is the preferred site for a hotel or short stay accommodation.

The Power Station Activity Centre will present the opportunity for office and commercial buildings with a district and sub regional catchment, and it is anticipated that it will be the primary employment generator for Cockburn Coast.

The Master Plan outlines that uses such as office, restaurants, community facilities, and shops would be the types of uses likely to be supported within the Power Station Activity Centre. Residential development would be encouraged on the upper levels of commercial/retail multi-storey buildings, to facilitate all hours activation of activity centres and providing surveillance of the streets below.

### *Mixed Use*

A Mixed Use zoning has been identified throughout much of the project area, and along Cockburn Road in order to allow a range of compatible uses to co-locate adjacent to one another, and vertically in individual buildings. This is consistent with the CCDSP.

The Mixed Use zone is critical in promoting sustainable living opportunities by allowing people to pursue a lifestyle that integrates living, working and leisure in one location.

The Mixed Use zoning needs to be carefully managed so that it does not detract or disperse activity from the two proposed activity centres. Given that the Scheme does not currently include a Mixed Use zone the Local Structure Plans will be required to set out the specific permissibility of land uses. Design guidelines will also be critical in ensuring the desirable built form outcomes are achieved for the Mixed Use zone. In accordance with the CCDSP, the Mixed Use zoning is not intended to be overly prescriptive, providing that the uses can demonstrate a positive contribution to promoting a vibrant mixed use urban environment and do not detract from the two primary activity centres.

In accordance with the CCDSP uses such as residential, small showrooms, shops, offices and community facilities will be generally supported within the Mixed Use zone.

While the Master Plan assumes a long term transition of industrial uses to urban, interim buffer arrangements need to be considered at the Local Structure Plan stage. The Master Plan has sought to address this issue by generally establishing a Mixed Use zoning in proximity to



existing industrial uses that are likely to remain for the medium to long term. The Master Plan report describes the Mixed Use zone as “a flexible category, which will allow for existing businesses to remain, while allowing for a transition to other non-sensitive land uses, which do not omit offensive products, with a longer term transition to sensitive land uses such as residential, at a point in time that the industrial use has relocated”.

However, the CCDSP does not describe the Mixed Use zoning in this way. The CCDSP outlines the types of uses that are not considered suitable for the Mixed Use zone which include ‘light and service industry’ and ‘general industrial’ uses. Therefore it is not considered appropriate to state that the Mixed Use zone will allow for businesses to remain. In many circumstances existing businesses will remain in accordance with non-conforming use rights pursuant to the Scheme, rather than because the use will be permissible under the Mixed Use zoning.

It is therefore recommended that Section 4.4.4 (Draft State Industrial Buffer Policy and EPA Guidance) of the Master Plan report be modified to clarify that the Mixed Use zone itself is not intended to function as a transitional zoning, and to clarify the situation relating to existing businesses remaining. It may be that the range of permissible uses are specifically tailored through the Local Structure Plans to function as a buffer where appropriate, however this should be clarified.

#### *Mixed Business*

The Master Plan proposes a Mixed Business zoning for a portion of Darkan Crescent. The Master Plan report outlines that this has been nominated in recognition of existing industrial business, including the Fremantle Coldstores and Sealanes. The Mixed Business zoning will also ensure a diversity of employment opportunities for the Cockburn Coast area.

In accordance with the CCDSP, uses such as ‘light and service industry’ and ‘office’ are likely to be considered suitable within the Mixed Business zone. Land uses such as ‘residential’, ‘general industry’ and larger floor area ‘showrooms’ would generally not be considered suitable for the Mixed Business zone.

It is also noted that Section 5.2.3 (Mixed Business) of the Master Plan report stipulates that the Mixed Business zoning will allow the retention of more heavy industrial uses to co-exist with a range of other businesses from service industrial through to office and other commercial opportunities. However ‘heavy industrial’ uses are then subsequently listed as uses not suitable within the Mixed Business zone. It is acknowledged that this concept was also expressed in the





CCDSP, however it is recommended that this discrepancy be clarified through the Master Plan prior to it being advertised.

It is also important to note that there is an existing Mixed Business zone within the Scheme, and 'General Industry' is not a permissible use. This section of the Master Plan report should clarify that the Local Structure Plans may set out a different range of permissible uses than those currently set out in the Scheme, if this is the intention.

The Master Plan makes reference to a number of different uses that are considered suitable or unsuitable within the Mixed Business zone. This terminology is consistent with the CCDSP, however it does not align with the definitions in the Scheme. It is therefore recommended that these terminologies be modified so that they are consistent with land uses set out in the Scheme as another level of refinement from the CCDSP.

### *Residential*

Residential development will constitute the majority of development within the Cockburn Coast area. The intent is that residential development will be of a density mix and built form character more intensive than typically created in Greenfield locations on the urban fringe, thus ensuring more sustainable outcomes can be achieved.

Therefore a range of residential densities are proposed, generally in accordance with those nominated in the CCDSP, ranging from R40 to R160. The CCDSP set out targets for different housing types/densities and the land use plan included in the Master Plan achieves these targets.

It is noted that Section 5.2.2 (Architecture and Design) of the Master Plan report refers to the development as 'low/medium' density. This is not considered to accurately reflect the densities and built form that are proposed which generally range between a residential coding of R40 and R160 which are 'medium/high' density. It is therefore recommended that this section be modified prior to advertising to refer to 'medium/high' density rather than 'low/medium' density.

### *Public Purpose (Primary School)*

The CCDSP process included investigation and consultation with the Department of Education and Training, and it was identified that only one primary school was required. This is partly due to the existing capacity of adjoining primary schools and also in anticipation that the socio-economic mix is likely to consist of a lower percentage of families with children than the Perth metropolitan average, due to the high percentage of apartments.



The primary school site has been co-located with the district playing fields on a 1.5ha site, and it is intended to be a multi-level school adjacent to the playing fields and the Robb Jetty Main Street.

The primary school site is centrally located within the project area, so as to maximise its catchment and accessibility. It has also been sited in close proximity to a transit station, at the western end of Main Street, to ensure a safe walking environment for children commuting to and from school.

### *Public Open Space*

The CCDSP designated the location of district-level POS for the Cockburn Coast area. Section 2.4.2.7 of the CCDSP specified that additional local-level POS would need to be identified during the more detailed planning phases.

The master planning process identified a shortfall of POS across the whole project area due to the POS buffer around the wastewater pumping station (adjacent to Rollinson Road) no longer being credited as POS as it was previously in the CCDSP. In addition, the preparation of the Master Plan identified a shortfall of POS between Cockburn Road and future Cockburn Coast Drive. While this area is within close proximity to the Beeliar Regional Park, it is still considered that the provisions of parks that serve a local a neighbourhood park function are important, particularly given that the Cockburn Coast will be a high density urban environment.

To address this issues the Master Plan proposed additional POS identified within the Emplacement/Hilltop Precinct. This is considered to result in an improvement to the quantity, function and distribution of POS, consistent with *Liveable Neighbourhoods* Element 4 (R14-R19). Given the density of development that is proposed, provision of POS is critical.

These green corridors have the potential to be designed to accommodate a range of local, neighbourhood and other recreational functions, including passive recreation and to serve as pedestrian linkages. The extension of the linear POS east of Cockburn Road also provides an ecological linkage from the coast to Beeliar regional park. The Local Structure Plan will outline how these functions can be achieved in further detail.

This area of proposed POS in the Emplacement/Hilltop Precinct has been annotated on the Master Plan to specify that it will be subject to further investigation at the Local Structure Plan stage.



This extended portion of POS affects four private landowners, and Landcorp have been in discussions with these landowners regarding this matter. These landowners will also have the opportunity to formally comment during the advertising of the Master Plan, and the subsequent Local Structure Planning process.

The Master Plan includes a table outlining the provision of POS, setting out the area of each proposed portion of POS. It is noted that a number of the green corridors on the eastern side of Cockburn Road include portions of existing Beeliar Regional Park. For example, approximately half of the green corridor east of the playing field is an existing corridor or regional open space. This should therefore not be included within the POS Schedule. It is also recommended that this table be modified to reflect the format used in Liveable Neighbourhoods (Table 11). The Liveable Neighbourhoods format sets out the total site area, gross subdivisible area, deductions and POS. This is the preferred format for clearly articulating the quantity and percentage of POS.

#### *Active Recreation (Playing Fields)*

The Master Plan includes a district playing field as a shared facility with the primary school, as shown on the CCDSP.

The Master Plan report states that the district playing field will accommodate a 135m by 110m oval. However a detailed plan has not been provided showing that the playing field, and the required associated facilities such as changing rooms, spectator stand and car parking can be accommodated without impacting on the heritage listed Moreton Bay Fig trees which are contained on the site.

The City's existing active recreation spaces in adjacent areas (ie. Hamilton Hill and Spearwood) are already experiencing pressure from existing organised sports, and do not have additional capacity to accommodate the future population of Cockburn Coast. Therefore it is considered critical that at least a minimum sized football oval is achievable to provide for the active recreational needs of the future Cockburn Coast population.

It is acknowledged that the Cockburn Coast area will be likely to have different demographics to that currently in the City, with a smaller proportion of families with children. However, provision of active recreation facilities for senior organised sport is also an important consideration.

The City's Sports and Recreation Strategic Plan outlines that development of shared facilities with the Department of Education are to only be undertaken if the land combination results in a suitable field



being developed. It is therefore considered imperative that the playing field proposed by the Master Plan is a sufficient size for the City to enter into a shared arrangement with the Department of Education, to ensure that it is of a useable size for the purpose for which it is required.

It is therefore recommended that a concept plan of the playing field and the associated facilities be included in the Master Plan to demonstrate that this can be accommodated. Given its importance it is recommended that this is included prior to the Master Plan being advertised.

### Building Heights

Building heights proposed by the Master Plan are generally within the range expressed in the CCDSP, and they are illustrated in Attachment 3.

The majority of residential development across the project area site will be between 3 and 5 storeys in height. Multi-storey residential development is proposed to be located primarily on the eastern ridge and may potentially be up to 8 storeys in height. The proposed building heights respond to site topography, maximizing views to the ocean, particularly for residential development across the site. Taller buildings are reserved for activity nodes and for residential development on the eastern ridge.

Development at key commercial/retail centres such as Rob Jetty Main Street and the South Fremantle Power Station is to a minimum of 5 storeys, and generally a maximum of 8 storeys. Overall building heights are proposed to be greater within activity centres, facilitating a general intensification of use.

The CCDSP identified that iconic, landmark and gateway sites (i.e. sites with greater height allowances and special design guidelines) will be important to enhance legibility and identity through the Cockburn Coast area. The CCDSP sets out the potential for gateway sites and sites with greater height allowances for each of the precincts.

The Master Plan identifies a potential gateway site with greater height allowances at the southern tip of the site (annotated on the plans), and Section 5.2.2 (Height) mentions that additional landmark and gateway sites as generally described in the CCDSP will need to be considered and identified as part of the future Local Structure Plans.

Figure 28 (Attachment 3) illustrates the distribution of building height throughout the project; however, it only annotates the potential for greater heights in the southern tip of the project area. It is considered



that to provide clarification figure 28 (Building height plan) and figure 30 (Land use plan) should also include annotations that additional landmark and gateway sites, as generally described in the CCDSP will be considered and identified as part of the future Local Structure Plans. This is to ensure that if the height plan or land use plan are being viewed it is clear that there potentially may be greater height allowances throughout the project area than generally shown.

The proposed building heights have the potential to have a visual impact from the east of the project area in the suburbs of Spearwood and Hamilton Hill. It is therefore recommended that prior to advertising the Master Plan be amended to include some visual impact modelling demonstrating the conceptual appearance of proposed building heights from key view corridors, including from the east. This will assist landowners and the community in visualising the proposed development.

### Foreshore Management Plan

The Master Plan includes some conceptual details for the foreshore reserve. While it is understood that the detail shown on the foreshore area is intended to be conceptual and 'inspirational', the City must be mindful of creating false expectations for the community.

The foreshore reserve will be subject to a detailed Foreshore Management Plan and Coastal Hazard Risk Assessment, and it is therefore considered premature to indicate development and embellishment within the foreshore area ahead of these studies.

It is not considered appropriate that the Master Plan include any detail relating to development or landscaping of the foreshore ahead of these detailed studies. It is therefore recommended that the conceptual landscape design/development for the foreshore reserve area be removed from the Master Plan prior to advertising.

It is also recommended that Figure 41 (Irrigation Requirements) of the Master Plan report be modified to remove annotations for irrigation requirements within the foreshore reserve, and that an annotation be included stating that this area is subject to a Foreshore Management Plan.

While the foreshore environment will be expected to deliver a mix of natural and urban experiences this will require very careful design and deliberation to arrive at an outcome all stakeholders are happy with.



### Local Structure Plan Areas

The Master Plan identifies three Local Structure Plan areas (shown in Attachment 4) as follows:

- \* Emplacement/Hilltop (incorporating Emplacement and Hilltop Precincts from the CCDSP).
- \* Robb Jetty (incorporating Robb Jetty and Darkan Precincts from the CCDSP).
- \* Power Station.

The Master Plan does not include the 'Newmarket Precinct' and 'Fremantle Village' precincts, which were encompassed by the CCDSP, as these areas will be dealt with separately. The Newmarket Precinct has been dealt with separately through Amendment No. 82, given that this area is already zoned 'Urban' under the MRS.

A Local Structure Plan will be required for each of these areas prior to subdivision or development of the land in accordance with the Master Plan.

The CCDSP included character guidelines for each precinct, setting out the types of land uses, built form character and building heights that are considered appropriate for each precinct. These guidelines are still relevant, and preparation of the Local Structure Plans and Design Guidelines will require regard to be had for these character guidelines contained within the CCDSP.

Proposed Amendment No. 89 provides further detail regarding the requirements for Local Structure Plans.

### Amendment No. 89

Amendment No. 89 proposes to rezone the majority of the CCDSP area from 'Industry' and 'Light and Service Industry' to 'Development' zone, and place it within a new 'Development Area'.

This will require the subsequent preparation of Local Structure Plans, in order to effectively demonstrate how coordinated development of the subject land can occur. This 'Development' zone is the most appropriate zone new urban areas, as it provides a degree of flexibility through structure planning to robustly coordinate development.

'Development Areas' are Special Control Areas pursuant to the Scheme, and they are included in Schedule 11, with provisions that apply to the 'Development Area'. Schedule 11 sets out a description of the 'Development Area' and sets out the specific purposes and



requirements that apply to the area. The draft provisions are included in Attachment 5.

The development of land within a 'Development Area' is to be generally in accordance with a structure plan that applies to the land.

#### *Development Area Provisions*

The draft provisions set out the objectives for the 'Development Area', and outline the hierarchy of plans that will apply to the area.

The draft provisions include a range of key requirements that will apply to the whole 'Development Area'. These provisions set out that an approved Local Structure Plan together with all approved modifications shall apply to each Local Structure Plan area identified in the Master Plan in order to guide subdivision and development.

An overview of the structure of the provisions is outlined below, and a discussion of some of the key requirements is made later in this section:

- 1.0 Objectives of the Development Area
- 2.0 Hierarchy of Plans
- 3.0 District Structure Plan(s)
- 4.0 General Development Area provisions
- 5.0 Local Structure Plans
  - 5.1 Content of Local Structure Plans
  - 5.2 Matters to be addressed by Local Structure Plans
  - 5.3 Design Guidelines
  - 5.4 Fire Management Plan
  - 5.5 Local Water Management Strategy
  - 5.6 Noise and Vibration Management Plan
  - 5.7 Cultural Heritage Strategy (European and Indigenous)
  - 5.8 Public Art Strategy
  - 5.9 Coastal Risk Management Plan
  - 5.10 Foreshore Management Plan

#### *Requirements for Local Structure Plans*

The draft provisions set out the required content of the Local Structure Plans, and the specific matters that the Local Structure Plans must address to ensure they comprehensively deal with these issues.

The proposed required content for Local Structure Plans is generally in accordance with the WAPC's Draft Structure Plan Preparation Guidelines, with some additional requirements that are considered to be relevant specifically to the Cockburn Coast area. The WAPC's Draft Structure Plan Preparation Guidelines have not yet been adopted, so it



is still considered important that the 'Development Area' provisions set out the content required for Local Structure Plans to ensure that all Local Structure Plans comprehensively deal with all critical issues.

Achieving a cohesive and attractive streetscape character and public realm is considered to be an important objective for the Cockburn Coast area. Therefore it is considered imperative that Local Structure Plans deal with matters such as landscaping to ensure continuity between Local Structure Plan areas. This includes identifying proposed landscaping themes and verge treatments to achieve the desired streetscape character, including cross sections showing the location and extent of verge treatments. If these issues are not established through the Local Structure Plans then it will be difficult to achieve a cohesive streetscape character, particularly given that much of the land is in fragmented landownership.

The CCDSP sets out a variety of targets for the area, and where appropriate the proposed 'Development Area' provisions seek to ensure that these targets are met, or that future Structure Plans will address those matters.

#### *Achieving Minimum Densities*

The provisions set out the requirement for minimum densities to be achieved, with a similar approach to that used within 'Development Area 19' (Muriel Court Structure Plan area). The proposed 'Development Area' provisions require that each subdivision and development application in the Development Area shall achieve at least 85% of the potential number of dwellings achievable under the R-Code designated.

This is to ensure that land is not underdeveloped, and vision for Cockburn Coast that has been set by the CCDSP can be achieved.

#### *Design Guidelines*

The 'Development Area' provisions specify that Local Structure Plans must have associated Design Guidelines. These must be adopted by the Local Government prior to or as a part of the formal consideration of the associated Local Structure Plan. Given the density of the proposed development, and the mix of uses, comprehensive Design Guidelines are imperative to manage built form outcomes.

The provisions set out the matters that Design Guideline shall address, which include: Building heights, bulk and scale; private open space; walls and fencing; parking and access arrangements; affordable housing and housing diversity; and sustainable building design.





The 'Development Area' provisions also provide further guidance on the key design principles which are applicable to the 'Development Area'. These key principles seek to achieve sustainable development that contributes positively to the streetscape. The provisions set out a range of general development guidelines, which include the requirement for development to facilitate close interaction with the pedestrian activity along footpaths; and provision of bicycle parking and end of trip facilities for mixed use and commercial buildings, and larger scale residential developments.

The provisions require all proposals that include residential development to demonstrate diversity in dwelling types, through the incorporation of different sized and designed dwellings. There is an expectation that a number of different types (size and design) comprise every proposal that includes residential development.

The Design Guidelines will provide more detailed guidance based on these principles.

For the Mixed Use/Activity Centres one of the key design principles requires buildings that front a public street to be constructed in a robust way that will allow for retrofitting to occur at a later date (e.g. residential capacity on the ground floor with the ability to retrofit into the future to intended commercial uses).

The Development Guidelines shall also include measures to facilitate sustainable mixed land use urban environments where a diverse range of carefully designed and constructed land uses can successfully co-exist with noise sensitive and noise emitting premises.

### *Affordable Housing*

The CCDSP sets a target of achieving 20% affordable housing across the Cockburn Coast project area.

The Department of Housing's report 'More than a Roof Four Walls' (2010) identified that if current trends continue an increasing number of Western Australians will be excluded from affordable housing. If the trends of the last decade continue, the Social Housing Taskforce believes there could be close to 65,000 households on the waiting list for social housing by 2020. Therefore affordable housing is considered to be a critical element of the proposed development of Cockburn Coast.

Affordable housing does not just mean "social" housing, and there are many current and potential residents facing affordability problems in the Perth Metropolitan Area who would fall outside the eligibility criteria for public housing, or would be unlikely to meet criteria for priority



housing allocation. Therefore consideration must be given to different types of affordable housing models to meet this target.

The DoP have engaged Judith Stubbs and Associates to prepare a report entitled 'Achieving Affordable and Diverse Housing in Regeneration Areas in Western Australia', and this uses Cockburn Coast as one of the case study areas. The purpose of this report is to provide a thorough evidence base for the identification of those most likely to be excluded from affordable housing if it is not provided in three selected redevelopment areas in Greater Perth Metropolitan Area, and the target groups and price, types, tenure and location of housing required to meet identified needs in each of the case study areas.

It seeks to recommend feasible, legal, reasonable and equitable planning mechanisms and strategies to ensure the provision within or associated with the three redevelopment sites, which may also wider implications for affordable housing provision in Western Australia.

It includes a range of draft recommendations which could be implemented in the Cockburn Coast area to achieve the 20% affordable housing target. This document is still a draft, however it is intended that it will be used to inform an Affordable Housing Strategy

It would therefore be premature to mandate specific affordable housing measures in the proposed 'Development Area' provisions ahead of this report and an Affordable Housing Strategy being finalised. However, it is imperative that the 'Development Area' provisions specify that the Local Structure Plans are to provide details on how the affordable housing targets will be achieved. If this is not specified in the provisions then there will be no way for any recommendations of the Affordable Housing Strategy to be implemented.

It is noted that Section 5.2.3 (Affordable Housing) of the Master Plan report states that further work is desirable to clarify whether 20% is an appropriate or achievable target for Cockburn Coast. It is not considered that this statement is appropriate, as the CCDSP sets out a 20% target, and the expectation is that an Affordable Housing Strategy will seek to achieve this target.

It is therefore recommended that this statement in Section 5.2.3 be removed, and further information should be included regarding a future Housing Affordability Strategy for the area.

#### *Employment and Economic Development Strategy*

The CCDSP sets out employment self-sufficiency targets and the 'Development Area' provisions set out the requirement for Local



Structure Plans to identify the specific measures to achieve these targets.

The land use plan has a significant impact on the employment self-sufficiency targets. If the Master Plan is adopted prior to the Employment and Economic Development Strategy being completed this makes it more difficult to make changes to the land use plan if they are required.

It is therefore recommended that an Employment and Economic Development Strategy be submitted to Council for consideration in conjunction with the Master Plan when it is considered for final approval after advertising.

In this way it can be demonstrated that the land use plan allows the employment self-sufficiency targets to be achieved, and any required changes can be considered prior to it being adopted for final approval.

#### *Requirements for Further Studies*

The draft provisions set out the requirements for important future studies to be undertaken, including the following:

- \* Local Water Management Strategy
- \* Noise and Vibration Management Plan
- \* Cultural Heritage Strategy (European and Indigenous)
- \* Public Art Strategy
- \* Coastal Risk Management Plan
- \* Foreshore Management Plan
- \* Fire Management Plan(s) (where relevant)

For some of these studies the provisions also set out the scope and content of the studies, to ensure that critical matters are addressed.

#### Existing Businesses/Land Uses

It is acknowledged that there are a number of existing businesses and land uses (most of an industrial nature) within the Cockburn Coast area that will continue to operate into the future, dependent on the aspirations of landowners.

Under the Scheme, when the zoning changes to 'Development' zone any existing lawful development within the area that would not ordinarily be permitted under the new proposed zoning would be afforded non-conforming use rights under the Scheme. Pursuant to Clause 4.8 of the Scheme, the continued use of land is allowed for the purpose for which it was being lawfully used immediately prior to the date of gazettal of the zoning change. Non-conforming use rights also



allow the carrying out of development that was approved prior to the date of gazettal of the zoning change.

Pursuant to clause 4.9 of the Scheme a person cannot alter or extend a non-conforming use without planning approval. If a non-conforming use is discontinued for a period of six months the use of the land and buildings thereafter must be consistent with the provisions of the Scheme relating to the new zoning.

Landcorp have engaged Parsons Brinkerhoff to undertake an Interim Freight Traffic study to manage freight traffic associated with these uses as the area is developing.

#### Future Scheme Amendment – Developer Contribution Area(s)

The proposed 'Development Area' for Cockburn Coast will be subject to another amendment to the Scheme in the future to introduce a new 'Development Contribution Area' ("DCA"), or a number of 'Development Contribution Areas' (depending on the infrastructure items and the method of apportionment).

The purpose of a DCA is to:

- \* Identify areas (DCA) requiring Cost Contributions that relate to subdivision and development.
- \* Provide for the equitable sharing of costs of Infrastructure between Owners, and in particular, to ensure that Cost Contributions are only required towards such Infrastructure as is reasonably required as a result of the subdivision and development of land in the DCA.
- \* Co-ordinate the timely provision of infrastructure.

The DCA cannot be introduced at this stage as part of Amendment No. 89 because a Developer Contribution Plan ("DCP") (which will accompany the amendment) is still in the process of being developed, and because the items will arise from local structure planning.

State Planning Policy 3.6: Development Contributions for Infrastructure ("SPP 3.6") will provide the overarching statutory guidance as to the type and extent of infrastructure which can be included in the DCP.

LandCorp have engaged APP Corporation Pty Limited to prepare the DCP, and they are currently finalising a Directions Report to assess the infrastructure items to be included in the DCP and develop key principles to underpin preparation of the DCP and cost apportionment methodology. The key outcomes sought by this report include:



- \* A comprehensive list of all infrastructures identified for inclusion in the DCP.
- \* Indicative costs where known for infrastructure.
- \* Cost apportionment principles (calculation method).
- \* Identification of key DCP mechanisms (i.e. timing, indexation, works in kind).

LandCorp have advised the City that they intend to undertake landowner and stakeholder consultation later this year, and that a draft DCP and cost apportionment schedule may be complete by September 2011. At this stage LandCorp anticipate that a draft DCP may be lodged with Council in early 2012.

The Cockburn Coast area will also be subject to DCP13, which was approved by Council as part of Amendment No. 81. DCP 13 proposes to introduce the requirement for contributions towards community infrastructure which includes sporting and recreation facilities, community centres, libraries and cultural facilities.

#### Other Recommended Modifications

A 'District Structure Plan' is the title that is normally assigned to a document that is adopted by Council to provide guidance for the preparation of the subsequent Local Structure Plans.

For consistency of terminology it is therefore recommended that the 'Cockburn Coast Master Plan' be renamed to the 'Cockburn Coast District Structure Plan Part 2'. This makes it clear that both documents must be referred to in the preparation of Local Structure Plans.

It is recommended that a number of other matters be addressed/clarified in the Master Plan prior to it being advertised, and these are discussed below.

Section 3.0 (Opportunities) sets out the opportunities that the area presents, however it is recommended that this section be renamed to 'Opportunities and Constraints', and modified to also include a discussion of the constraints within the project area.

Section 4.0 (Cultural Heritage) outlines that Cultural Heritage, Placemaking and Public Art Strategies are Local Structure Planning issues; however, it is not considered appropriate that these matters be dealt with separately for each Local Structure Plan area. These issues should be dealt with through comprehensive strategies which encompass the whole Cockburn Coast area. It therefore recommended that this section be modified accordingly.



It is recommended that further explanation be included within Section 5.2.3 (Activity Centres) to outline the factors which may drive the commercial and office component of the centre to perform at a district and sub-regional level. In regard to the Land Use Demand modelling, the assumptions used have not been outlined (i.e. what demand is population driven and what is more strategic, resulting from the unique factors of the site), and is recommended that further information be included regarding these assumptions.

It is recommended that Section 5.2.3 (Activity Centres; Mixed Use; Mixed Business) be modified to correct all references to various 'uses' and 'zones' so that they are consistent with the terminology of the Scheme.

Table 1 and 2 contained within Section 5.2.3 (Employment and Land Use Demand) have two different figures for the total job numbers, and it is recommended that this is corrected.

Table 1 contained within Section 5.2.3 (Land Use Demand) uses the incorrect Planning Land Use Category codes ("PLUC codes"), and it is recommended that there are updated so that the most current PLUC codes are used as follows: Manufacturing; Storage/Distribution; Service Industry; Shop/Retail; Other Retail; Office/Business; Entertainment; Health; Residential; Utilities.

Section 5.2.3 (Land Use Demand) includes some specific employment figures, and it is recommended that further explanation be included to explain the basis for the employment figures shown in the Table, particularly with regards to Health (369 jobs) and Utilities (92 jobs).

It is recommended that Section 8.2.4.1 (District Water Management Strategy – Water efficiency measures) be amended to include information regarding how these measures will be adopted for Cockburn Coast.

It is recommended that Section 6.4 (Green Infrastructure - Key Findings) be modified to specify how the matters outlined can be mandated. It is also recommended that Section 11.6.1 (Green Infrastructure Implementation Strategy) be modified to include an explanation of which implementation measures can be mandated or encouraged, and how this will be achieved.

### Conclusion

The CCDSP provides the highest level of strategic guidance for the Cockburn Coast area, and the Master Plan represents a further level of planning refinement.



It is therefore recommended that Council adopt the Master Plan for community consultation, for the purposes of providing a guiding document to inform the preparation of future Local Structure Plans within the Cockburn Coast area, subject to the modifications outlined in this report and the recommendation.

Amendment No. 89 sets the framework for the coordinated development of the Cockburn Coast area in a manner that ensures the objectives of the CCDSP are achieved. It is therefore recommended that Council adopt the amendment for community consultation.

It is recommended that Council advertise the Master Plan for a period of 42 days in conjunction with Amendment No. 89.

## **Strategic Plan/Policy Implications**

### **Demographic Planning**

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

### **Infrastructure Development**

- To construct and maintain parks and bushland reserves that are convenient and safe for public use, and do not compromise environmental management.
- To provide an appropriate range of recreation areas that meets the needs of all age groups within the community.

### **Lifestyle and Aspiration Achievement**

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.

### **Employment and Economic Development**

- To plan and promote economic development that encourages business opportunities within the City.
- To pursue high value employment opportunities for our residents.
- To encourage development of educational institutions that provides a range of learning opportunities for the community.



### **Natural Environmental Management**

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.
- To ensure development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.

### **Transport Optimisation**

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

### **Budget/Financial Implications**

The Scheme Amendment fee has been calculated in accordance with the *Planning and Development Regulations 2009*, and has been paid by the applicant.

### **Legal Implications**

N/A.

### **Community Consultation**

In preparing the Cockburn Coast District Structure Plan, the Department of Planning undertook an extensive consultation process. Initially, meetings were undertaken with stakeholders, community members and landowners. Following this, several variations of the plan were tested in conjunction with the Cockburn Coast reference group, comprising landowners, residents, community members and Government stakeholders. Further consultation was then undertaken through the statutory process period prior to adoption by the WAPC.

Following completion of the DSP by the Department of Planning, LandCorp as the State's land development agency and key proponent of the Cockburn Coast project has undertaken further consultation with stakeholders, landowners within the project area and Government agencies in preparing this Master Plan.





In May 2010 LandCorp undertook an information session informing landowners and stakeholders of LandCorp's intention to commence the master planning process. LandCorp then facilitated two workshops to explore master planning options (4 September 2010 and 20 November 2010).

In May 2011 Landcorp undertook three information sessions (one for each proposed Local Structure Plan area) with landowners and government agencies regarding the Draft Master Plan, outlining the modifications that had been incorporated into the Master Plan from the previous drafts seen by landowners.

Formal advertising of the Master Plan and Scheme Amendment No. 89 will be undertaken by the City, and it is intended that they will be advertised concurrently. Advertising of Scheme Amendment No. 89 will be undertaken in accordance with the *Town Planning Regulations 1967*.

The consent of the WAPC will be required prior to Scheme Amendment No. 89 being advertised because the subject area is still zoned 'Industrial' under the MRS. The proposal to rezone the area to 'Development' zone would therefore be inconsistent with the MRS, and pursuant to the *Town Planning Regulations 1967* this triggers the requirement for the WAPC to consent to advertising of the Amendment.

Prior to advertising the Amendment must also be referred to the Environmental Protection Authority (EPA) for their advice that the proposal is environmentally acceptable.

The Amendment and Master Plan will be advertised for 42 days, which is the statutory advertising timeframe required for Scheme amendments.

### **Attachment(s)**

1. Cockburn Coast District Structure Plan (2009)
2. Draft Cockburn Coast Master Plan (Land Use Plan)
3. Draft Cockburn Coast Master Plan (Height Plan)
4. Cockburn Coast Local Structure Plan areas
5. Scheme Amendment No. 89 Draft 'Development Area 33' provisions
6. Cockburn Coast Integrated Transport Plan – Recommended Transit and Core Areas Alignment.

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

The applicant has been advised that this matter is to be considered at the 14 July 2011 Council Meeting.



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

NA.

**14.6 (MINUTE NO 4565) (OCM 14/7/2011) - ADOPTION OF LOCAL GOVERNMENT INVENTORY AND HERITAGE LIST; SCHEME AMENDMENT NO. 86 (MODIFICATION TO HERITAGE PROVISIONS); AND ADOPTION OF DRAFT LOCAL PLANNING POLICY (HERITAGE CONSERVATION DESIGN GUIDELINES) - APPLICANT: CITY OF COCKBURN - OWNER: VARIOUS (PS/L/002 AND 93086) (C CATHERWOOD) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) adopt the Local Government Inventory ("LGI") for final approval, subject to the following modifications:
  1. Place No. 67 (Naval Base Caravan Park) being identified as a 'Proposed Heritage Area', and modifications to the place record as shown in Attachment 8.
  2. Inclusion of the South Fremantle Power Station as Place No. 75, as shown in Attachment 10.
  3. Inclusion of a new place record for a 'Significant Tree' for the Mulberry tree in Manning Park, to be included on the Significant Tree List.
  4. Inclusion of additional information and photographs in the place record for Place No. 45 (Uniting Church, Spearwood) of the interior of the church, and timber tribute plaques as shown in Attachment 12.
  5. Minor editing corrections to the place records as required.
- (2) advertise the proposed removal of the Four Norfolk Pine Trees from the proposed Significant Tree List;
- (3) adopt the Heritage List included at Attachment 2, pursuant to Clause 7.1 of City of Cockburn Town Planning Scheme No. 3 ("Scheme"), subject to the following modifications:
  1. Inclusion of Place No. 75 (South Fremantle Power Station), as shown in Attachment 2.
- (4) adopt for final approval Amendment No. 82 to the Scheme for the purposes of:



1. Modifying Clause 10.2.1(h) as follows:
    - (h) *the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under Clause 7.1, and the effect of the proposal on the character or appearance of a heritage area.*
  2. Replacing the words 'Municipal Inventory' in Clause 7.1.2(a) and 7.1.2(b) with 'Local Government Inventory'.
  3. Modifying Schedule 1 (General Definitions) by replacing the term 'Municipal Inventory' with 'Local Government Inventory', with the definition to remain unchanged.
  4. Modifying Clause 8.2.1(b) by including an additional sub-clause as follows:
    - (iv) *the proposal is located on a place that is included on the Heritage List.*
  5. Modifying Clause 8.2.1(c) by including an additional sub-clause as follows:
    - (vi) *included on the Local Government Inventory.*
  6. Including a new Clause 7.6 as follows:
 

*'Planning approval is required prior to the removal, destruction of and/or interference with any tree included on the Local Government Inventory Significant Tree List.'*
- (5) ensure the amendment documentation once signed and sealed is submitted to the Western Australian Planning Commission along with the endorsed Schedule of Submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning;
  - (6) notify landowners and occupiers of places on the Heritage List, and the Western Australian Planning Commission and Heritage Council, as required by Clause 7.1.4 of the Scheme;
  - (7) provide the Heritage Council of WA with a copy of the Local Government Inventory, with the modifications outlined in 1;
  - (8) in pursuance of Clause 2.5.2(b) of the Scheme, adopt the Local Planning Policy (Heritage Conservation Design Guidelines) with minor modifications as reflected in Agenda Attachment 7 to this report;
  - (9) publish notice of the adopted Local Planning Policy (Heritage



Conservation Design Guidelines) in accordance with Clause 2.5.3 of the Scheme;

- (10) notify those parties that made a submission of the decision of Council;
- (11) endorse the Schedule of Submissions prepared in respect of the Local Government Inventory, Heritage List, Scheme Amendment No. 86 and Local Planning Policy (Heritage Conservation Design Guidelines); and
- (12) direct officers to prepare the necessary documentation for the designation of a new draft Heritage Area for Place No. 67 (Naval Base Caravan Park) pursuant to Clause 7.2 of the Scheme, including the preparation of a Draft Local Planning Policy to set out the objectives and guidelines for the area to be presented back to Council at a future date to be adopted for the purposes of community consultation.

#### **COUNCIL DECISION**

MOVED Cllr I Whitfield that Council adopt the recommendation with the following amendment to sub-recommendation (2):

the four Norfolk Pine Trees (104 Forrest Road, Hamilton Hill) be included on the proposed Significant Tree List.

#### **LAPSED FOR WANT OF A SECONDER**

MOVED Mayor L Howlett SECONDED Deputy Mayor K Allen that Council:

- (1) adopt the Local Government inventory ("LGI") for final approval subject to the following modifications:
  - 1. Retain the current status of Place No. 67 (Naval Base Caravan Park) i.e. Category B on the LGI and commence the necessary research and other related matters (including producing a draft planning policy) in order that a report be presented to a future meeting of Council on the potential or otherwise to create a 'Heritage Area' covering the current Naval Base Caravan Park.



2. to 5. as per the recommendation.

(2) the four Norfolk Pine Trees (104 Forrest Road, Hamilton Hill) be included on the proposed Significant Tree List;

(3) to (12) as per the recommendation.

**CARRIED 7/1**

### **Reason for Decision**

In respect to the Naval Base Caravan Park, it is important that the necessary research and draft planning policy be produced to enable Council to make an informed decision on any proposed change to the status of the Naval Base Caravan Park i.e. 'Heritage Area'. The removal of the Naval Base Caravan Park from Category B of the LGI is considered premature at this point in time.

In respect to the four Norfolk Island Pines (104 Forrest Road, Hamilton Hill), they have previously been included on the City's Municipal Heritage Inventory and nothing has changed to warrant their removal from the list. The development of 104 Forrest Road was done on the basis that the trees be retained. The Arboriculture report stated that the trees were not a safety concern. The trees need to be retained for their cultural and environmental significance and, as such, should be incorporated in the Significant Tree List.

### **Background**

The identification, conservation and protection of places and areas of State heritage significance are provided for in the *Heritage of Western Australia Act 1990*. This provides for the compilation of the state heritage register by the Heritage Council of Western Australia ("Heritage Council") and the Heritage Minister.

The identification of places and areas of local heritage significance is also provided for in the *Heritage of Western Australia Act 1990*, which requires all local governments to identify heritage places in local government inventories ("LGI").

The City's first Municipal Inventory ("MI") was adopted in 1998 after an extensive community consultation process that resulted in the inclusion of 63 places of cultural heritage significance. The MI was subsequently reviewed and adopted by Council on 20 April 2004 (Item 14.18), and 35 new places were added in a second volume (i.e. with Volume 1



being the 1998 MI). There were no additional places identified for inclusion on the Heritage List as part of this review.

In 2009 the City engaged a Heritage Consultant, Eddie Marcus, to review the MI (Volumes 1 and 2), and the Heritage List. This included a review of all existing places, and identification of new places of cultural heritage significance to form a Draft LGI and Heritage List for the purposes of community consultation.

At the Ordinary Meeting of Council 8 July 2010, Council adopted the Draft LGI, Heritage List, Local Planning Policy (Heritage Conservation Design Guidelines) and Scheme Amendment No. 86 for consultation (Minute No. 4311). They were subsequently advertised for public comment between 19 October 2010 and 10 January 2011.

The purpose of this report is to now consider these for finalisation, following the process of public consultation which has occurred.

### **Submission**

N/A

### **Report**

The purpose of this report is for Council to consider adopting the following for final approval:

- \* LGI
- \* Heritage List pursuant to Clause 7.1.3(d) of the Scheme;
- \* Local Planning Policy (Heritage Conservation Design Guidelines) ("Draft Policy").
- \* Scheme Amendment No. 86 (Scheme text amendments relating to heritage).

It is considered that these proposals will provide a framework for the protection of places with heritage significance within the City of Cockburn.

Each of these proposals is discussed separately in detail below.

### Local Government Inventory

The Draft LGI was prepared by Heritage Consultant, Eddie Marcus, and the full document is available to view on the City of Cockburn website. A list of all the places is included in Attachment 1.

The compilation of the Draft LGI has been undertaken in accordance with assessment criteria set out in the 'Criteria for the Assessment of



Local Heritage Places and Areas' published by the Heritage Council.  
The following assessment criteria are used in this process:

- \* Aesthetic value
- \* Historic value
- \* Research value
- \* Social value
- \* Rarity
- \* Representativeness
- \* Condition, Integrity and Authenticity.

Through this process each place on the Draft LGI has been allocated an assigned management category, which provides an indication of the level of significance of the place, as follows:

- A – Exceptional significance
- B – Considerable significance
- C – Significant
- D – Some Significance
- T – Significant Tree

The Draft LGI includes a total of 106 places, and eight of these are new places that are not included in the current MI.

#### Heritage List

The Heritage Consultant has recommended that all places identified as management category A and B be included on the Heritage List because these are the places with the highest heritage significance (Attachment 2).

This means that of the 106 places on the Draft LGI, 41 places are also identified for inclusion on the Heritage List pursuant to the Scheme. This represents a reduction in the number of places on the Heritage List than is currently identified (58 places), because the MI that was adopted in 1998 effectively identified all places for inclusion on the Heritage List, with the exception of management category E places (places with little or no remaining physical features – no longer proposed to be a category in the Draft LGI).

Of the places that are currently identified as being on the Heritage List, there are 18 that are no longer proposed to be included however they will remain on the LGI. These places are outlined in Attachment 3 with the specific reason(s) why they are not proposed to be included on the Heritage List, and the outcomes of community consultation. In many cases this is because of the proposed management category that has been assigned to the place (i.e. they have been identified as a management category C or D place).



There are eight new places proposed to be included on the Heritage List, and these are outlined in Attachment 4, including the reason(s) for their proposed inclusion, and the outcomes of community consultation.

The proposed Heritage List is considered to represent a more refined list of places with the greatest cultural heritage significance which is considered important given that the Scheme requires planning approval prior to even minor works being undertaken to places on the Heritage List. This includes works such as the replacement of gutters or downpipes. The purpose of this requirement is to ensure that such works are undertaken in a sensitive manner, in a way that does not compromise the heritage significance of the place. However, this requirement is considered onerous in cases where places are of lesser significance, and where the intention of including them on the Heritage List was only to provide the opportunity for an archival record (i.e. a historical record of a place including photographs and plans). Therefore it is considered prudent to ensure that planning approval is not being required unnecessarily.

One of the main reasons that the original MI proposed the inclusion of management category A - D places was to enable the opportunity for an archival record to be prepared for those places with less significance. The revised Heritage List is smaller, however the proposed changes to the Scheme provisions will mean that planning approval is required prior to the demolition of all places on the LGI. The intention of this is to provide the opportunity for an archival record without imposing the burden of requiring development approval for all works (discussed in detail in the next section).

#### Proposed Scheme Amendment No. 86

Scheme Amendment No. 86 proposes to modify some of the provisions related to heritage, and these changes are outlined in detail below.

#### *Requirements for Planning Approval*

There are some modifications proposed to the Scheme text that have implications for the types of development that will require planning approval.

Clause 8.2 of the Scheme sets out the types of developments that are exempt from planning approval. Currently works that affect only the interior of a building and which do not materially affect the external appearance of the building are exempt from planning approval, except where the building is included on the State Register of Heritage Places, or on the Heritage List under the Scheme.





The erection of a single house, including any extension, ancillary outbuildings and swimming pools is also exempt, except where the development will be located in a Heritage Area designated under the Scheme. It should be noted that the City has no existing Heritage Areas, nor are any proposed as part of this review. It is proposed that Clause 8.2.1(b) of the Scheme be modified to also require planning approval for the erection of a single house, including any extension, ancillary outbuildings and swimming pools where a place is included on the Heritage List. It is considered that the current exclusion of this requirement is an oversight, given that the current provisions require development approval for internal works for places on the Heritage List.

The Draft Policy provides more design guidance regarding the types of development that may be acceptable to assist landowners and Council in the assessment of applications (discussed in further detail later in this report).

Proposals for works to places included on the State Register of Heritage Places require planning approval, and pursuant to the *Heritage of Western Australia Act 1990* the advice of the Heritage Council is required prior to a decision being made.

#### *Demolition*

Currently the demolition of any building or structure is exempt from planning approval except where it is located on the State Register of Heritage Places; where it is the subject of a Conservation Order under Part 6 of the *Heritage of Western Australia Act 1990*; or where it is included on the Heritage List; or located in a Heritage Area.

It is proposed to include an additional clause to also require development approval for the demolition of all places that are included on the LGI. This will facilitate the opportunity to require an archival record prior to demolition of a management category C or D place. If this is not required there is no mechanism through the demolition licence process for an archival record to be required for places that are not included on the Heritage List.

The Draft Policy provides further guidance regarding when demolition proposals will be supported (discussed later in this report).

#### *Significant Trees*

The Draft LGI includes a number of 'Significant Trees', many of which are already included on the current MI (identified in the original MI and the subsequent 2004 review). It is proposed that all trees on the LGI be specifically included on a Significant Tree List, to be clearly outlined in the LGI. The Draft Significant Tree List is included at Attachment 6.



Trees that were identified in the original MI (1998) were also identified for inclusion on the Heritage List. It is clear that the intention of including these trees on the Heritage List was to protect them; however the provisions in the Scheme that protect heritage places specifically relate to buildings and structures. For example, the provisions of the Scheme [Clause 8.2.1(c)] that require planning approval prior to demolition of a place on the Heritage List specify that this is required for demolition of a building or structure. These provisions are not considered to provide any protection to trees, and there are no other provisions in the Scheme that protect trees that are on the Heritage List or LGI (or MI as it is currently referred to in the Scheme).

The trees that were identified in the 2004 MI review have been allocated specific management recommendations, and while they were not identified for inclusion on the Heritage List in certain circumstances where the tree is located on private property, the current MI specifies that inclusion of the tree on the MI affords it a level of protection. However, there is currently no mechanism to implement or enforce the management recommendations that are outlined in the place records.

In order to provide some level of protection to the 'Significant Trees', and to clarify the applicable requirements, it is recommended that an additional clause be included in the Scheme to require planning approval prior to the removal of any significant tree identified on the LGI.

It is considered that the proposed Amendment will provide an improved framework for the identification and protection of significant trees.

#### *Minor Scheme Text Modifications*

The following minor Scheme text changes are proposed:

- \* Updating all references to the 'Municipal Inventory' with the term 'Local Government Inventory', consistent with the new terminology in the *Heritage of Western Australia Act 1990*.
- \* Correction to the wording of Clause 10.2.1(h) to reflect the Model Scheme Text ("MST"), which does not affect the operation or intent of the clause.

#### Draft Local Planning Policy (Heritage Conservation Design Guidelines)

The City does not currently have a local planning policy covering heritage matters, and currently relies on *State Planning Policy 3.5 Historic Heritage* ("SPP 3.5"). While SPP 3.5 broadly covers development control principles for heritage places, it is considered that further guidance and direction would be of benefit to Council and landowners.



The Policy will provide further guidance for landowners regarding the types of works that will be acceptable.

Clause 10.2.1(h) of the Scheme identifies that in considering applications for planning approval the local government must have due regard to the conservation of any place on the State Register or Heritage List. However, there is no further guidance regarding this matter, given that the heritage provisions of the Scheme (set out in Part 7), primarily relate to the procedural matters for heritage places, rather than principles or guidelines for actual development proposals. These do not offer any guidance for landowners of heritage places, nor for the Council in assessing proposals for development.

In preparing the Draft Policy consideration has been given to the Heritage Council's *Guidelines for Local Planning Policies*; SPP 3.5; and the principles of the Burra Charter for the conservation of places of cultural heritage significance [Australian International Council on Monuments and Sites (ICOMOS)]. This is generally accepted as the standard for heritage practitioners in Australia.

The Draft Policy is included at Attachment 7, and a brief overview of the content of the Draft Policy is provided below. It should be noted that the Draft Policy reflects the proposed changes outlined in the Scheme Amendment.

#### *External Alterations and Extensions*

Proposed alterations and extensions to places on the Heritage List require planning approval, and the Draft Policy sets out design guidelines in this regard.

These policy provisions are underpinned by the following key principles of the *Burra Charter*, and SPP 3.5:

- \* New development should not mimic the old, and should be distinguishable from the original.
- \* Changes to a place should be based on respect for the existing fabric, requiring a cautious approach of changing as much as necessary but as little as possible.
- \* New work should not obscure or detract from the heritage significance of a place.

#### *Internal Alterations*

The Draft Policy sets out alterations to the interior of a heritage place to suit a current and compatible use will be supported where the proposal does not compromise the heritage significance of the place.



### *Change of Use*

The *Burra Charter* sets out that a place should have a compatible use, and the Draft Policy proposes that adaptive reuse of heritage places may be supported provided that the proposed use(s) will not impact negatively on the amenity of the surrounding area; that any required modifications do not substantially detract from the heritage significance of the place; and that it is consistent with the Scheme and other relevant Council policies.

### *New Buildings/Structures*

New buildings, structures and other features that are located within the curtilage of a heritage place have the potential to impact on the heritage significance by affecting the setting of the place. Therefore the Draft Policy sets out guidelines for such proposals, which primarily seek to ensure that proposals for new buildings or structures do not detract from the setting or heritage significance of a place.

These proposed policy provisions are consistent with the principles of the *Burra Charter* which specifies that conservation requires the retention of an appropriate setting for a place, and that new construction, intrusions or other changes should not adversely affect the setting of a place.

### *Demolition*

One of the important functions of the Draft Policy is to set out policy provisions for proposed demolition of heritage places, which are proposed to vary depending on the heritage significance of the place.

In this regard the Draft Policy sets out the following:

#### *Places on the Heritage List (Management Category A and B Places) -*

Demolition of places on the Heritage List (i.e. Management Category A and B places) will not generally be supported.

Consideration of a demolition proposal will be based on the following:

- \* The significance of the place.
- \* The feasibility of restoring or adapting it, or incorporating it into new development.
- \* The extent to which the community would benefit from the proposed redevelopment.

This position is considered to be consistent with SPP 3.5, which stipulates that demolition of a State heritage place is rarely appropriate



and should require the strongest justification; and demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified. SPP 3.5 specifies that the onus rests with the applicant to provide a clear justification for demolition.

Therefore the Draft Policy sets out that where structural failure is cited as justification for demolition the onus rests with the applicant to provide a clear justification for demolition, and evidence should be provided from a registered structural engineer that the structural integrity of the building has failed to the point where it cannot be rectified without the removal of a majority of its significant fabric and/or prohibitive costs.

The Draft Policy sets out that partial demolition of a building on the Heritage List may be supported where the part(s) to be demolished do not contribute to the cultural heritage significance of the place, and sufficient fabric is retained to ensure structural integrity during and after development works.

In circumstances where demolition of a place on the Heritage List is considered appropriate an archival record will be required as a condition of development approval, and the archival record should be prepared in accordance with the Heritage Council of WA's guidelines.

Where full or partial demolition is supported this may be subject to appropriate interpretation to acknowledge the cultural heritage significance of the heritage place.

#### *Places on the LGI (Management Category C and D)*

While the retention of any place on the LGI will always be encouraged, generally proposals for demolition of a management category C and D place will be acceptable; however an archival record would be required prior to demolition.

#### *Significant Trees*

The proposed Scheme Amendment proposes to require planning approval prior to the removal of a tree included on the Significant Tree List.

The Draft Policy proposes to include some provisions to outline the type of works that may be acceptable. For example, 'Significant Trees' may be pruned as part of routine maintenance in accordance with the International Society of Arboriculture standards, provided the pruning would not reduce the tree's height or crown or diameter, alter the trees



general appearance, increase the tree's susceptibility to insects or disease, or otherwise increase its risk of mortality.

The Draft Policy sets out that the removal of 'Significant Trees' will only be supported where it is necessary to protect public safety or private or public property from imminent danger, and the onus is on the applicant to demonstrate that this is the case. This may require the submission of a report prepared by a suitably qualified arborist.

Proposals for substantial pruning to a 'Significant Tree' may require the submission of an arborist report prepared by a suitably qualified consultant demonstrating that the proposal is acceptable.

#### *Minor Works, Repairs, and Restoration*

Pursuant to the Scheme all development affecting a place on the Heritage List requires development approval. This includes minor works such as replacement of roofing, and gutters. The purpose of this requirement is to ensure that these works do not have a negative impact on the heritage significance of the place.

The Draft Policy provides further guidance regarding what constitutes minor works and routine maintenance to assist landowners. It also outlines guidelines for undertaking minor works, such as replacing materials "like for like", matching the original as closely as possible with regard to the materials and colours.

#### *Structure Plans and Subdivision Proposals*

Proposals for the subdivision of land that contains a heritage place(s) have the potential to impact on the heritage significance of the place, in particular by impacting on the setting. The Draft Policy proposes that subdivision proposals for heritage places should be designed to retain an appropriate setting for heritage buildings, and this includes the retention of original garden areas, landscaping features or other features that are considered essential to the setting of the heritage place or its heritage significance.

Consideration should also be given to how future development of the subdivided land is likely to affect the identified significance of the heritage place. It is also important to note that under the Scheme discretion exists to vary provisions of the Scheme or the R-Codes.

The Draft Policy also proposes that subdivision proposals which indicate the required demolition, partial demolition or modification to a place on the Heritage List or State Register of Heritage Places will not be supported without a Heritage Impact Statement accompanying the subdivision proposal. A Heritage Impact Statement sets out how the



proposal will affect the significance of the place; what alternatives have been considered to ameliorate any adverse impacts; and how the proposal will result in any heritage conservation benefits that may offset any adverse impacts. This is to be prepared by a heritage professional and in accordance with the Heritage Council of WA's guidelines.

While the Western Australian Planning Commission ("WAPC") is the decision-making authority for subdivisions, it is proposed that the Draft Policy will be used to guide the City's recommendations to the WAPC.

For proposed structure plans that incorporate heritage places the Draft Policy sets out that they should demonstrate how matters of heritage significance will be addressed. In some cases where a number of places are included an overall heritage may be required as part of the structure plan report, demonstrating how heritage issues will be addressed, including recommendations for interpretation.

*Proposed Requirements for Archival Recording*

Throughout the Draft Policy where there is reference to the requirement of an archival record this is required to be in accordance with the 'Standard Form (for places not included on the State Register) for the Archival Recording of Heritage Places', produced by the Heritage Council of WA.

This sets out the requirements for archival records, and it is proposed that this standard form and brief be used for all archival records. The amount of supporting information that is required for the archival record depends on the management category, but it generally includes photographs of all elevations of the heritage building(s) or structures, internal rooms and features, and a sketch standard site plan, floor plan and elevation (to scale).

Recommended changes to draft place listings

Place No. 67 (Naval Base Caravan Park)

The City received 100 objections to the proposed change in management category for the Naval Base Caravan Park from Management Category B to C. This included objections from Naval Base shack lessees, members of the community, the Historical Society of Cockburn, and the National Trust of WA. All submissions are outlined and addressed in Attachment 5.

Many of the submissions included memories of holidays at the Naval Base shacks, highlighting the exceptional social and cultural significance of the place.



The Naval Base Holiday Association and a number of other submissioners made the suggestion that Naval Base Caravan Park be included in a 'Heritage Area'. Heritage Areas are select areas with special qualities, and are generally quite rare within a locality. The Scheme states that Heritage Areas are used where in the opinion of the Local Government special planning control is needed to conserve and enhance the cultural heritage significance and character of an area.

This option has been discussed with the City's Heritage Consultant and it is considered appropriate that Council consider designating Naval Base Caravan Park as a Heritage Area. A draft place record has been prepared proposing the designation of Naval Base Caravan Park as a Heritage Area, and is included at Attachment 8.

The Heritage Council's 'Criteria for the Assessment of Local Heritage Places and Areas' is a guide to identifying grading and documenting places and areas in LGIs. This document outlines that there is generally no need to assign a specific Management Category to a Heritage Area.

SPP 3.5 states that Heritage Areas should always be designated on the basis of a clear statement of significance, and a clear identification of the significant physical fabric in the area. In designating a Heritage Area Council is required to adopt a Local Planning Policy that sets out the objectives and guidelines for conserving the significant heritage fabric of the area.

The Scheme sets out the specific procedures for designating Heritage Areas, and requires a draft Heritage Area to be advertised with a Draft Local Planning Policy. This is why the Heritage Area cannot be formally adopted by Council for advertising at this time.

It is therefore recommended that Council direct officers to prepare the necessary documentation for the designation of a new draft Heritage Area for Place No. 67 (Naval Base Caravan Park) pursuant to Clause 7.2 of the Scheme. This includes the preparation of a Draft Local Planning Policy to set out the objectives and guidelines for the area to be presented back to Council at a future date to be adopted for the purposes of community consultation.

It is important to note that Local Planning Policies are adopted under the Scheme for the purposes of assisting Local Governments make decisions under the Scheme. Therefore they cannot impose construction or health standard requirements for the Naval Base shacks, as suggested in a number of the submissions received.





### Clarence Town Site

Place No. 99 (Peel Town Archaeological Site) is a new place on the Draft LGI which reflects the location of an archaeological site near Mount Brown, within Beeliar Regional Park. There are features remaining in this location of the abandoned Clarence settlement of 1829-30, now called Peel Town to avoid confusion with the later and larger Clarence Town which is further north near Woodman Point.

A submission was received which raised the issue of the Clarence town site, and the relevance to the Naval Base Caravan Park site. This submission asserts that the site upon which the shacks are located is part of that original settlement by Thomas Peel at which he attempted to establish settlement of the region when he landed at this site 15 November 1829 on the Gilmore captained by Geary.

It is important to note that there is still extensive ongoing debate on this issue between historians and archaeologists, and it is not possible for a definitive answer to be provided at this stage in the City's LGI. If the place record for the Place No. 99 (Peel Town Archaeological Sites) or Place No. 67 (Naval Base Caravan Park) need to be updated in future, or new places added in light of further information, this can occur at that time.

However, it is recommended that the place record reflect the fact that the site itself is possibly an important archaeological site, and the draft LGI entry for the Naval Base Caravan Park now notes the potential archaeological value of the site (shown in Attachment 8). If there are any future changes to the Naval Base shacks site these can be managed to ensure there is no damage to the potential archaeological investigations of the site.

### Place No. 75 (South Fremantle Power Station)

Council adopted the Draft LGI and Heritage List for public consultation subject to the removal of the South Fremantle Power Station, which is included on the current MI.

South Fremantle Power Station is a former coal-fired electric power generating installation that was constructed in 1951, and it was the second and largest purpose-built thermal power station in Western Australia. The surviving main building remains aesthetically significant; the building demonstrates the strong expression of a structure specifically designed for an industrial process.

The South Fremantle Power Station is included on the Interim Register of Heritage Places (25/10/1997).



Assessment of places on the LGI is undertaken in accordance with the criteria set out by the Heritage Council of WA, and has identified that the South Fremantle Power Station is of 'exceptional significance'.

The South Fremantle Power Station is located within the Cockburn Coast District Structure Plan ("District Structure Plan") area, which was adopted by the WAPC in August 2009. The District Structure Plan outlines that it is considered appropriate to secure the heritage values of the place into the future. It outlines that the South Fremantle Power Station is a significant component of the District Structure Plan owing to its physical dominance and uniqueness, and it identifies that the power station will become the landmark feature of the town centre. It specifies that – "Retention of the power station is therefore of critical importance".

Therefore, in light of the endorsed District Structure Plan, and the exceptional heritage significance of the South Fremantle Power Station it is recommended that this place be included on the LGI and Heritage List, as shown in Attachments 2 and 10.

Place No. 89 (Four Norfolk Pine Trees) 104 Forrest Road, Hamilton Hill

The four Norfolk Pine trees at 104 Forrest Road, Hamilton Hill are included on the current MI, and are identified for inclusion on the Heritage List.

Two objections were received from landowners regarding the proposed changes to the requirements for 'Significant Trees' (outlined in Attachment 5).

These property owners claim that they have been dealing with root management issues relating to these trees, which includes blocked sewerage pipes and broken roof tiles. The City has also received a number of complaints from residents and occupiers at 104 Forrest Road since the development of the grouped dwellings.

The subject land was rezoned to R30 (to facilitate the 12 grouped dwellings) on the proviso that the four Norfolk Pine trees would be retained. A concerted effort was made during the site works and construction of the grouped dwellings to ensure that the trees were retained.

These trees were included on the MI primarily because of their high aesthetic significance. This related to physical features of the trees, such as outstanding trunk circumference and canopy spread, and being a good example of the species. They also feature as a landmark in the area. When the MI was reviewed in 2004 the neighbours stated that they believed the trees had an association with the racing industry



in the area. Therefore it is possible that these trees also have cultural heritage significance through this association.

However, given the size of these trees and their close proximity to the dwellings the likely problems that have been experienced by the landowners are acknowledged. For example, two of the trees are located in the small rear courtyards of the grouped dwellings (see photograph example at Attachment 9). Therefore this impact must be weighed against the cultural heritage significance of the trees associated with their aesthetic and possible historical value.

It is noted that Arboriculture reports have been commissioned by the City to examine the safety of the trees (one undertaken in 2005 in response to concerns from residents). It is acknowledged that based on these reports it is unlikely that the trees themselves are a safety concern, although it was noted that they are damaging paving, and possibly sewerage pipes.

It is also noted that Council at the Ordinary Meeting of Council 14 July 2005 (Min No. 2865) refused the proposed removal of one of these trees at unit 4. This decision was on the basis that Council's support for the rezoning of the land was subject to all four Norfolk Pine Trees being retained; and the tree was one of the tallest and most visually recognised trees in the area and forms part of a group of four trees that have been entered on the MI in recognition of their cultural heritage significance.

However, given the ongoing concerns raised by residents, and indications that the trees, by reason of their size and siting in relation to the grouped dwellings are impacting negatively on the amenity of occupiers, it is recommended that Council consider excluding these trees from the Significant Tree List.

It is recommended that Council advertise the proposed exclusion of the Norfolk Island pine trees at 104 Forrest Road from the Significant Tree List (but with the trees to remain on the LGI). This public consultation would include letters to adjacent landowners. Subsequent to advertising the matter will be presented back to Council for consideration.

Removing the trees from the Significant Tree List would not mean that they will all necessarily all be removed, however it will mean that should landowners decide to remove the trees they will not require planning approval to do so.



Place No. 071 (Forrest Road Residence) 108 Forrest Road, Hamilton Hill

An objection was received from the landowners of 108 Forrest Road, Hamilton Hill. This is included and addressed in the Schedule of Submissions at Attachment 4.

One part of the objection related to references to the Norfolk Island pine trees on the subject land. Given that through historic subdivision the trees are no longer situated on the same lot as the residence, it has been recommended that all references to the trees are removed from the place record (as shown in Attachment 11). Accordingly, the heritage consultant has recommended that the place be classified as a 'Management Category D place (some significance)', rather than a 'Management Category C' place, as advertised.

Place No. 45 (Uniting Church, Spearwood)

The City has received some photographs of the timber clad interior of the Uniting Church, Spearwood. This includes photographs of the tribute plaques that mark the contribution of individuals to the Church in its early years.

It is therefore recommended that this additional information and the photographs be added to the place record for Place No. 45 (Uniting Church, Spearwood) as shown in Attachment 12.

**Conclusion**

The Draft LGI and Heritage List have been the result of a comprehensive review undertaken by a Heritage Consultant, in accordance with the Heritage Council of WA guidelines. Extensive community consultation was undertaken, and all submissions have been considered. It is therefore recommended that Council adopt the LGI and Heritage List for final approval, subject to the modifications outlined in this report and the recommendation.

It is considered that the proposed changes to the Scheme text proposed by Scheme Amendment No. 86 will provide an improved framework for protecting heritage places and 'Significant Trees'; and the Policy will ensure that works to heritage places respect the cultural heritage significance associated with the place. The Policy will also provide improved certainty to landowners and the community about the development control principles for heritage conservation and protection. It is therefore recommended that Council adopt Scheme Amendment No. 86 and the Policy for final approval.



## Strategic Plan/Policy Implications

### Demographic Planning

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

### Lifestyle and Aspiration Achievement

- To foster a sense of community spirit within the district generally and neighbourhoods in particular.
- To conserve the character and historic value of the human and built environment.

## Budget/Financial Implications

The preparation of the Draft LGI, Heritage List, Scheme Amendment and Draft Policy, and the subsequent advertising process have been budgeted for in the 2009/2010 and 2010/2011 budget.

## Legal Implications

N/A

## Community Consultation

The Draft LGI, Heritage List, Draft Policy and Scheme Amendment were advertised together to enable landowners to ascertain how they may be affected by the proposals.

All landowners affected by the Draft LGI and Heritage List were consulted, including those places that are already included on the MI. All landowners were sent a detailed letter providing an explanation of the implications of the proposed listing, the Scheme Amendment and the Draft Policy, a copy of the relevant current and draft place record, and an information sheet.

While the Draft LGI, Heritage List, Draft Policy and Scheme Amendment were advertised together, there are different statutory advertising requirements for these proposals and each of these are outlined below.

The *Heritage of WA Act 1990* does not specify community consultation requirements for a LGI, beyond stating the local government shall ensure that the LGI is compiled with proper public consultation. However, the Scheme is clear regarding the required community consultation and process for including places on the Heritage List pursuant to the Scheme. This requires all landowners and occupiers of places proposed to be included on the Heritage List to be notified in



writing, including reasons for the proposed entry. The minimum advertising period set out in the Scheme for advertising a draft Heritage List is 21 days.

The Draft Policy was advertised in accordance with clause 2.5 of the Scheme. This included a notice of the proposed Policy in a newspaper for two consecutive weeks in accordance with clause 2.5.1(a), and furthermore notice of the proposed Policy was included as part of the advertising of the Scheme Amendment. The minimum advertising period set out in the Scheme for local planning policies is 21 days.

The advertising of the Scheme Amendment was undertaken in accordance with the *Town Planning Regulations 1967*, which requires consultation to be undertaken subsequent to the local government adopting the Scheme Amendment and the Environmental Protection Authority (“EPA”) advising that the proposal is environmentally acceptable. This requires the amendment to be advertised for a minimum period of 42 days.

To enable land owners sufficient time to review the proposals and make a submission the Draft LGI, Draft Heritage List, Scheme Amendment and Draft Policy were advertised for a period of 60 days. There were three advertisements in the Cockburn Gazette during the advertising period; displays at the Council’s administration office and libraries.

Consultation was also undertaken with relevant community groups, including the Cockburn Historical Society.

### **Attachment(s)**

1. Draft Local Government Inventory List of Places
2. Draft Heritage List
3. List of places proposed to be removed from Heritage List
4. List of new places proposed for inclusion on Heritage List
5. Schedule of Submissions
6. Draft Significant Trees List (extract from Draft LGI)
7. Draft Local Planning Policy (Heritage Conservation Design Guidelines)
8. Draft Revised Place Record Naval Base Caravan Park (Proposed Heritage Area)
9. Photograph of Norfolk Pine Tree in rear courtyard of 4/104 Forrest Road, Hamilton Hill
10. Draft Place No. 75 (South Fremantle Power Station)
11. Place No. 071 (Forrest Road Residence) 108 Forrest Road, Hamilton Hill
12. Place No. 45 (Uniting Church, Spearwood)



### Advice to Proponent(s)/Submissioners

Those who lodged a submission on the proposals have been advised that this matter is to be considered at the 14 July 2011 Council Meeting.

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

Nil.

#### 14.7 **(MINUTE NO 4566) (OCM 14/7/2011) - PLANNING AND DEVELOPMENT REGULATIONS 2009 (LOCAL GOVERNMENT PLANNING CHARGES) (5402) (G BOWERING) (ATTACH)**

##### **RECOMMENDATION**

That Council adopt the fees as contained in Planning Bulletin 93/2009 dated April 2011 (Attachment 1) and the fees set out in Schedule 1 of the Planning and Development (Development Assessment Panels) Regulations 2011 (Attachment 2).

##### **COUNCIL DECISION**

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

**CARRIED 8/0**

### Background

Maximum fees for local government planning services are prescribed in the *Planning and Development Regulations 2009*. Regulations for maximum fees were first gazetted in 2000. In 2009, the *Planning and Development (Local Government Planning fees) Regulations 2000* were consolidated into the *Planning and Development Regulations 2009*.

At the June 2011 Council meeting Council adopted a Schedule of Fees for Town Planning Services via the Council Item 15.3 Attachment 1 that is not consistent with the intent to adopt the 2011/2012 Planning Fees Schedule. Various items in the adopted fee schedule for Town Planning Fees are at variance to the maximum fee set out in Planning Bulletin 93/2011 dated April 2011.

The Fees and Charges Schedule adopted by Council at the 9 June 2011 meeting did not include the fees and charges applicable to the



lodgment of applications submitted under the *Development Assessment Panels Regulations 2011*. Schedule 1 of the Planning and Development (Development Assessment Panels) Regulations 2011 set out the maximum fees that Local Government may charge for applications submitted under the Regulations. Applications under the Regulations may be submitted from 1 July 2011.

### **Submission**

Since 2007, maximum fees have been reviewed annually. In April 2011, the Western Australian Planning Commission (WAPC) released the new fees, increased by the Consumer Price Index (CPI) at a rate of 3.0% (as advised by State Treasury). The new fees become effective 1 July 2011. The adjusted fees and charges are specified in Planning Bulletin 93/2011 (Attachment 1).

The Introduction of the Planning and Development (Development Assessment Panels) Regulations 2011 and the coming into force the associated legislation means that the Development Assessment Panels will be receiving applications as of 1 July 2011. Schedule 1 of the Regulations (Attachment 2) specifies the maximum fees and charges for applications received under the regulations and adoption of these fees and charges by the Council will ensure that the City is able to charge the correct fees to applicants.

### **Report**

Fees are charged by Local Government as a 'fee for service' in the delivery of local government planning services. The fees prescribed represent a maximum fee. Local authorities can elect to charge less than the maximum fee but not more. The City has always charged the maximum fee given the administrative and technical involvement in the processing and determination of an application.

#### *Development Assessment Panel's (DAPs)*

A development application in respect of which DAP regulations apply attracts a new and additional fee (additional to the Local Government fee). DAP fees range from \$3376 to \$6320 dependant on the cost of development. This fee is received by the local authority and forwarded to the DAP Secretariat. The DAP fee contributes to the delivery of DAPs under the *Approvals and Related Reforms (No.4) (Planning) Act 2010*, including the support provided to DAPs by the DAP Secretariat.





## Strategic Plan/Policy Implications

### Governance Excellence

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

### Budget/Financial Implications

In the event a similar number of similar size development applications are received in 2011/2012, the City would receive an increase of approximately \$27,000 in planning fees.

### Legal Implications

The new fees are detailed in Planning Bulletin 93/2011 dated April 2011 and Schedule 1 of the Planning and Development (Development Assessment Panels) regulations 2011.

### Community Consultation

N/A

### Attachment

1. Planning Bulletin 93/2011 – Planning and Development Regulations 2009 (Part 7 Local Government Planning Charges).
2. Planning and Development (Development Assessment Panels) Regulations 2011 Schedule 1 – Fees for Applications.

### Advice to Proponent(s)/Submissioners

N/A

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

Nil.

## 15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

### 15.1 **(MINUTE NO 4567)** (OCM 14/7/2011) - LIST OF CREDITORS PAID - MAY 2011 (FS/L/001) (N MAURICIO) (ATTACH)

#### RECOMMENDATION

That Council receive the List of Creditors Paid for May 2011, as attached to the Agenda.



**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

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

**Submission**

N/A

**Report**

The list of accounts for May 2011 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – May 2011.



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

N/A

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

Nil.

**15.2 (MINUTE NO 4568) (OCM 14/7/2011) - STATEMENT OF FINANCIAL ACTIVITY AND ASSOCIATED REPORTS - MAY 2011 (FS/S/001) (N MAURICIO) (ATTACH)****RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for May 2011, as attached to the Agenda.

**COUNCIL DECISION**

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

**CARRIED 8/0****Background**

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

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

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

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

The regulations require the information reported in the statement to be shown either by nature and type, statutory program or business unit.



The City has chosen to report the information according to its organisational business structure, as well as by nature and type.

Financial Management Regulation 34(5) requires Council to annually set a materiality threshold for the purpose of disclosing budget variance details. To this end, Council has adopted a materiality threshold variance of \$100,000 for the 2010/11 financial year.

### **Submission**

N/A

### **Report**

The City had a closing actual position of \$30M for May, \$6.1M higher than the forecast YTD budget of \$23.8M. This result continues to reflect out-performance of the budget in several key revenue areas and a general underspending of operating budgets.

The full year revised budget has a built in surplus position of \$1.1M, versus the balanced budget position adopted last June (nil surplus or deficit). Various budget adjustments made throughout the year have contributed to this as outlined in Note 3 of the financial report, including the impact of the mid-year budget review adopted in February. However, in view of the YTD closing actual position, the surplus is expected to come in well above this budgeted amount.

### Operating Revenue

Interest earnings are ahead of the YTD budget by \$0.8M. This performance is being driven by the continued high rates of return on TD investments, and the strong state of the City's cash position (\$77M) as indicated by the Cash and Investments positions chart within the financial statements. Earnings on Reserve funds in particular comprise this variance at \$0.48M over budget, although the additional interest on Reserves is quarantined and hence does not impact the overall end of year budget position.

Property rating income is \$0.68M ahead of the YTD budget. This has predominantly resulted from growth in the property rate base over and above conservative estimates.

The South Lake Leisure Centre is \$0.33M ahead of budget for their revenue. This may in part be due to the record hot summer experienced in Perth this year. Both the Aquatic and Fitness segments of the Centre have done particularly well this year.



Human Services grant funding is currently reporting a net YTD surplus of \$0.41M. However, these funds are restricted in purpose and will therefore not impact the year end position.

Income from the Waste Disposal operation has once again outperformed the budget. It was \$0.21M over at the end of May with revenue from sale of salvaged materials contributing mostly at \$0.14M (67%).

### Operating Expenditure

Operating expenditure maintains a steady path at \$2.8M below the YTD budget (\$2.7M last month). Most business units of the City are generally running within budget. This is due in part to a general lag in receiving monthly accounts from suppliers, or delays in receiving the actual goods or services. This is largely caught up during year end processing. However, it should be noted that materially large commitments are accrued into the monthly accounts to lessen the impact (e.g. security patrol costs, RRRC gate fees, landfill levy etc.).

The exception to this trend in expenditure is Infrastructure Services at \$0.74M over YTD budget. This comprises excessive expenditure within the areas of facilities maintenance (\$0.47M) and plant maintenance (\$0.43M).

Payment of the State Landfill Levy was estimated to be \$0.51M over YTD budget as at the end of May. However general operating costs at the landfill were down \$0.3M. The quantum of landfill levy is governed by tonnage to landfill, so is always offset against fees and charges income.

The Parks and Environment Unit is again showing an underspend of \$0.65M across their operational budgets, which has increased by \$0.12M from last month. This area is not expected to materially contribute to the end of year surplus.

From a nature and type perspective, underspending on materials and contracts (\$1.5M), and employee costs (\$1.8M) are the greatest contributors to the budget variance. It is envisaged that these areas will have a significantly positive impact on the end of year budget position.

Further details of the material variances within each Business Unit are shown in the Variance Analysis section of the financial report..



### Capital Program

The City's capital budget is showing an overall underspend of \$9.9M on a YTD basis against a budget of \$28.0M. Public infrastructure works is the biggest contributor to the underspend variance at \$6.9M, Plant Acquisition and replacement contributes \$1.0M, and land and buildings adds \$1.8M.

A point of note is the fact that a large proportion of the total \$40.3M capital budget is cash flowed in June and is unlikely to be spent in the current financial year. Roads, parks, landfill and buildings infrastructures mostly comprise this budget allocation. It is estimated \$24.2M of these will be carried forward into the new financial year.

For specific details on under/over spent projects as at 31 May, refer to the CW Variances section of the monthly report.

### Cash and Investments

Council's cash and current/non-current investment holdings reduced to \$77.3M (from \$79.6M in April). This is well above the YTD budget forecast of \$70.5M due to a number of contributing factors, not least being the underspend within the capital program.

Of this total cash and investment holding, \$41.3M represents the City's cash reserves, whilst another \$4.8M is held for other restricted purposes such as bonds and capital contributions. The balance of \$31.2M represents the cash component of the working capital required to fund the City's operations and the municipal funded portion of the capital program over the remainder of the financial year.

The City's investment portfolio made an annualised return of 5.96% for the month of May, down from 6% in the previous month. Generally, the average rate of return has increased steadily throughout the year as lower yielding investments mature and is then reinvested at a higher yielding rate. Investment decisions made during the month continued to follow the strategy of using short to medium dated TD's (term deposits) with APRA (Australian Prudential Regulating Authority) regulated Australian banks.

### Description of Graphs and Charts

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

The Capital Expenditure graph tracks the YTD capital spends against the budget. It also includes an additional trend line for the total of YTD actual expenditure and committed orders. This gives a better



indication of how the capital budget is being exhausted, rather than just purely actual cost alone.

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

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

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

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Material variances identified of a permanent nature (i.e. not due to timing issues) may impact on Council's final budget position, depending upon their nature.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated reports – May 2011.

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

N/A

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

Nil.



16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 **(MINUTE NO 4569)** (OCM 14/7/2011) - GREENHOUSE GAS EMISSION REDUCTION STRATEGY (HS/M/008) (J HARRISON) (ATTACH)

**RECOMMENDATION**

That Council:

- (1) adopt the *City of Cockburn Greenhouse Gas Emission Reduction Strategy 2011-2020*;
- (2) endorse the corporate emission reduction targets for 2020 and 2050 proposed in the *City of Cockburn Greenhouse Gas Emission Reduction Strategy 2011 – 2020*;
- (3) adopt the three year emission reduction action plan proposed in the *City of Cockburn Greenhouse Gas Emission Reduction Strategy 2011 – 2020*; and
- (4) endorse the establishment of the Greenhouse Action Fund.

**COUNCIL DECISION**

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

**CARRIED 8/0**

**Background**

Climate Change in one of the most significant challenges of our times. Scientists have confirmed that our global climate is changing as a result of increased greenhouse gas emissions from human activities. Already we are seeing the social, economic and environmental impacts associated with increased heat waves, bushfires and reduced water availability.

A recent report released by the Climate Commission titled 'The Critical Decade' confirms that without strong and rapid action there is risk that climate change will significantly undermine our society's prosperity, health, stability and way of life.

Decisions we make from now to 2020 will determine the severity of climate change our children and grandchildren experience. Now is the time to act - the longer we wait, the more it will cost.





The City of Cockburn is taking its responsibility in this global challenge seriously and is taking steps to measure and reduce greenhouse gas emissions and adapt to a changing climate.

This report provides a history of the City's emission reduction activities over the past decade and recommends a strategy to continue action into the future.

### **Submission**

N/A

### **Report**

The City of Cockburn has been taking action on climate change for over 10 years since it became a member of the Cities for Climate Protection Program in 1999. Under the CCP program the City set an emission reduction target to reduce emissions from its corporate sector by 20%.

In 2011 the City achieved this significant milestone and met its target to reduce emissions from electricity and fuel by 20% from 1996 levels. This has been achieved through investments in energy audits, retrofitting, lighting, heating improvements, installation of solar photovoltaic systems, and the purchase of offsets and Greenpower. The City was also a winner at the 2011 National Awards for Local Government for leading community climate change action.

Despite significant investment in resource recovery programs and a partnership for landfill gases capture, the City was unable meet its 2010/11 target for waste emissions reductions due to population increase (52% over the period 1996 to 2010).

Moving forward the City has developed a *Greenhouse Gas Emission Reduction Strategy 2011–2020* to continue its commitment to reduce greenhouse gas emissions and secure a more sustainable future.

The Strategy proposes high but achievable emissions reductions targets for 2020 and 2050, supported by an action plan that identifies initiatives for the first three years. The City will meet these goals by a shift in methodology from the purchase of Greenpower to investment in more cost effective offsets, new infrastructure for the City, energy efficiency programs, waste diversion and addressing legacy waste emissions.

The Strategy identifies 16 key actions for the City to undertake including commitments to:



- emission reduction targets for 2020 and 2050.
- a three year action plan identifying initiatives to achieve these targets;
- improving energy efficiency;
- waste minimisation and management;
- embracing a 'New Energy Future' including continued investment in renewable energy;
- establish a zero emissions fleet program;
- ceasing the purchase of Greenpower and redirecting that funding to establish a Greenhouse Action Fund;
- continuing current investment in greenhouse gas reduction activities from operation and capital budgets;
- annual reporting on performance against the strategy;
- initiating a review of the strategy if an emissions trading scheme or carbon price is introduced.

The primary objective of this strategy is to reduce the City's total greenhouse gas emissions. The Strategy proposes targets for two target years: 2020 and 2050; and separates emissions into the following categories:

- electricity and fuel
- waste

Before developing these new emissions targets, the City undertook a forecast of future emissions through to 2050 to understand the expected future emissions. The results of this forecast can be seen in the strategy which has been attached to this report.

Given the results of the forecast profile the City has elected to set the following targets which are seen to be challenging yet realistic.

	<b>2020 Target</b>	<b>2050 Target</b>
Electricity & Fuel	20% below 2008/09	80% below 2008/09
Waste	45% cap above 2008/09	50% below 2008/09
Combined	25% cap above 2008/09	60% below 2008/09

  

	<b>2009 Levels</b>	<b>2020 Target</b>	<b>Forecast Emissions (Business as usual)</b>	<b>Emissions Savings Required 2020</b>
Electricity & Fuel	5,223	4,178	11,389	7,211
Waste	15,565	22,397	24,634	2,237
Combined	20,788	26,575	36,023	9,448

City of Cockburn GHG Reduction Targets



It is important to note that this strategy is focused on reducing emissions from the City's corporate activities only. Emissions from the community are outside the scope of this strategy and are addressed separately within the *City of Cockburn Climate Change Community Awareness Strategy*.

By endorsing the *Greenhouse Gas Emission Reduction Strategy 2011 - 2020*, the City continues to demonstrate leadership to the community through its response to climate change and will meet its commitment in the Strategic Plan to develop a greenhouse gas abatement program.

A range of positive outcomes are expected from the implementation of this strategy including:

- The City of Cockburn seen as a community leader by responding to climate change and contributing towards a long term solution.
- Reduced operating costs through energy savings and onsite electricity generation.
- Reduced dependence on grid-supplied electricity.
- Reduced vulnerability to electricity price increases.
- Potential revenue streams from the sale of surplus clean energy.

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

#### **Infrastructure Development**

- To construct and maintain community facilities that meet community needs.

#### **Natural Environmental Management**

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

### **Budget/Financial Implications**

There are significant economic benefits to the City from reducing energy use and associated greenhouse gas emissions (particularly in the event that a carbon price is introduced).

The strategy identifies the introduction of a Greenhouse Action Fund. The fund will divert municipal funds previously used to purchase greenpower from synergy into tangible programs initiated by the City. Cockburn currently spends approximately \$300,000 per annum on greenpower and the strategy, through the Greenhouse Action Fund, will seek to develop and introduce greenhouse gas abatement initiatives.



**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

City of Cockburn Greenhouse Gas Emission Reduction Strategy 2011–2020.

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

N/A

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

Nil.

**16.2 (MINUTE NO 4570) (OCM 14/7/2011) - AUSTRALIAN MARINE COMPLEX - TRAFFIC CONGESTION (6004495) (J KIURSKI) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) liaise with MRWA, LandCorp and other stakeholders to determine the extent and timing of improvement works to the road network surrounding the AMC; and
- (2) receive a further report on this matter when the extent of the improvement works is determined and timing confirmed.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## Background

At the Ordinary Council Meeting on 10 February 2011 Mayor Howlett requested a report be prepared for the May 2011 Ordinary Meeting of Council addressing the access and egress problems being experienced by business owners, contractors and visitors to the Australian Marine Complex with particular attention being given to the intersections at Russell Road/Rockingham Road and Sparks Road/Cockburn Road. The report was to include traffic counts and speed details, the cost of traffic signals or other control measures (including roundabouts) and any other actions required to reduce the traffic congestion, particularly during peak hour periods. A subsequent report was presented to the 12/05/11 OCM seeking a deferral until July.

## Submission

N/A

## Report

The Australian Marine Complex (AMC) is being developed to combine marine, defence and resource based industries, establishing a focus area for the repair, maintenance and construction of ships and infrastructure for offshore oil and gas mining and distribution. AMC developments in and south west of the Henderson precinct in recent years have contributed to the increase in traffic volume in Rockingham Road, Russell Road, Cockburn Road, Sparks Road and Quill Way. This is contributing to the on-going traffic congestion at intersections primarily during the morning and afternoon peaks.

A preliminary assessment of the current traffic environment has been completed which includes a video survey of the intersections, a review of traffic count data and a review of traffic crash history over the last 5 years particularly on intersections of Cockburn Road/Russell Road and Sparks Road/Cockburn Road. It is also important to acknowledge that Cockburn Road and Rockingham Road are not local government roads. They are currently under the care, control and management of MRWA thus some of the data has to be provided by them in order for the City's officers to complete the assessment. Officers have liaised with MRWA regarding the future planning for road and intersection improvements and sought confirmation on responsibility for applying these improvements. Officers have also liaised with LandCorp's consultants, GHD, whom have completed a Traffic Study for the AMC.

The following information details the outcomes of the assessment undertaken to date.



The traffic counts for the nominated section of Russell Road, Cockburn Road, Sparks and Quill Road

The video analysis was commissioned in March 2011 and completed in April 2011. The existing traffic volume is:

<i>Location</i>	<i>Vehicles per Day</i>	<i>P.M. Peak Hr %</i>
Russell Road west of Cockburn Road	9160	7:30 a.m. – 8:30 a.m. 1674 vph (18%) 16:15 p.m. – 17:15 p.m. 1870 vph (20%)
Russell Road east of Cockburn Road	4027	7:30 a.m. – 8:30 a.m. 588 vph (18%) 16:15 p.m. – 17:15 p.m. 225 vph (6%)
Cockburn Rd south of Russell Road	2715	7:30 a.m. – 8:30 a.m. 768 vph (28%) 16:15 p.m. – 17:15 p.m. 929 vph (34%)
Sparks Road south of Russell Road	1593	7:30 a.m. – 8:30 a.m. 67vph (4%) 16:15 p.m. – 17:15 p.m. 244 vph (15%)
Cockburn Road west of Sparks Road	5688	7:30 a.m. – 8:30 a.m. 74 vph (2%) 16:15 p.m. – 17:15 p.m. 1046 vph (18%)
Cockburn Road east of Sparks Road	6670	7:30 a.m. – 8:30 a.m. 1097 vph (16%) 16:15 p.m. – 17:15 p.m. 628 vph (9%)

The review of traffic crash data for intersections and section of roads

As these roads are under MRWA jurisdiction, we have been unable to obtain detailed crash data for the entire study area. The following provides a summary of crash data that we have been able to ascertain for the last 5 years.

*Russell Road and Cockburn Road Intersection*

<b>Summary of Intersection Crashes</b>			
Street 1	Cockburn Rd	Authority Name	Cockburn
Street 2	Russel Rd (West)	Cost	1,640,034
Intersection Classification	State and Local Road	Total Crashes	93

**Crash Details**



Rear End	Side Swipe	Right Angle	Right Thru	Wet	Night	Ped	Cycle	Truck	M/Cycle	Casualty
92	0	0	1	13	14	0	1	7	0	14

The crash data indicates 93 reported crashes over the last 5 years. The report indicates a high and increasing incidence of crashes since 2005.

#### *Sparks Road and Russell Road Intersection*

Summary of Intersection Crashes			
Street 1	Sparks Rd	Authority Name	Cockburn
Street 2	Russel Rd (West)	Cost	\$90,067
Intersection Classification	State and Local Road	Total Crashes	4

Crash Details										
Rear End	Side Swipe	Right Angle	Right Thru	Wet	Night	Ped	Cycle	Truck	M/Cycle	Casualty
2	0	2	1	1	0	0	0	1	0	0

The crash data indicates there have been 4 reported crashes over the last 5 years. Majority of these crashes are rear end and right angle crashes.

#### Intersection Analysis

Traffic analysis and modelling of key intersections were completed by GHD in May 2010. Council officers understand that the report presented is still yet to be assessed and approved for implementation by MRWA.

Some of the key findings outlined in the GHD Report are as follows:

#### *Russell Road and Cockburn Road Intersection*

*Observation during the peak hours indicate some queuing in Cockburn Road with up to 10 vehicles observed. The traffic volumes are forecast to increase from around 14,000vpd in Russell road to 15,000vpd and in Cockburn Road from around 8,900vpd to around 11,000vpd. As delays increase the risk of rear and collision, the right angle collisions increase due to drivers becoming frustrated.*



*Improvement to safety and operation of Russell Road and Cockburn Road is required and traffic signals or roundabout should be considered.*

#### *Sparks Road and Cockburn Road Intersection*

*Observations during current peak hour operation indicate a reasonable operation performance, with queues up to 5 vehicles. However right turning traffic from Sparks Road occasionally wait within the painted median marking on Cockburn Road for an eastbound gap as the painted median is not wide enough for a vehicle to store adequately. As delays increase the risk of rear end collisions and right angle collisions increase due to drivers becoming frustrated.*

*Improvement to safety and operation of Sparks Road and Cockburn Road is required and a widening of the median to allow vehicles to complete the right hand turns from Sparks Road.*

#### *Quill Way and Cockburn Road*

*It is recommended that traffic signals or a roundabout are installed at this intersection to accommodate high peak hour turning movements. Widening of Cockburn Road is required to achieve two approach lanes. A detailed design would be required to determine land requirement.*

### Improvement Options

#### *Russell Road and Cockburn Road Intersection*

The presence of 93 crashes suggests a capacity and safety issue at the intersection of Russell Road and Cockburn Road. The analysis that was completed by GHD indicated that traffic signals or a roundabout should be considered. Both options have been contemplated and a preliminary costing for each option estimated.

#### *Option 1- Traffic Signal*

Installation of traffic signal will create additional gaps in the traffic stream which will improve the road network and be a benefit to other access points on Russell Road. Also, by installing a traffic signal, the existing layout of the intersection would have to change and Russell Road widened to accommodate two lanes on each approach. That will improve capacity of the intersection and decrease the number of crashes.

The indicative cost of traffic signal installation is between of \$500,000 and \$600,000; however, much depends on land availability and existing service relocation required for a road widening.





The MRWA supported this option in the early development stage when the AMC Master Plan was submitted. However MRWA have not confirmed whether an approval in principle has been provided. Officers understand that at this stage, MRWA have requested additional traffic modelling for future development within AMC to be completed by LandCorp before any approval is issued.

#### *Option 2- Roundabout*

The implementation of a roundabout has been recommended as a possible improvement of the Russell Road and Cockburn Road intersection. The roundabout option will accommodate projected traffic and improve traffic flow but it is not desirable in an industrial area. The type and size of vehicles that need to be accommodated will mean that a roundabout will need to be two lanes and additional land will be required to allow for construction.

#### *Sparks Road and Russell Road Intersection*

As per the traffic assessment undertaken by GHD, the intersection of Sparks Road and Cockburn Road needs to be improved. Traffic west of the intersection is experiencing significant queuing and delays because of the right turning movement from Quill Way. To store comfortably for a two way movement, the existing median island on Cockburn Road will need to be widened. Widening of the median will also require road widening between the two intersections.

The indicative construction cost of road and median island widening is approximately \$750,000. The total cost however may change dependant on the land required to facilitate the widening, service relocation and street lighting.

Traffic east of the intersection has been impacted by sight distance for a driver exiting Sparks Road. The channelization proposed (includes a 6m median island and right turn pocket) should improve movement within the intersection. An indicative construction cost for this type of treatment is approximately \$300,000; however, would be dependent on land required to facilitate the widening, service relocation and street lighting.

#### Conclusion

GHD have prepared a preliminary design of the recommended options and the concepts are attached to this report. GHD have also assessed the broader road network and made a range of other recommendations as highlighted in the Executive Summary attached. It would appear that MRWA have sought additional traffic modelling over the precinct before they will approve any of outcomes identified. Officers will



continue to liaise with MRWA and LandCorp to determine when that work is likely to be completed.

Until the City commenced its own independent review of this network, current officers were unaware of the work that GHD had been engaged to complete. Officers understand that LandCorp and MRWA have been in discussions regarding this precinct for some time however as yet, no resolution to the necessary upgrades nor responsibility for funding has been agreed. Officers are currently in the process of liaising with both LandCorp and MRWA to get a better understanding of how this matter will be progressed. Council will be provided with a further report once the agreed outcomes are confirmed.

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

#### **Transport Optimisation**

- To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.
- To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.

### **Budget/Financial Implications**

There is no budget allocation in 2011/12 for any of the recommended improvement options. Generally the roads are under the care control and management of the MRWA and it would appear that they have engaged with LandCorp to address the road network improvements required.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

1. Video Survey Camera Position
2. GHD Executive Summary
3. LandCorp AMC Traffic Study recommended measures
4. Russell Road and Cockburn Rd Intersection Concept Plan
5. Russell Road and Sparks Rd Intersection Concept Plan

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

N/A



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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (MINUTE NO 4571) (OCM 14/7/2011) - LEASE - LAND AND PREMISES AT LOT 100 (NO. 83) HAMILTON ROAD SPEARWOOD - SOUTH METROPOLITAN PERSONNEL (2202282) (G BOWMAN) (ATTACH)**

**RECOMMENDATION**

That Council enter an agreement with South Metropolitan Personnel (SMP) to lease the premises and portion of land situated at 83 Hamilton Road, Spearwood, in accordance with the proposal as attached to the Agenda, subject to the following conditions:

1. An initial lease period of 5 years with an option to renew for a further term of 5 years.
2. For a peppercorn rental annually and the payment of all outgoings and charges.
3. The capacity to sub-let the premises or portions of the premises subject to the agreement of the City.
4. Insurance of the building, contents and public liability to be the responsibility of SMP.
5. Any redevelopment of the property is to comply with building code of Australia requirements.
6. The Lessees or Assignees to maintain, repair and keep the premises in good and substantial repair (fair wear and tear accepted).
7. Other terms and conditions which may be required to protect the interests of the City.

**COUNCIL DECISION**

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

**CARRIED 8/0**



## **Background**

South Metropolitan Personnel (SMP) is a not-for-profit charity providing support to young people with disabilities in learning life skills and securing and maintaining employment. The City has a long relationship with SMP currently employing 19 people supported by SMP in 6 work teams and one person who works independently. This employment relationship has been very beneficial to the City and the people employed under the program. SMP provides support to 50 people in its employment program and 80 people in its Alternatives to Employment Program.

Council at its meeting in September 2008 resolved to lease the premises at 83 Hamilton Road, Spearwood to SMP to provide a larger venue for independent living skills training for young people with disabilities for a term of three years with an option to extend for a further two years. The initial term of that lease is due to expire in September 2011.

## **Submission**

SMP has written to the City requesting a new lease on the property at 83 Hamilton Road Spearwood for five years with an option to extend for another five years. The new lease is required as part of the conditions of a grant from Lotterywest for upgrades to the building and equipment.

The Lotterywest grant will allow SMP to construct two fully accessible toilets, specialized IT room, two activities rooms with specialized equipment and a fully adapted kitchen. SMP will also apply to Council for approval to build a shed to park specialized vehicles with a pick-up and set down area at night time, and the facility will be available for community groups to use to undertake Vocational Training that requires a large shed space in the day time. The Shed will be large enough to accommodate a "practice vehicle" for automotive courses and accommodate the buses for night time storage. SMP also plans to build a sensory garden and gardening area on one side of the property. The total amount of the Lotterywest grant application is \$512,879 which is a significant investment in community facilities in Cockburn to meet the needs of people with disabilities. The concept plans that SMP have for the entire site are attached to the Agenda.

## **Report**

Following the Council decision to lease the premises to SMP they intended to upgrade the building and facilities to make them more suitable for the types of activities envisaged. This included building a deck and access ramp on the back of the building, the installation of an



accessible bathroom facility suitable for people who use a wheelchair and a kitchen suitable for teaching cooking and meal preparation skills.

In the interim SMP have been using the building for their employment training program assisting 14 young people to develop their employment skills.

The deck and ramp have been largely completed through the donation of materials and labour from Bunnings. However, the project reached a point where professional tradesmen were required to complete the work and SMP applied to Lotterywest for support for the project. SMP subsequently experienced some staff changes which resulted in significant delays with their grant application. Lotterywest have now agreed to fund their application on the condition that SMP have a 10 year term on the building lease because of the significant funds that they would be investing.

The current lease with SMP will not expire until September 2013; however, correspondence from Lotterywest outlines that a longer term lease is required for them to approve SMP's application for \$512,879. SMP proposes that the 10 year lease in conjunction with Lotterywest grant will provide:

- A larger venue for client training as the house they currently use in Manning Park is very limited for space.
- A space to facilitate community network meetings with other organisations, Local area coordinators from the Disability Services Commission and families.
- A space to hold supervised access and mediation visits in a neutral setting when there is a breakdown in communication between clients and families.
- Two fully accessible toilets, specialized IT room, two activities rooms with specialized equipment and a fully adapted kitchen.
- A Shed to park specialized vehicles with a pick-up and set down area at night time and the facility will be available for community groups to use to undertake Vocational Training that need a large shed space in the day time.
- A sensory garden and gardening area on one side of the property.
- Client safety. On occasions clients have developed behaviours that require them to be removed from a group activity. The house will provide a space for staff to provide support to a person in a safe environment.

The concept plans that SMP have for the entire site are attached to the agenda.

In future SMP proposed the house could be developed further to provide emergency respite for clients. Needs analysis identified that



there is a well identified need for emergency respite for people with disabilities when they are at risk of homelessness or family support breakdown.

SMP has agreed to be responsible for the maintenance and upkeep of the property and to pay all outgoings and understand that they will be responsible for all costs associated with bringing the building up to a standard requirement to meet the purposes of the building by SMP. As SMP is a not-for-profit organisation and the house would be used for the programmes outlined for the betterment of people with disabilities SMP has requested that the Council consider continuing a *peppercorn* rent for the term of the new lease which will enable SMP to maintain the current level of service to their clients.

Given that the leased area that SMP currently occupies is freehold land and the requested term of the lease is significant the City has investigated whether SMP requires all of their current lease area for their proposed purposes. SMP have agreed that they can accommodate their proposed activities on a smaller site. The proposed lease area to accommodate the attached concept plans for SMP has therefore been reduced from 2900 sqm to 1800 sqm. The proposed lease area of 1800 sqm which has an estimated value of approximately \$500,000 could then be leased to SMP for up to 10 years to ensure that they can secure the Lotterywest grant, leaving the balance of the site to be used by the City for other purposes. The balance of the site of 1100 sqm which has an estimated value of approximately \$300,000 would therefore be excluded from the lease area and could then be used by the City for other purposes.

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

#### **Infrastructure Development**

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

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

- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

Included in the City of Cockburn's Disability Access and Inclusion Plan 2007-2012:

*To support people with disabilities to develop and participate in community groups.*



### **Budget/Financial Implications**

A condition of the lease will be that the Lessee will be responsible for maintenance and outgoings. The building is in fair condition but has not been used for residential purposes for many years. The Lotterywest grant of \$512,000 will upgrade a Council asset to meet the needs of people with disabilities at no net cost to Council.

The property is located on freehold land so there are significant financial implications if the property was leased for the long term. The City's Lands Officer has estimated that approximately 2900 sqm currently leased to SMP is valued at approximately \$700,000 to \$800,000. If SMP was to receive a lease for an additional 8 years for a reduced lease area of 1,800 sqm valued at \$500,000 and significantly refurbish and construct sheds on the site the City would not be able to realise this land asset for the foreseeable future. However, the balance of the site valued at \$300,000 could be realised.

### **Legal Implications**

The house is on land owned by the City of Cockburn and set aside for recreational purposes. The balance of the lot includes Lucius Park, an established active reserve. It is proposed that, should Council wish to proceed, the leased area will be as defined in the attached plan.

The Local Government is exempted from the requirements of Section 3.58 of the Local Government Act by way of the Clause under the Local Government (Functions and General regulations) 1996 Section 30 (b) (i) that South Metropolitan Personnel is deemed to be an organisation the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

### **Community Consultation**

Not deemed necessary due to the location of the leased premises and the nature of the benevolent activities on the site.

### **Attachment(s)**

1. Extract of Minutes of the Ordinary Council Meeting of September 2008 – Agenda Item 17.2.
2. Sketch of proposed lease area.
3. Concept Plans for proposed use of premises and land.
4. Submission from SMP.



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

The Proponent has been advised that this matter is to be considered at the 14 July 2011 Council Meeting.

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

Nil.

**17.2 (MINUTE NO 4572) (OCM 14/7/2011) - COCKBURN YOUTH CENTRE - ADDITIONAL LEASE WITH TRE COLORI FAMILY TRUST (CR/M/103) (G BOWMAN) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) pursuant to the provisions of Section 3.58 of the Local Government Act 1995, give notice of Council's intention to undertake a lease agreement with 3 Star (WA) Pty Ltd acting for the Tre Colori Family Trust for the additional use of 138 sqm of the Cockburn Youth Centre property situated at Lot 855 Wentworth Parade, Success.
  1. A rental of \$330 per square metre plus outgoing costs will be payable for the additional 138 sqm, three months after execution of the Deed of Variation to the lease.
  2. With rent subject to an annual CPI (Perth Groups) increase and market rent review on exercise of the option to extend the lease.
  3. For an initial lease term of five years, with the option to extend the lease for a further term of five years.
- (2) require all other terms and conditions of the lease to be to the satisfaction of the Chief Executive Officer.

**COUNCIL DECISION**

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

**CARRIED 8/0**





## Background

At the Ordinary Council Meeting held on 8 May 2008 Council resolved to enter into a lease agreement with 3 Star (WA) Pty Ltd acting for the Tre Colori Family Trust for the use of up to 165 sqm of the Cockburn Youth Centre property situated at Lot 855 Wentworth Parade, Success;

1. *At a rental of \$315 per square metre payable six months after practical completion of the building plus all outgoing costs from commencement of the lease.*
2. *With rent subject to an annual CPI (Perth Groups) increase and market rent review on exercise of the options to extend the lease.*
3. *For an initial lease term of three years, with the option to extend the lease for two terms of five years.*

## Submission

The Tre Colori Family Trust has submitted an offer to lease an additional 138 sqm of the commercial lease space in the Cockburn Youth Centre. They propose to operate a function area and provide a separate entrance for takeaway food pick up. The menu would continue to consist of affordable to medium priced food choices for the community and will target local families. The proponent has offered rent of \$330 per sqm plus all outgoing costs and is aware that the rent will be subject to CPI increases and market rental reviews. The proponent has requested a five year lease with an option to renew for one additional five year period. They have identified that they have the financial ability to remove the partition wall separating the two existing areas and to fit out the new area. The proponent has requested three months rent free to compensate for the significant capital outlay.

## Report

Shop 2, the 138 sqm commercial lease area at the Cockburn Youth Centre has recently become vacant. The premises were previously leased to the Six Four Skate Shop but due to non-payment of rent the lease agreement has been terminated. Following vacant possession DTZ, the City's property manager conducted an initial marketing campaign. Through this process the existing lessee of the adjacent premises Tre Colori Family Trust submitted an offer to lease the adjacent shop.

DTZ has recently valued the premises and has advised that the offered \$330 sqm is a fair market rent for the premises. The Lessee would also be responsible for all outgoing costs and for a proportion of the



costs associated with the common areas of the overall building. In addition to this the rent would be increased on an annual basis according to CPI. At the exercise of the option to extend the lease the rent would also be subject to a market review and increased on that basis.

The Lessee has agreed to be responsible for the full fit out of the area, changes to the air conditioning, ceilings, floor coverings, lighting, installation of an additional toilet and equipment. DTZ has advised that the Lessor would normally be at least partially responsible for the removal of the wall partitioning, changes to the air conditioning and the installation of additional toilets plumbing and fixtures so a three month rent free term would be considered reasonable and necessary to attract a tenant. The proposed rental income from the tenancy was intended to offset some of the operational costs for the Youth Centre. Due to the three month rent free period, the estimated income will be \$11,385 less than budgeted for.

The offer to lease requests an initial term of five years and then one option to renew for a five year period. This period is considered necessary for the proponent to regain the large capital outlay and develop the business to its potential.

The proponent has been informed that due to the nature of the building no liquor licence will be approved by the City. They have identified their intention to have BYO alcohol served with meals, which requires no licence in Western Australia. The original Management Plan for the Cockburn Youth Centre identified that a Café is a compatible use of the space. The proposed variation to increase the lease area to the current Lessee for the purpose of a Café and provide a separate entrance for the existing take away food trade is therefore within this use.

The Tre Colori Family Trust has complied with all the terms and conditions of the current lease, and a recent property inspection of the premises showed that the lease area is being maintained to a high standard.

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

#### **Infrastructure Development**

- To construct and maintain community facilities that meet community needs.

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

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



**Governance Excellence**

- To develop and maintain a financially sustainable City.

**Budget/Financial Implications**

The budget revenue for the Youth Centre will be reduced by \$11,385 for the 2011/12 financial year.

**Legal Implications**

DTZ and Mcleods has provided a draft standard commercial lease document which is required to be submitted prior to an Offer to Lease under Commercial Tenancy legislation.

**Community Consultation**

City has complied with Section 3.58 of the Local Government Act 1995.

**Attachment(s)**

The following confidential attachments circulated under separate cover:

1. Offer to Lease Agreement
2. DTZ – Rental Rate – Offer to Lease
3. Ground Floor Plan
4. Quantity Surveyor's Report – Estimate for new works

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 14 July 2011 Council Meeting.

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

Nil.

**17.3 (MINUTE NO 4573) (OCM 14/7/2011) - CITY OF COCKBURN DOG EXERCISE AREAS (RS/A/004; ES/V/001) (R AVARD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) proceed to amend the City of Cockburn (Local Government Act) Local Laws, 2010, Schedule 1, by the inclusion of:
  1. The beach areas within the Woodman Point Reserve as dog exercise areas, as shown on the attached plan.
  2. The beach area within 216L McTaggart Cove, North



- Coogee, as a dog exercise area, as shown on the attached plan.
3. Reserve 48999 and Lot 8003 Durango Court, Aubin Grove, as a dog exercise area, as shown on the attached plan.
  4. Reserves 44990 and 44875 Brenchley Drive, Atwell, as a dog exercise area, as shown on the attached plan.
  5. Reserves 48290 and 49069 and Ptn 2054 Cnr Hammond Road and Russell Road, Success, as a dog exercise area, as shown on the attached plan.
- (2) proceed to amend the City of Cockburn (Local Government Act) Local Laws, 2010, by the inclusion of the following area as a Restricted Area, pursuant to Section 2.6(1):
1. The beach area within Lot 216L McTaggart Cove, North Coogee, as a dog prohibited area, as shown on the attached plan.
- (3) in accordance with Section 3.12 of the Local Government Act, 1995, the proposed amendments in 1. (1) (2) (3) (4) and (5) and 2. (1) above be advertised for a minimum period of 6 weeks; and
- (4) advise Ms Siobhan Austen, on behalf of the petitioners, of the decision in relation to (1), (2) and (3), above.

#### **COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr I Whitfield that Council not amend the dog exercise areas on Cockburn Coastal area and that the designated areas be fenced as practicable so that the dogs are kept away from the main bathing areas.

**LOST 3/5**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that Council adopt the recommendation, subject to the following:

- (1) amend sub – recommendation (1) 2. by deleting the words “as shown on the attached plan”; and



(2) delete sub – recommendation (2).

**LOST 3/5**

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

**CARRIED 8/0**

## **Background**

The City of Cockburn (Local Government Act) Local Laws, 2010, contain a Section (Part 2 Division 3) which deals with dogs. Clause 2.5 deals with specific dog exercise areas, which are subsequently nominated in an attached Schedule 1. Clause 2.6 specifies areas from which dogs are prohibited.

This report proposes amendments to the Local Laws, the purpose of which is to nominate a greater number of areas within the City to be specified as dog exercise and dog prohibition areas. The intent of the amendments is to provide adequate opportunities for the community to be able access areas for the purpose of freely exercising their dogs, while also providing for some primary beach areas to be retained for human use only and not be accessible to dogs.

There has been and will, over time, continue to be a steady increase in the population along the City's coastal area and with this an increase in demand for beach dog exercise areas.

A petition has been received seeking to increase the beach dog exercise area north of the Port Coogee development.

Similarly, there has been a steady increase in population in the eastern portion of the City and an increase in demand for dog exercise areas. The new areas of Atwell and Aubin Grove are also poorly served by the provision of dog exercise areas.

## **Submission**

A petition has been received signed by 577 individuals with the following request.

*We the undersigned hereby call on Cockburn Council to:*



1. *Take immediate action to remove the dog prohibited signs erected on the beaches on February 2011.*
2. *Recognise the beaches south of the CY O'Connor Beach to the Northern Port Coogee groyne as dog exercise areas and to Gazette them as such.*

## Report

There are three designations in the City of Cockburn pertaining to dogs in public areas. These are:

1. Dog exercise areas (where dogs can be off leads).
2. Dog prohibited areas.
3. All other areas where dogs must be on leads.

There are currently 29 dog exercise areas (areas where dogs can be off leads) in the City of Cockburn, a list of which is attached to the Agenda. Reserve 24787 Catherine Point Reserve includes the beach between the City boundary with the City of Fremantle and McTaggart Cove, which is the area subject to the petition, is one such area.

The area of Coogee Beach between Perline View/Socrates Parade and Poore Grove is the only reserve area in the City of Cockburn where dogs are currently prohibited.

In all other public areas, dogs are permitted provided that they are on a lead.

On or about 21 February 2011 a sign was incorrectly placed on the reserve between the power station and the northern Port Coogee groyne that stated dogs were prohibited. This sign was promptly removed and the correct sign erected that stated dogs must be on leads in that area. The request by the petitioners to remove the dogs prohibited sign has been acceded to and replaced with one which requires dogs to be on a leash in the area.

The petitioners have also sought to have the dog exercise area of Reserve 24787 extended from its current southern boundary at the power station to the northern groyne of the Port Coogee Marina. The current dog exercise beach area extends for a length of about 1,700 metres. Should Council agree to this petition, the dog exercise beach area will be extended by 650 metres giving a total of approximately 2,350 metres.

By any measure the current dog exercise area is extensive and the additional area requested is of very marginal benefit in respect to the total exercise area. The beach area immediately north of the northern groyne of the Port Coogee development has protected waters and over time it can be expected to become more popular as a swimming area,



with the growth of population in the district and the attraction of the new Port Coogee development to visitors.

The current arrangement that allows dogs on leads in the area between the northern groyne of the Port Coogee development and southern boundary of the dog exercise area allows for dogs that arrive by car in the nearby car park or by foot to have immediate access to the beach area. The result of this arrangement is that swimmers and other beach users of that specific area will have limited protection from dogs. Should the area immediately north of the groyne be gazetted as a dog exercise area it is likely that excited dogs released from their leads at this point will run north along the beach, potentially affecting the amenity of other beach users. Banning dogs from this beach area will offer swimmers and other beach users an area about 400 metres without the presence of dogs.

As a compromise, it is proposed that the area immediately to the south of the current dog beach be extended to an area where a rock wall has been installed. This provides a convenient and easily identifiable boundary for a demarcation zone. The area between that point and the current dog beach boundary is not heavily used by the public and is typified by dune vegetation beyond the limited stretch of sandy beach.

Beach areas for dog exercise are well used and popular with dog owners. There has been a long standing and informal arrangement for the area immediately southeast of the boat ramp at Woodman Point to be used as a dog exercise area but due to the steady northern expansion of boat building over the years this area has become very restricted as a dog exercise area. Woodman Point is under the control of the Department of Conservation (DEC) while the area between the high and low water mark is under the control of the City. DEC have provided informal support for the area to the immediate west of the Cockburn Power boat club to be a designated exercise area ( see attachment). The provision of a gazetted dog exercise area on this site will provide an additional beach exercise area and assist with the policing of the Woodman Point area by providing a designated area in the reserve.

The suburbs of Atwell, Aubin Grove and Hammond Park currently do not have any reserve areas set aside as dog exercise areas (dogs off leads). A review by the City's Rangers, Parks and Environmental Services sections has identified reserves suitable for dog exercise based on size, current evidence of use by dogs off leads and not being near wetlands and similar conservation areas. The following are the reserves considered and agreed as suitable.

- Reserve 48999 and lot 8003 Durango Ct, Aubin Grove (Durango Reserve).



- Reserves 45990 and 44875 Brenchley Dr, Atwell (This is the Pipeline Reserve between Brenchley Dr and Folland Pde).
- Reserve 48290 and 49069 and Ptn 2054 (Purslane Reserve) Cnr Hammond Rd and Russell Rd, Success.

The residents associations in Atwell, Success, Hammond Park and Aubin Grove have been forwarded a list of the proposed reserves to be made dog exercise areas. The identified sites have been supported by these groups. It is proposed that signs be located on the sites advising that the reserve is proposed to be gazetted as a dog exercise area. Council will be advised of any comments received in response to the advertising prior to the final Council decision on the matter.

In conclusion, it is considered that, if implemented, these amendments will provide an adequate and balanced provision of dog exercise areas across the City, while not compromising the ability of the broader population to have suitable use of Council provided open space areas.

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

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

- To identify community needs, aspirations, expectations and priorities for services that are required to meet the changing demographics of the district.

#### **Governance Excellence**

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

### **Budget/Financial Implications**

There will be minor expenditure for additional dog litter stations and on signs notifying proposed changes to dog exercise areas, which can be drawn from existing budgets.

### **Legal Implications**

Part 3, Division 2, subdivision 2 of the Local Government Act, 1995, stipulates the process for amendments to local laws with section 3.12 of the Act stating the requirement for proposed amendments to local laws to be advertised for a period of at least 6 weeks prior to Council gazetting changes to the local laws.

### **Community Consultation**

This report is in response to a petition from the community that use or have an interest in the Port Catherine dog exercise area.





Prior to any consideration of Gazettal by Council the matter must be advertised in a state wide publication with a response period of no less than 6 weeks.

Signs will be erected on properties affected by the proposed amendments, notifying the public.

#### **Attachment(s)**

1. Map showing current, proposed and prohibited beach dog exercise areas in the City of Cockburn.
2. Map - proposed dog exercise open space.
3. Map showing distribution of dog exercise areas.
4. Current dog exercise areas Schedule.
5. Photograph identifying proposed boundary of proposed "Dog Exercise Area" and "Dogs Prohibited Area", North Coogee.

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

The Proponent who presented the petition has been advised that this matter is to be considered at the 14 July 2011 Council Meeting.

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

Nil.

#### **17.4 (MINUTE NO 4574) (OCM 14/7/2011) - VOLUNTEER BUSHFIRE REFERENCE GROUP MEETING - 16 JUNE 2011 (RS/L/007) (R AVARD)**

#### **RECOMMENDATION**

That Council

- (1) advise the Fire and Emergency Services Authority that it seeks the following representation on the City of Cockburn Risk to Resource Reference Group.
  - Chair – elected member of the Council of the City of Cockburn.
  - 2 representatives from the Jandakot Volunteer Bushfire Brigade.
  - 2 representatives from the South Coogee Volunteer Bushfire Brigade.
  - 2 officers of the City of Cockburn
  - 2 officers of FESA.



- (2) endorse the wording of the City of Cockburn Fire Order 2011/12 in relation to fire permits to read as follows:

*The City usually issues up to 3 three fire permits per year for up to 14 days each, but if there is vegetation that cannot be reasonably burnt within a one square metre pile further permits may be issued.*

- (3) in accordance with Section 8 of the City of Cockburn Bushfire Brigades Local Laws, 2000, appoint the following office bearers:

Jandakot Volunteer Bushfire Brigade

Captain ..... Steve Dobson  
1<sup>st</sup> Lieutenant ..... Shane Harris  
2<sup>nd</sup> Lieutenant ..... Emma Bramwell  
3<sup>rd</sup> Lieutenant ..... Jarad Finneran  
Equipment / Logistics Officer ..... Gavin McDiarmid  
Training Coordinator ..... Marc Still & Damien McDonald  
Administration Officer/ Secretary ..... Jonelle Hammond  
Treasurer ..... Mal Dobson

South Coogee Volunteer Bushfire Brigade

Captain ..... Les Woodcock  
1<sup>st</sup> Lieutenant ..... Ian Leboydre  
2<sup>nd</sup> Lieutenant ..... Aaron Smith  
3<sup>rd</sup> Lieutenant ..... Vic Turner  
Equipment / Logistics Officer ..... Ian Davies  
Training Coordinator ..... Justin Goodwin  
Administration Officer/ Secretary ..... Brad Breirley  
Treasurer ..... Kiere Brown

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Deputy Mayor K Allen that Council:

- (1) advise the Fire and Emergency Services Authority that it seeks the following representation on the City of Cockburn Risk to Resource Reference Group:

- Chair appointed by Council
- One elected Member
- Three Representatives of the Jandakot Volunteer Bushfire



Brigade

- Three representatives from the South Coogee Volunteer Bushfire Brigade
- A representative from the Department of Environment and Conservation
- Two Officers from the City of Cockburn
- Two Officers from FESA;

(2) as recommended; and

(3) as recommended.

**CARRIED 8/0**

### Reason for Decision

This was the make-up of the Resource Reference Group that was discussed and passed at the Bushfires Reference Group meeting on 16 June 2011. Their advice should be followed by Council as they are the ones concerned in the management of resources and have the knowledge about bushfires in the City.

### Background

Council at its meeting of 12 May, 2011 resolved as follows:

- (1) *reaffirms its position of April, 2006, that it supports the retention of the Jandakot Volunteer Bush Fire Brigade (JVBFB) and it staying at the current location (Liddelow Road, Banjup);*
- (2) *maintains the current arrangement with FESA to provide a Community Emergency Management Officer on a 50/50 cost share basis; and*
- (3) *seek the involvement of FESA, Jandakot and South Coogee Volunteer Bush Fire Brigades to undertake a complete review of the resources required to satisfactorily address the Bush Fire Management and operational obligations of the City.*

Furthermore, the City's Chief Bushfire Control Officer modified the City of Cockburn Fire Order in 2010 to advise property owners in the semi-rural areas of the City that up to three (3) fire permits would be issued



for any one property, thus imposing a limit to the number of permits which could be used for burning off of materials on these properties.

### **Submission**

The Banjup Residents Group has written to the City on a number of occasions requesting the limit of 3 fire permits per property be removed. There was also a request from the Banjup Residents Group that they have a representative on the proposed risk to resource reference group.

### **Report**

This report will address three matters discussed at the Bushfire Reference Group Meeting conducted on 16 June, 2011, as follows:

1. the appointment of members to the FESA Risk to Resource Reference Group,
2. the issuing of Fire Permits; and
3. the appointment of prescribed office bearers to the two brigades.

### Risk to Resource Reference Group

The review referred to in sub-recommendation (3) is to be carried out using the FESA “risk to resource” process and requires the establishment of a stakeholder reference group to participate in the process.

A Bushfire Reference Group meeting has proposed the following membership for the Reference Group:

- Chair appointed by Council
- 1 Elected Member
- 3 representatives from the Jandakot Volunteer Bushfire Brigade
- 3 representatives from the South Coogee Volunteer Bushfire Brigade
- A representative from the Department of Environment and Conservation
- 2 officers of the City of Cockburn
- 2 officers of FESA

In addition, the Banjup Residents Group’s President has sought for the group to be represented on the risk to resource advisory forum. It was agreed by the Bushfire Reference Group that it would be more appropriate for groups such as this to make presentations to the appointed Group rather than be a member. The position taken by the Reference Group is supported by the City. The Department of Environment and Conservation (DEC) has indicated that it has an



interest in participating in the Reference Group but would like to view the terms of reference and have a better understanding of the process being undertaken prior to making a formal commitment. The Reference Group could be formed that includes the potential for DEC to participate should it so desire. Alternatively, DEC could be invited to give a presentation to the Reference Group should it desire once the project is underway.

The City staff proposes that the Risk to Resource Reference Group be comprised as follows:

- Chair – Elected Member appointed by Council.
- 2 representatives from the Jandakot Volunteer Bushfire Brigade.
- 2 representatives from the South Coogee Volunteer Bushfire Brigade.
- 2 officers of the City of Cockburn
- 2 officers of FESA.

A group of this size is evenly balanced between the volunteers and professional officers with an elected representative providing the guidance of an impartial chair. A larger group becomes unwieldy and the organising of meeting dates and times that suit difficult.

FESA had initially indicated to the City that they would be able to initiate the review in August, 2011 and the review would take up to 6 months.

It is understood that FESA requires some additional time to refine the risk to resource template to meet the requirements of a large metropolitan local authority. It is proposed that at the first meeting of the Reference Group the timing of the review will be discussed. Indicatively, it appears that it may well start at the end of next year's fire season in, say, May 2012.

### Fire Permits

The Chief Bushfire Control Officer included in the City of Cockburn Fire Order for 2010/2011 a clause that a maximum of three fire permits per property per year would be issued. The Banjup Residents Group presented a petition signed by 103 persons from approximately 75 properties in Banjup to the City requesting that:

*We the undersigned, request Cockburn City Council not limit the number of fire permits issued to a resident during a year.*

There has been a deal of correspondence between the City and the Banjup Residents Group on the issue. At a meeting attended by representatives of the Group, City of Cockburn and the Chief Bushfire



Control Officer, the following form of words has been agreed and included in the City of Cockburn Fire Order for 2011/12.

*The City usually issues up to three fire permits per year for up to 14 days each, but if there is vegetation that cannot be reasonably burnt within a one square metre pile further permits may be issued.*

The Bush Fires Reference Group at its meeting of the 16 June 2011 supported the change to the Fire Order.

It was advised that this clause would be put to the Council of the City of Cockburn.

It was further confirmed that the issuing of fire permits was at the discretion of the Fire Control Officer in consideration of the individual circumstances at the time of the request for a permit. The City's legal advice is that the Council has the power to restrict the number of fire permits issued, but should provide some flexibility to issue additional permits should a need be demonstrated. The proposed statement in relation to the issuing of fire permits above is consistent with this legal advice.

Appointment of Prescribed Office Bearers

In accordance with the City of Cockburn Bushfire Brigades Local law 2000, Section 8, there is a requirement for Council to appoint prescribed office bearers to the two brigades. The two brigades have advised of the following officer bearers.

*Jandakot Volunteer Bushfire Brigade*

Captain .....	Steve Dobson
1 <sup>st</sup> Lieutenant .....	Shane Harris
2 <sup>nd</sup> Lieutenant .....	Emma Bramwell
3 <sup>rd</sup> Lieutenant.....	Jarad Finneran
Equipment / Logistics Officer .....	Gavin McDiarmid
Training Coordinator .....	Marc Still & Damien McDonald
Administration Officer/ Secretary .....	Jonelle Hammond
Treasurer .....	Mal Dobson

*Coogee Volunteer Bushfire Brigade*

Captain .....	Les Woodcock
1 <sup>st</sup> Lieutenant .....	Ian Leboydre
2 <sup>nd</sup> Lieutenant .....	Aaron Smith
3 <sup>rd</sup> Lieutenant.....	Vic Turner
Equipment / Logistics Officer .....	Ian Davies



Training Coordinator ..... Justin Goodwin  
Administration Officer/ Secretary ..... Brad Breirley  
Treasurer ..... Kiere Brown

**Strategic Plan/Policy Implications**

**Governance Excellence**

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

**Natural Environmental Management**

- To conserve, preserve and where required remediate the quality, extent and uniqueness of the natural environment that exists within the district.
- To manage the City's waste stream to achieve sustainable resource management, in an environmentally acceptable manner.

**Budget/Financial Implications**

N/A

**Legal Implications**

Statutory obligations for the City of Cockburn under the Bushfires Act and the City of Cockburn Local Laws apply.

**Community Consultation**

There has been correspondence from the Banjup Residents Group and a petition in response to the Fire Order issued in 2010/2011. The rewording of the Fire Order is in response to this consultation.

**Attachment(s)**

N/A

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 14 July 2011 Council Meeting.

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

Nil.



**18. EXECUTIVE DIVISION ISSUES**

Nil

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

**19.1 (MINUTE NO 4575) (OCM 14/7/2011) - NOTICE TO ESTABLISH A DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE (DAPPS) (CC/C/001; FS/P/003) (D GREEN) (ATTACH)**

**RECOMMENDATION**

That Council receive the report.

**COUNCIL DECISION**

MOVED Cllr C Reeve-Fowkes SECONDED Cllr T Romano that Council:

- (1) establish a Delegated Authorities, Policies and Position Statements Committee (DAPPS) with the relevant administrative terms of reference that applied to the previous DAPPS Committee;
- (2) open the DAPPS committee to all Elected Representatives who wish to be on the Committee; and
- (3) acknowledges that the DAPPS committee will meet every two months, or more frequently, so as not to impede Administrative processes.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/2**

**Reason for Decision**

Section 2.7 of the Local Government Act provides direct guidance to Council when it advises on the Role of Council it states:-

**2.2 Role and Responsibilities of the Council and Councillors**

The roles and responsibilities of council and councillors are prescribed by the Act:

Role of the Council -

Section 2.7 of the Act provides that the role of council is to:

- direct and control the local government's affairs;





- be responsible for the performance of the local government's functions;
- oversee the allocation of the local government's finances and resources; and
- determine the local government's policies.

#### Role of the Councillor -

Section 2.10 of the Act states the role of a councillor is to:

- represent the interests of electors, ratepayers and residents;
- provide leadership and guidance to the community;
- facilitate communication between the community and the council;
- participate in decision-making processes at meetings; and
- performs such other functions as are given to a councillor or by this Act or any other written law.

The re-establishment of this Advisory Committee facilitates the provision of informed and considered views, on issues of Policy for inclusion in Councils deliberation processes.

It is recognised that the DAPPS Committee is essentially a working group, that will make recommendations to Council, which will require final approval and adoption at the first available Ordinary Council Meeting by Full Council.

Council has given the current situation adequate consideration and believe that the DAPPS committee must be reinstated.

### **Background**

By letter dated 19 May 2011, Cllr Reeve-Fowkes submitted a Notice of revocation of the following Council decision made on 12 November 2009:

*13.9 (Minute No.4093) (OCM 12/11/2009) – Council Committees*

*(2) not establish any other committees pursuant to Sec. 5.8 of the Local Government Act, 1995.*

This resolution related specifically to a motion which was considered by Council to establish a DAPPS Committee and a Financial Management Committee and was subsequently defeated by Council.

The motion to revoke this resolution was carried at the Council meeting of 9 June. The following motion was then presented for deliberation by



Council, however was withdrawn and the matter subsequently deferred to the July 2011, Council meeting, due to time constraints.

*That Council:*

- (1) establish a Delegated Authorities, Policies and Position Statements Committee (DAPPS) with the relevant administrative terms of reference that applied to the previous DAPPS Committee.*
- (2) The DAPPS Committee will be open to all Elected representatives who wish to be on the Committee.*
- (3) The DAPPS Committee will meet every two months, or more frequently, so as not to impede administrative processes.*

*Reason:*

*Section 2.7 of the Local Government Act provides direct guidance to Council when it advises on the Role of Council it states:*

*2.2 Role and Responsibilities of the Council and Councillors:  
The roles and responsibilities of Council and Councillors are prescribed by the Act: Role of the Council.*

*Section 2.7 of the Act provides that the role of Council is to:*

*Direct and control the local government's affairs.  
Be responsible for the performance of the local government's functions.  
Oversee the allocation of the local government's finances and resources.  
Determine the local government's policies.*

*The re-establishment of this Advisory Committee facilitates the provision of informed and considered views, on issues for inclusion, in Council's deliberation processes.*

*It is recognised that the DAPPS Committee is essentially a working group that will make recommendations to Council, which will require final approval and adoption at the first available Ordinary Council Meeting by full Council.*

*Council has given the current situation adequate consideration and believe that the DAPPS Committee must be reinstated.*



**Submission**

N/A

**Report**

It is the intention of Cllr Reeve-Fowkes to move to establish a Committee to specifically attend to items of Delegated Authority, Policy and Position Statements, previously known as 'DAPPS', and to subsequently appoint membership of the Committee, should the motion to establish it be carried.

This matter has been the subject of previous reports to Council, most recently on 9 June 2011 and prior to that on 11 March 2010, 14 May and 12 November, 2009 respectively.

The reports which accompanied these items are attached, identifying Council's current position and providing the information upon which the Council decision is based. Of specific importance is the finding of a Department of Local Government Probity Audit, which identified the rationalising of the Council Meeting Structure as being required—a process which has resulted in the system currently adopted by Council.

Minutes of the Council meetings at which this issue has been previously considered are attached.

It is considered important to distinguish the difference between the strategic and administrative emphasis of the matters which would be presented to a DAPPS Committee.

Primarily, the items related to policy, position statement or delegated authority documents are routine in nature and would rarely, if ever, warrant additional scrutiny prior to being presented to a Council meeting. Therefore, should a DAPPS Committee be established to oversee these documents prior to consideration by Council, it would be necessary for officers to conform with a forward timetable to ensure that necessary schedules for the preparation of agenda items were met. Effectively, agenda items close 20 days in advance of the Council Meeting to ensure they are subject to executive approval and briefed to Elected Members, before being available for public access 6 days prior to the Meeting. Consequently, a DAPPS Committee Meeting would be required to be held at least a week before that to enable a separate item to be prepared for the Council agenda for the purposes of adopting the Committee Minutes.

The Agenda for the Committee Meeting is required to close 13 days prior to the Meeting, again to enable sufficient time for items to be scrutinised by the executive before being presented to the Committee.



Accordingly, it would be necessary for officers to prepare items for a Committee meeting under such a regime. This assumes that there is no formal time set for conducting Committee meetings, which could extend this period if that were the case.

Given these matters are generally not of any greater significance than other matters presented to Council, it is considered an unnecessary time delay in the process of decision-making by Council on such issues. This would be particularly noticeable if an item was to miss one meeting cycle and then be required to wait a period of months until the next scheduled meeting.

In addition to the time inefficiencies generated by such a system, the additional materials required to produce Committee Agendas and Minutes is a duplication of resources and contradicts Council stated commitment to sustainability and waste reduction objectives.

Since the Council resolution of March 2010, the following ancillary information is provided for consideration.

25 various 'DAPPS' reports have been presented to Council for consideration.

Of these, 18 were adopted 'en-bloc' by Council without discussion, 5 were adopted with amendments, one withdrawn and subsequently adopted in its original form and one not adopted and deferred.

The one deferred item relates to policy SC5 'Corporate Strategic Planning Process' which was deferred to a workshop for the matter to be more closely monitored by Elected Members. Accordingly, this Policy remains in its current status until the matter is reconsidered by Council.

Clearly, this information suggests that the current process of presenting these items directly for Council consideration is acceptable and does not result in any adverse outcomes from the subsequent decisions made by Council.

As suggested in the previous reports on this matter, the referral of Council business for prior examination through a Committee system is superfluous and an unnecessary duplication of resources.

Accordingly, any proposal to redirect matters which can be more expeditiously handled by being directly submitted to Council is not supported on the basis of administrative inefficiencies which would occur as a result.



However, should the revocation motion be successful and Council subsequently resolve to introduce a DAPPS Committees, the following factors should be considered:

- The establishment of Committees requires an absolute majority decision of Council (Sec. 5.8).
- Any Councillor wishing to be a member of one or more Committees is entitled to be appointed to at least one (Sec. 5.10(2)).
- All membership appointments are to be resolved by an absolute majority of Council decision (Sec. 5.10(1)(a)).
- Should the Mayor wish to be a member of any Committee which could have a Council member appointed to it, then the appointment of the Mayor to any such committees is mandatory (Sec. 5.10(4)).
- Committee meetings are only required to be open to the public if given delegated powers by an absolute majority decision of Council (Sec. 5.16(1)).

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

#### **Governance Excellence**

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

### **Budget/Financial Implications**

Additional costs will be incurred by Council in the production of Committee Agendas and Minutes.

### **Legal Implications**

Secs. 5.8, 5.10 and 5.16 of the Local Government Act, 1995, refer.

Regulation 10 of the Local Government (Administration) Regulations, Clauses 4.10, 16.3, 16.4 and 16.12 of the City of Cockburn's Local Law relating to Standing Orders, refer.

### **Community Consultation**

N/A

### **Attachment(s)**

1. Extract of Minutes of the Ordinary Council Meeting 9 June 2011, Minute No. 4550.



2. Extract of Minutes of the Ordinary Council Meeting – 11 March 2010 – Minute No.4201.
3. Extract of Minutes of the Ordinary Council Meeting – 12 November 2009 – Minute No.4093.
4. Extract of Minutes of the Ordinary Council Meeting – 14 May 2009 – Minute No.3941.
5. Extract from Department of Local Government Probity Audit Report 'Meeting Structure and Process'.
6. Flowchart of Agenda Item Preparation Timeframes – Committee vs Council direct.

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

N/A

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

Nil.

**(MINUTE NO 4576) (OCM 14/7/2011) - APPOINTMENT OF ELECTED MEMBERS FOR DAPPS COMMITTEE**

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that Council appoint the following Elected Members to the newly established DAPPS Committee pursuant to Section 5.8 of the Local Government Act, 1995.

Clr Clr Reeve Fowkes  
Clr Clr Sue Limbert  
Clr Tony Romano  
Clr Kevin Allen  
Clr Val Oliver  
Mayor Logan Howlett  
Clr Leanne Smith  
Clr Helen Attrill

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/1**

**Reason for Decision**

With the establishment of a DAPPS Committee, Council is required to appoint its members.



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

Nil

**22 (OCM 14/7/2011) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

That a policy be developed for the establishment of community gardens within the district to be brought to the first available meeting of the DAPPS committee and the October Ordinary Council Meeting.

**(MINUTE NO 4577) (OCM 14/7/2011) - MEETING BEHIND CLOSED DOORS**

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr I Whitfield that, pursuant to Section 5.23(2)(a) of the Local Government Act 1995, Council proceeds behind closed doors to consider Item 23.1.

**CARRIED 8/0**

**Reason for Decision**

Item 23.1 is a confidential matter.

NOTE: MEETING WENT BEHIND CLOSED DOORS, THE TIME BEING 8:20 PM.

**23.1 (MINUTE NO 4578) (OCM 14/7/2011) - RFT 19/2010 WASTE HANDLING SERVICES (RFT19/2010) (L DAVIESON / M. LITTLETON) (ATTACH)**

**RECOMMENDATION**

That Council adopt the recommendation as contained in the confidential report which has been forwarded under separate cover to all Elected Members.



**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr C Reeve-Fowkes that Council defer this item to a future Council meeting so as to give the contractor, Moltoni Waste Management, the opportunity to meet with the Elected Members to discuss the current issues with the management of the waste handling service.

**LOST ON THE CASTING VOTE OF THE PRESIDING MEMBER 4/4**

MOVED Clr I Whitfield SECONDED Clr S Limbert that Council seek to terminate its contract, RFT 19/2010 Waste Handling Services, with Moltoni Waste Management by mutual agreement effective from 31 July 2011 on the basis that:

- (1) the City pays Moltoni for its services up to 31 July 2011 without application of any penalty;
- (2) neither party shall be liable to pay damages to the other;
- (3) the City makes no termination payment to Moltoni; and
- (4) the City gives no undertaking that it will hire equipment from Moltoni after 31 July but will give consideration to that option.

**CARRIED 8/0**

**Reason for Decision**

This represents the best outcome for both Council and Moltoni Waste Management.

**(MINUTE NO 4579) (OCM 14/7/2011) - OPEN MEETING TO THE PUBLIC**

**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr I Whitfield that Council open the meeting to the public.

**CARRIED 8/0**





AT THIS POINT THE MEEETING WAS OPEN TO THE PUBLIC THE TIME BEING 8:45 P.M.

**24 (MINUTE NO 4580) (OCM 14/7/2011) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

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

**CARRIED 8/0**

**25 (OCM 14/7/2011) - CLOSURE OF MEETING**

Meeting closed 8:48 p.m.

**CONFIRMATION OF MINUTES**

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

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

