

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JUNE 2007 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JUNE 2007 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer (Arr. 7.02 pm)
Mr S. Downing	-	Director, Finance & Corporate Services
Mr D. Arndt	-	Director, Planning & Development
Mr R. Avar	-	Acting Director, Administration & Community Services
Mr J. Radaich	-	Acting Director, Engineering & Works
Mrs B. Pinto	-	Secretary/PA to Director, Finance & Corporate Services
Ms L. Boyanich	-	Media Liaison Officer
Ms C. O'Sullivan	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.

3. DISCLAIMER (Read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written



advice from the Council prior to taking action on any matter that they may have before Council.

4 (OCM 14/06/2007) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)

The Presiding Member advised the meeting that he had received one declaration of a Conflict of Interest from Clr Romano; and declarations of Financial Interest from Mayor Lee, Deputy Mayor Graham, Clr Allen and Clr Oliver which would be read at the appropriate time.

5 (OCM 14/06/2007) - APOLOGIES AND LEAVE OF ABSENCE

Clr A. Tilbury	-	Apology
Clr L. Goncalves	-	Apology
Mr S. Cain	-	Leave of Absence
Mr M. Littleton	-	Leave of Absence

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7 (OCM 14/06/2007) - PUBLIC QUESTION TIME

Robyn Scherr, Coogee - Agenda Item 16.2 - Closure of Kiesey Street, Coogee

Q1. When Kiesey Street is closed, what traffic modification plan will be in place immediately to ensure safe entrance and exit to and from Powell Road at Coogee Beach with an increasing number of cars needing to make a right turn onto Cockburn Road and a quick left up Beach Street?

Due to the Presiding Member having a financial interest in this item, the question was deferred to the Acting Director, Engineering and Works for a response.

A1. No traffic modifications are planned by Main Roads WA or the developer at Powell Road/Cockburn Road as part of the Cockburn Road realignment works, including the planned closure of Kiesey Street. The unopposed left turn into Beach Street is a safer movement than the opposed right turn into Powell Road with the danger of rear end accidents. The Draft Coogee Beach Structure Plan identifies the Powell Road access at Cockburn Road being relocated to the north closer to Kiesey Street and Kiesey Street closed off.



- Q2. Will a reduced speed limit be imposed on Cockburn Road?
- A2. There has been no advice of a planned reduction in the speed limit in Cockburn Road.
- Q3. With increased numbers of vehicles turning right from Powell Road, meeting increased traffic turning right out of Beach Street, how will safety be assured?
- A3. The traffic volume increase for the Powell Road/Cockburn Road/Beach Street route is expected to be minimal based on the current low volumes of traffic in Kiesey Street and Beach Street. Consequently, it is anticipated that safety will not be unduly further compromised. The situation will be monitored with Main Roads to identify any required further works should the changes go ahead.
- Q4. When do you expect the realigned Cockburn Road will be open for traffic?
- A4. The realigned Cockburn Road is expected to be open by the end of September 2007.
- Q5. Is there a footpath and/or a dual use path alongside the realigned Cockburn Road? If not, how will cyclists and pedestrians be expected to move between Coogee and Fremantle?
- A5. No shared path is being provided alongside the realigned Cockburn Road. A dedicated on-road shoulder bicycle lane is being provided in each direction.
- Q6. How much longer will the existing dual use path from Coogee through Port Coogee remain open?
- A6. The developer has been approached to identify how the through movement of cyclists and pedestrians will be accommodated and their safety maintained during the development stage once the realigned Cockburn Road is opened to traffic. This includes the existing movement through the development. This will be the subject of a future report to Council once the information is to hand.

Viv Sloss, Jandakot - Agenda Item 14.11 - Extractive Industry - Renewal - Lot 132 Fraser Road, Lots 9002 and 9004 Jandakot Road, Jandakot

- Q1. Can access to the sand mine be achieved directly from Armadale Rd via Fraser Rd. closing Dollier and avoiding the need for these trucks to use Solomon Rd and Jandakot Rd?
- A1. At this stage alternative access to the sand excavation site, through Fraser Road, is not possible for the following reasons:



- Fraser Road is an unconstructed road;
- The Department of Environment & Conservation, together with the Department of Planning & Infrastructure, have identified the presence of rare flora within the Fraser Road road reserve. The Departments are currently investigating the closure of Fraser Road, in liaison with the applicant, to enable the protection of the rare flora;
- The intersection of Fraser and Armadale Roads, occurs on a bend on Armadale Road. The exiting of trucks at this particular point would create a potentially dangerous traffic hazard.

The applicant has also investigated whether they can get direct access onto Armadale Road however as none of the properties has direct frontage onto Armadale Road this is not achievable.

The existing access is at the southern eastern corner of Lot 9002 Jandakot Road via Dollier Road (a fully constructed road), which is south of the small rural lots on Peppworth Place. It currently represents the safest and most practical access point to all the lots subject of the excavation industry activities.

Q2. In the original submission it was stated that output from the sand mine would be slowed down to preserve the sand for cement making - because of the quality. I still follow trucks on a daily basis that are entering the freeway north (via Berrigan) or proceeding north on Berrigan to Karel - where are they going? I thought the cement works were near Henderson and Canning Vale. Is it possible for Council to check the delivery points of trucks ex the mine to confirm that the sand is needed for cement and not just used as fill?

A2. Output from the sand mine has significantly reduced over recent years, with the majority of sand used for cement and concrete making. The unique nature of the site is that there are a number of different sands, including yellow and lower quality sands that are also used for different purposes. The majority of high quality sands are used purely for cement and concrete making. Rinker Australia has over 12 concrete manufacturing plants around the Perth Metropolitan area (including Canning Vale, Gosnells, Welshpool, and Gnangara).

Robyn O'Brien, Munster - Agenda Item 14.8 - Conservation Zone Provisions in Town Planning Scheme No.3 - Amendment No.58

Q1. In the officer's report, clause 5.17.1 says this new Conservation Zone or area means any area identified by the City and may, but is not limited to areas of bushland, wetland and lakes and their associated buffers. This new amendment to include a new zone called Conservation could potentially affect a huge number of landowners with restrictions and requirements not currently present. 5.17.10 (4) says a Scheme Map will be amended by inserting a legend and under



Zones, create a new zone "Conservation" represented by a dark green boundary and light grey infill. No one will know if they are affected by this amendment or Council's decision to adopt the amendment unless the map is produced at the same time as consideration of this item is before Council. Will Council defer making a decision on this item until the Scheme Map referred to in 5.17.10 (4) is prepared and attached to the agenda item so the community can see and comment or put submissions to Council before Council makes a decision to adopt Amendment 58?

- Q2. Will Council insert wording more specifically outlining those areas to be included as 5.17.1 says that buffer areas are included, which at present would affect the proposed structure plan proposal in Munster in the Urban Deferred Area, on the east edge of Lake Coogee? Will Council insert wording that precludes this new amendment applying to those 11 existing houses and land along Fawcett Road in Munster?
- Q3. In 5.17.3 it says every lot in the Conservation Zone shall have a building envelope of not less than 600 m² in area located outside the conservation area. Are Conservation Zone and Conservation Area talking about the same piece of land or lake, or are they different and one is outside the other?
- Q4. From my reading of 1. "amend clause 4.2.1 by inserting the following para" Conservation Zone - to provide for a range of uses whilst providing ongoing protection etc and in conjunction with 5.17.7 where it says "the following uses are not permitted within any Conservation area: it says animals, clearing, filling or excavating, the erection of any structure etc" This seems to be placing in an amendment to the TPS No 3 a zone called Conservation that puts restrictions on the land even if the don't apply to develop. It does not say 5.17.7 is triggered only by applying for development, so is it legally binding on owners that they cannot erect structures or keep animals etc on land in a buffer or around bushland or a wetland if this amendment is approved?
- Q5 Page 28 of the agenda, says in the officer's report para 3 that it lists appropriate land uses that can be developed within a building envelope located outside of the defined conservation area - this seems to say that as in 2.2 only a single house is permitted. Isn't this then restricting other uses OUTSIDE of the conservation area and if so how much land and where is that located?
- Q6 Agenda item 13.1 that Council receive and accept the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting. If this item is approved unconditionally, is it true that 10.1 of the Minutes of the Committee Meeting is endorsed as a decision approved by Council?
- Q7 Item 10.1 asks Council to approve deleting APD16A, APD16B and



APD17 which are the policies for Subdivision conditions and refusal, strata conditions and refusals including every single condition of development from drainage, setbacks, walls, auxiliary accommodation statutory compliance, fire breaks and car parking requirements. If these Policies remain in force, is it impossible for Council to approve car parking spaces of 1 car as per the request for Cockburn central in tonight's agenda?

Mayor Lee advised Mrs O'Brien that the responses to her questions would be provided in writing due to lack of time.

Bill Doddmead, Coogee - Agenda Item 16.2 - Closure of Kiesey Street, Coogee

Q1. I asked a question at the last Council meeting regarding the planned closure of Kiesey Street. With the support of the Councillors the issue was deferred until further consultation. I feel very disappointed that only after three weeks a decision has been reached without any consultation with the Councillors or community who raised their concerns in the first place. How can this be? I request a further deferment so this issue can be properly discussed between Main Roads, the Cockburn Council, the Councillors involved and the community.

Due to the Presiding Member having a financial interest in this item, the question was deferred to the Acting Director, Engineering and Works for a response.

A1. At the Ordinary Council Meeting held on 10 May 2007 Council considered the concerns of the residents of Hillcrest and Beach Streets and resolved to:

- “(1) defer the closure of Kiesey Street until the June 2007 Ordinary Council Meeting; and
- (2) seek advice from Main Roads WA regarding the possible retention of the intersection at Kiesey Street with the possible modification to restrict the movement to a 'left in - left out' arrangement.”

Accordingly, MRWA were approached to comment and their response is outlined in Agenda Item 16.2 and attached to the Agenda. There was no direction to further consult with the community.

Bruce McCaw, Hamilton Hill - Agenda Item 14.13 - Conversion to Residential Lodging House - Lots 85 and 86 (No.17 and 19) Winterfold Road, Hamilton Hill



- Q1. Has the Water Corporation been consulted on this development in regard to overload of sewerage line in this cluster, which presently caters to approximately 30 residents. Now a further 30 residents = 60 – overload? We already had sewerage back up half way up the hill to the top invert level at my home, No. 20 Dodd Street. I raised this concern in my first submission response and it seems to have been overlooked by Council Agenda Item 14.13.
- A1. Water Corporation has advised that there is adequate sewerage capacity, as the current zoning of the subject property would allow a maximum of seven dwellings to be constructed. The Water Corporation is aware of the re-development potential given the zoning and the additional load is not significantly different between what is proposed and what could be permitted.

Greg Collis, Spearwood - Agenda Item 17.3 - Relocation of Cockburn Bowling Club

- Q1. Is it the intention of Council to be influenced by recent newspaper letters, apparently written by people who are not members of the Cockburn bowling Club, concerning the possibility of the Club moving to Visko Park in Yangebup? Mary Jenkins, writing as the Secretary of “Spearwood Community Association” is not a member of the Cockburn Bowling Club and Council should not be influenced in any way by her ignorant comments.
- A1. Council considers many views expressed from a range of interested parties in its decision making process. It is understood that Mrs Jenkins is not a member of the Club and Council recognises that as she is not empowered in any way to speak on behalf of the Executive of the Club.
- Q2. Is Council aware that in accordance with the Registered constitution of the Club, only the ordinary members of the Club can determine any matter about the continuation or dissolution of the Club, and any possible relocation?
- A2. Council does not interfere in the operation of incorporated associations and has and will continue to deal with the elected representatives of the Cockburn Bowling and Recreation Club (Inc) on matters of concern to the Club.

Logan Howlett, North Lake

- Q1. Is the Council intending to introduce parking metres on the City's coastal strip? If so, where and when?



A1. It is not a question on the Agenda. Mayor Lee asked Mr Howlett if he had a question on tonight's Agenda, and not a question that is not on tonight's Agenda? However, in reply to that question, the answer is, No.

Q2. Isn't this question not related to a matter on tonight's Agenda?

A2. Mayor Lee requested the Acting Chief Executive Officer to respond to which he replied that the question put in was an item on the Agenda to do with the Water Committee.

Mr Howlett stated that this should then be clarified, as he had put in two questions and it was his understanding that both questions were related to items on tonight's Agenda.

Mayor Lee again requested Mr Howlett to read his original question which he submitted relating to an item on tonight's Agenda, to which he advised the meeting that he was going to declare a financial interest.

Q3. Mr Howlett asked Mayor Lee whether he was also going to declare a financial interest in his question relating to the parking metres on the City's Coastal strip?

Agenda Item 16.1 - Membership - Water Usage and Regional Open Space Greening Committee

Q4. Does the Mayor intend to 'lead' this Committee to ensure it achieves its objectives in a timely and efficient manner? If not, why?

Due to the Presiding Member having a financial interest in this item, the question was deferred to the Acting Chief Executive Officer for a response.

A4. Yes, the Mayor has indicated that he intends, wherever possible, to provide the necessary leadership to ensure the Committee achieves its objectives.

Q5. Mr Howlett asked Mayor Lee how could he lead the Committee when he has declared an interest? How does this happen?

A5. The Acting Chief Executive Officer replied that the water and POS issues are obviously of far greater interest rather than simply the Port Coogee area. So the water strategy will contain water saving initiatives etc. across the City, most of which the Mayor and any other Councillor will not have a specific interest in, unless they are involved in particular areas. But from a strategic point of view it is a City-wide initiative, not contained specific to the regional open space associated to Port Coogee.



8. CONFIRMATION OF MINUTES**8.1 (MINUTE NO 3471) (OCM 14/06/2007) - ORDINARY COUNCIL MEETING - 10/05/2007****RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 10 May 2007, be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 14/06/2007) - DEPUTATIONS AND PETITIONS

Mr Frank Lindsay on behalf of Jason Townes, made a deputation to Council in relation to Item 14.13 "Conversion to Residential Lodging House - Lots 85 and 86 (No.17 and 19) Winterfold Road, Hamilton Hill.

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

Nil

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

Nil

13. COUNCIL MATTERS**13.1 (MINUTE NO 3472) (OCM 14/06/2007) - MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING - 31 MAY 2007 (1054) (DMG) (ATTACH)****RECOMMENDATION**

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 31 May



2007, as attached to the Agenda, and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 31 May 2007. The minutes of the meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any elected member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

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

Committee Minutes refer.



Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 31 May 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 3473) (OCM 14/06/2007) - PROPOSED REZONING OF LOT 4 PRINSEP ROAD JANDAKOT FROM PUBLIC PURPOSES TO RESOURCE ZONE - AMENDMENT NO 60 (93061) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:

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

AMENDMENT NO. 60

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

- (i) Rezoning lot 4 Prinsep Road Jandakot from "Public Purposes – Water Corporation" to "Resource" and amending the Scheme Map accordingly.

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48(A) of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48(A) of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (7) advise the applicant accordingly.

COUNCIL DECISION

MOVED C/r I Whitfield SECONDED C/r T Romano that Council:

- (1) agree to the proposed rezoning of Lot 4 Prinsep Road, Jandakot from 'Public Purposes' to 'Resource Zone' subject to the receipt of a modified Scheme Amendment Map, which includes a building envelope on Lot 4 of not more than 1,200 sq.m. in a location agreed to by the City;
- (2) subject to (1) above, adopt the following amendment:

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

AMENDMENT NO. 60



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

- (i) Rezoning Lot 4 Prinsep Road, Jandakot from "Public Purposes – Water Corporation" to "Resource".
 - (ii) Include a building envelope of not more than 1,200 sq.m. on Lot 4 Prinsep Road, Jandakot.
 - (iii) amending the Scheme Map accordingly.
- (3) sign the amending documents, and advise the WAPC of Council's decision;
 - (4) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
 - (5) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48(A) of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
 - (6) notwithstanding (4) above, the Director, Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48(A) of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
 - (7) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
 - (8) advise the applicant accordingly.

CARRIED 8/0

Reason for Decision

Council considers that a building envelope should be shown on the land to contain the extent of development and to ensure that the bushland on the balance area outside the building envelope is



protected in accordance with the provisions of Section 5.10 of Town Planning Scheme No.3.

Background

ZONING:	MRS:	Rural – Water Protection
	TPS3:	Public Purpose – Water Corporation
LAND USE:	Vacant	
LOT SIZE:	0.2400 ha	
AREA:		
USE CLASS:		

Submission

Whelans on behalf of the Water Corporation and Mr Azar have requested the land be rezoned to “Resource” zone in keeping with the surrounding land.

Report

In 1983 the then Metropolitan Water Supply, Sewerage and Drainage Board purchased Lot 4 Prinsep Road Jandakot for a boresite as part of the western leg of the Jandakot borefield. In 1990 when more detailed planning of the borefield was undertaken it was determined that Lot 4 was not a suitable site and a more suitable location was some 200m to the south on land owned by Mr Azar. Council was not made aware of this and in 1992 the City of Cockburn's Town Planning Scheme was approved showing the land as Public Purpose – Water Corporation.

In 1993 the Water Corporation agreed to a land exchange with Mr Azar and as a result Lot 4 was transferred to Mr Azar. It has taken till now for the Water Corporation to request that the zoning of the land be changed to Resource consistent with the surrounding land on the east side of Prinsep Road.

Given that the land is in private ownership and is not required as a bore site, it is inappropriate for the land to be reserved for Public Purposes. The proposal to rezone the land to “Resource” consistent with all the land east of Prinsep Road is supported even though at 0.2400ha it is significantly smaller than the prevailing minimum lot size in the area of 2.0ha. The designation of the land for any other purpose would be inconsistent with the MRS Rural – Water Protection zoning and the WAPC Statement of Planning Policy No 6 – Jandakot Groundwater Protection Policy.



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

The Planning Policies which apply to this item are:

Nil.

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Will be undertaken as part of the amendment process.

Attachment(s)

Location map.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the June 2007 Council Meeting.

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

Nil.

14.2 (MINUTE NO 3474) (OCM 14/06/2007) - PROPOSED REZONING OF PORTION OF RESERVE 25918 JOYCE AVENUE HAMILTON HILL FROM LOCAL RESERVE PARKS AND RECREATION TO RESIDENTIAL R 20 - AMENDMENT NO 61 (93060) (AJB) (ATTACH)

RECOMMENDATION
That Council:

(1) adopt the following amendment:



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

AMENDMENT NO. 61

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

- (i) Rezoning portion of Reserve No 25918 Joyce Avenue Hamilton Hill from Local Reserve – “Parks and Recreation” to “Residential” (R 20) and amending the Scheme Map accordingly.
- (2) sign the amending documents, and advise the WAPC of Council’s decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48(A) of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48(A) of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) should formal advise be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (7) advise the applicant accordingly.



COUNCIL DECISION

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

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	TPS3:	Local Reserve – Parks and Recreation
LAND USE:	Drainage Sump	
LOT SIZE:	0.2132 ha	
AREA:		
USE CLASS:		

This proposal was recommended by the Strategic Finance and Investments Committee at its meeting held on 22 March 2007 (Item 8.3) and Council at its meeting held on 10 May 2007 (Item 13.3).

Submission

The owners of 14 and 16 Frederick Road Hamilton Hill approached the City to purchase a 2 m strip off the back of Reserve No 25918 Joyce Avenue Hamilton Hill to enable each of their lots to be redeveloped as a duplex.

Report

Reserve 25918 is a Crown Reserve managed by the City of Cockburn for the purpose of recreation and drainage. The owners of No's 14 and 16 Fredrick Street which abut the rear of the reserve have applied to the State Land Service for each to acquire a strip of the reserve. The result will be that each lot will be in excess of 900m² and capable of being developed as a duplex.

Reserve 25918 is zoned Parks and Recreation in TPS No 3 but is used as a fenced off drainage sump. The drainage function is not affected by the proposal.

State Land Services has agreed to the proposal and the western Australian Planning Commission has approved the subdivision advising that the relevant area needs to be appropriately zoned in TPS No 3. This amendment is giving effect to Council's previous decisions and requirements of the Western Australian Planning Commission.



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

The Planning Policies which apply to this item are:

Nil

Budget/Financial Implications

The owners of 14 and 16 Frederick Road are required to meet all associated costs including the cost of advertising this amendment.

Legal Implications

N/A

Community Consultation

The adjoining owners have been advised that prior to the purchase of portion of Reserve No. 25918 that the land will be required to be rezoned.

Formal public advertising of the amendment will be undertaken as part of the amendment process.

Attachment(s)

Location map.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



14.3 (MINUTE NO 3475) (OCM 14/06/2007) - LEASE OF PORTION OF FORMER ROAD RESERVE (PRINSEP ROAD) JANDAKOT (450006) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) accept a Management Order for a Reserve, being a portion of unmade Prinsep Road, Jandakot, for the purpose of Public Utilities and Parking with a power to lease for periods of up to 21 years.
- (2) following (1) above, lease an area of 1,432 sq. m. to Sportline Holdings Pty Ltd for a 10 year term with a 10 year option period at an initial rent of \$11,635 pa with rent reviews to CPI each year except for the 6th year of the term, the 1st and 6th year of the option period where the rent review will be to market.

Items 1 & 2 above being subject to:

- (3) Sportline Holdings Pty Ltd meeting all costs levied by State Land Services to establish the Reserve;
- (4) the City of Cockburn receiving no submissions on the advertised proposal pursuant to Section 3.58 of the Local Government Act;
- (5) Sportline Holdings Pty Ltd agreeing to meet all conditions of Development Approval; and
- (6) Sportline Holdings Pty Ltd agreeing to establishing and maintaining landscaping.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that Council:

- (1) accept a Management Order for a Reserve, being portion of Prinsep Road road reservation, Jandakot, for the purpose of Public Utilities and Parking with a power to lease for periods up to 21 years;
- (2) following (1) above, lease an area of 3,028 sqm to Sportline Holdings Pty Ltd for a 10 year term with a 10 year option period at an initial rent of \$24,602 pa with rent reviews to CPI (Perth) each year except for the 2nd and 7th year of the term, the 2nd and 7th year of the option period where the rent review will be to market, unless the lease area is approved to be used for activities in addition to those approved by Council in its development approval dated 30 January 2007 whereby a rent

review based on market rates will be undertaken at that time;

- (3) advise Sportline Holdings Pty that the above items (1) and (2) are subject to the following:
1. Sportline Holdings Pty Ltd meeting all costs levied by State Land Services to establish the Reserve;
 2. Sportline Holdings Pty Ltd meeting all costs associated with the preparation and lodgement of any lease over the Reserve;
 3. the City of Cockburn receiving no submissions on the advertised proposal pursuant to Section 3.58 of the Local Government Act;
 4. Sportline Holdings Pty Ltd agreeing to meet all conditions of the development approval, dated 30 January 2007, applicable to the use and development of the Reserve. Any alternative uses of the Reserve apart from landscaping and fencing shall be subject to a separate development application.
 5. Sportline Holdings Pty Ltd agreeing to pay all rates associated with the Reserve;
 6. Sportline Holdings Pty Ltd agreeing to the fencing of the Reserve and the establishment and maintenance of landscaping on those portions of the Reserve not approved to be developed for car parking or access.
 7. Sportline Holdings Pty Ltd agreeing to the inclusion of easements over all public utilities within the Reserve, within any lease.

CARRIED 8/0

Reason for Decision

Council considers that the entire area of the unmade portion of Prinsep Road should be contained within the proposed lease area. In recognition that the overall lease area had increased but the balance of the proposed lease area would be unable to be utilised for any other use or activity apart from landscaping, the annual rent be set at \$24,602 p.a.. The rent to be reviewed annually based on CPI with regular reviews based on market rents during the lease period. In the circumstance that Sportline Holdings Pty Ltd are approved to use a greater portion of the Reserve then the rent be reviewed based on the increased useable area.



Council also considers that Sportline Holdings Pty Ltd should be responsible for all costs associated with the establishment of the Reserve, the preparation and lodgement of the lease, the payment of rates for the area covered by the lease/Reserve, together with the fencing and landscaping of the reserve.

Background

Council at its meeting held on 9 June 2005 resolved to:

- (1) request that the Minister for Planning and Infrastructure close portion of Prinsep Road adjoining Lot 197, pursuant to Section 58 of the Land Administration Act 1997, subject to there being no objections at the close of the statutory advertising period; and
- (2) advise the Owner of Lot 197 Prinsep Road, Jandakot of Council's decision.

Submission

Sportline has written to the City with an offer to lease the portion of former road reserve. The offer reflects the current rental value determined by Licensed Valuer Jeff Spencer.

Report

Following the decision in 2005 the owner of adjoining Lot 197, Sportline Holdings Pty Ltd attempted to purchase the former road reserve from State Land Services and amalgamate the land with Lot 197. This action stalled when it was realised that the former road reserve was zoned Resource zone and Lot 197 Special Use RU6.

A solution to the impasse was brokered by Council officers whereby the State Land Services agreed to revest the former road reserve to a purpose consistent with the land use sought by Sportline. The provision for a power to lease was also agreed to. Concurrent to the land tenure negotiations, Sportline received development approval for a commercial building on Lot 197. The conditions of the approval included the provision of car parking and landscaping on the proposed reserve for public utilities and parking.

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

The 2007/08 Budget will be adjusted to reflect the projected income.

Legal Implications

Land Administration Act 1997 (as amended).

Community Consultation

An advertisement pursuant to 3.58 of the LAA Act 1997 is placed in the West Australian Newspaper.

Attachment(s)

Site Map.

Advice to Proponent(s)/Submissioners

The Proponent has been advised that the matter will be considered at the June 2007, Council meeting.

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

Nil.

14.4 (MINUTE NO 3476) (OCM 14/06/2007) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56(1) OF THE LAND ADMINISTRATION ACT 1997 (4110065, 4309468, 4315175, 4315176) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) request that the Minister Planning and Infrastructure dedicate portions of Lot 26 Howson Way, Lot 33, Lot 303 and Lot 42 Miguel Road, Bibra Lake respectively pursuant to Section 56(1) of the Land Administration Act; and
- (2) indemnify the Minister for Planning and Infrastructure against reasonable costs incurred in considering and granting this request and the taking of the land.



COUNCIL DECISION

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

CARRIED 8/0

Background

Council at its meeting held on 8 March 2007 resolved to:

- (1) Council agree to purchase the land required for the extension of Spearwood Avenue, Barrington Road to Sudlow Road as follows:

- Portion of Lot 26 Howson Way, Bibra Lake
- Portion of Lot 33 Miguel Road, Bibra Lake
- Portion of Lot 303 Miguel Road, Bibra Lake
- Portion of Lot 42 Miguel Road, Bibra Lake

Subject to any purchases being supported by a Valuation report prepared by a Licensed Valuer on behalf of the City.

- (2) if the Valuation Reports prepared by the City's Licensed Valuer are within 15% of the report prepared by the land owner's Licensed Valuer, a conference be requested between both Licensed Valuers to discuss and agree on a common valuation, following which the Chief Executive Officer finalise the land acquisition at that agreed value.
- (3) if the Valuation Reports prepared for the City and the land owners have a variance in excess of 15% or if the City and the Land Owner cannot reach agreement as outlined in (2) above, the City shall request the Minister for Planning and Infrastructure to compulsorily acquire any outstanding portion of land identified in (1) above that has not been voluntarily acquired

Submission

The Department of Planning & Infrastructure (State Land Services) has written to the City requesting dedication prior to them commencing action to compulsorily acquire the subject land.

Report

The portions of land make up the section of Metropolitan Region Scheme 'Other Regional Roads'. The land is held in private ownership. Negotiations to purchase the required land have not progressed. A request to initiate a Taking Order pursuant to the Land Administration Act has been forwarded to State Land Services. State



Land Services have responded with a request that the dedication be sought and that the Minister for Planning and Infrastructure be indemnified against any costs arising from the taking of the land.

Strategic Plan/Policy Implications

Demographic Planning

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

Budget/Financial Implications

The legal requirements of dedicating the land as road reserve will have no financial implications.

Legal Implications

Land Administration Act 1997 (as amended).

Community Consultation

N/A

Attachment(s)

Location Plan.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.5 (MINUTE NO 3477) (OCM 14/06/2007) - EXCISION FOR ROAD RESERVE PURPOSES PORTION OF RESERVE 24309 COCKBURN ROAD (450005, 3412067) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the excision from Class A Reserve 24309 a portion of land 1,188 sq. m. in area or thereabout for road purposes;



- (2) request that the Minister for Planning and Infrastructure dedicate portion of Reserve 24309 as Road Reserve pursuant to Section 56 (1) of the Land Administration Act; and
- (3) indemnify the Minister of Planning and Infrastructure against reasonable costs incurred in considering and granting this request.

COUNCIL DECISION

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

CARRIED 8/0

Background

Reserve 24309 is managed by the City of Cockburn for the purpose of Camping Recreation. Reserve 24309 is on "A" Class reserve.

Submission

The Department for Planning and Infrastructure (State Land Services) has written to the City requesting the action to excise the land from Reserve 24309 and then proceed with road dedication.

Report

In the past LandCorp as developer of the Australian Marine Complex, realigned portion of Cockburn Road. It has been discovered that this realignment has necessitated a further boundary adjustment of Cockburn Road adjoining Reserve 24309. The area of this excision is 1188 square metres.

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

The request has no financial impact to the City.



Legal Implications

Land Administration Act 1997 (as amended).

Community Consultation

N/A

Attachment(s)

Two Site Maps.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.6 (MINUTE NO 3478) (OCM 14/06/2007) - PROPOSED TOWN PLANNING SCHEME AMENDMENT NO 59 - REZONING FROM REGIONAL CENTRE (DA 24) TO REGIONAL RESERVE - 'PRIMARY REGIONAL ROADS' (93059) (MC) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:

PLANNING AND DEVELOPMENT ACT 2005

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

AMENDMENT NO. 59

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

1. rezoning Lots 801, 807 and portion of Lot 203 Beeliar Drive, Success from Regional Centre (DA 24) to Regional Reserve – 'Primary Regional Roads';
2. amending the Scheme Map accordingly.



- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
- (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment.

COUNCIL DECISION

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

CARRIED 8/0

Background

ZONING:	MRS:	Regional Reserve – 'Primary Regional Roads'
	TPS:	Regional Centre and Development Area 24.
LAND USE:	Lots 801 and 807: Vacant Lot 203: Shopping Centre	
LOT SIZE:	Lot 801: 0.3589ha Lot 807: 0.1577ha Lot 203: 19.0153ha	



Metropolitan Region Scheme Amendment 1032/33 – South West Metropolitan Transit Route was initiated in September 2001. The amendment was required to finalise land requirements for the South West Metropolitan Railway and in respect to the subject land involved the removal of the railway reservation and replacing it with a Primary Regional Road Reservation. This amendment was finally approved in August 2005.

An amendment to the City's Town Planning Scheme (Amendment No.1) was initiated in July 2004 which involved rezoning the subject land from Regional Reserve – Railways and Local Reserve – Public Purposes to 'Regional Centre' (DA24). This amendment was gazetted in January 2007.

Unfortunately, as TPS Amendment No. 1 was initiated prior to the gazettal of MRS Amendment 1032/33, the Regional Road Reservation of the subject land was not reflected within TPS Amendment No.1. A new amendment to the City's TPS is required to ensure the zoning reflects the zoning under the MRS.

Submission

The purpose of this amendment is to rezone Lots 801, 807 and portion of Lot 203 Beeliar Drive, Success from Regional Centre (DA 24) to Regional Reserve – 'Primary Regional Roads', to accord with the zoning under the Metropolitan Region Scheme.

Refer proposed Zoning Map contained within the Agenda attachments.

Report

An Amendment to Town Planning Scheme No.3 is required as the zoning of the subject land is inconsistent with the zoning under the Metropolitan Region Scheme. Section 124 of the Planning and Development Act provides that local government Councils shall, no later than 90 days after the effective date of an MRS amendment, resolve to prepare a town planning scheme or amend an existing scheme so that the land is in accordance with the Metropolitan Region Scheme. This time period has expired and consequently the Council could receive instructions from the Minister to initiate an amendment to TPS 3 at any time.

The proposal involves rezoning the land to Regional Reserve – 'Primary Regional Roads', consistent with the zoning under the Metropolitan Region Scheme. It is recommended that the Council proceed to amend the scheme to ensure that it is consistent with the MRS and therefore satisfying the statutory obligations under the Planning and Development Act.



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.*

Budget/Financial Implications

Costs associated with preparing the documents in-house.

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No 3
Town Planning Regulations 1967

Community Consultation

The proposed Scheme Amendment will be advertised for a period of 42 days to relevant government agencies and surrounding community upon initiation of the amendment.

Attachment(s)

- (1) Location plan
- (2) Proposed zoning map

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.7 (MINUTE NO 3479) (OCM 14/06/2007) - PROPOSED TOWN PLANNING SCHEME AMENDMENT NO 56 - RECODING FROM RESIDENTIAL R20 TO R25 - LOT 1650 ARCHIDAMUS ROAD, COOLBELLUP (93056) (MC) (ATTACH)

RECOMMENDATION

That Council:

- (1) not require the preparation and approval of a development application prior to the finalisation of Amendment No.56 as required by point 7 of Council's determination of Item 14.10 of Ordinary Council Meeting 12/4/2007; and

- (2) require the adoption of a Detailed Area Plan (DAP) for Lot 1650 Archidamus Road, Coolbellup showing building orientation, parking and fencing, prior to Council finally approving Amendment No.56; and
- (3) advise the applicant accordingly.

COUNCIL DECISION
 MOVED Cllr S Limbert SECONDED Cllr I Whitfield that the recommendation be adopted.

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	TPS:	Residential R20
LAND USE:	Grouped Dwellings	
LOT SIZE:	3075m ²	

Council at its meeting held on 14 April 2007 resolved to initiate an amendment to the City of Cockburn Town Planning Scheme No.3 to recode Lot 1650 Archidamus Road, Coolbellup from Residential R20 to Residential R25. Point (7) of the resolution required the following:

“(7) prior to Council finally approving the Scheme Amendment, a development application being approved by the City of Cockburn demonstrating compliance with the R-Codes and providing good presentation to the street(s) for the entire site.”

The applicant has indicated that they do not wish to lodge a development application prior to Council finally approving the amendment, however, they are prepared to obtain approval of a Detailed Area Plan (DAP).

Submission

The applicant seeks modification to point 7 of Council’s resolution by deleting the requirement for a development approval (prior to the final approval of the scheme amendment) and replacing it with a requirement to obtain approval of a Detailed Area Plan (DAP).

Correspondence from the applicant is contained within the Agenda attachments.



Report

The requirement for a development approval on the site was intended to demonstrate compliance with the R-Codes and provide good presentation to the street. The applicant's request has merits particularly as there is no assurance that the approved development plans will be constructed by either the current or future owners. Requiring a DAP to be approved is preferred as it provides design and siting criteria that is binding to future owners, which will ensure that good presentation to the street is achieved. Accordingly, it is recommended that point (7) of Council's resolution be modified.

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 conserve the character and historic value of the human and built environment.*

Budget/Financial Implications

N/A

Legal Implications

Planning and Development Act 2005
Town Planning Scheme No 3
Town Planning Regulations 1967

Community Consultation

The proposed Scheme Amendment will be advertised for a period of 42 days to relevant government agencies and surrounding community upon initiation of the amendment.

Attachment(s)

1. Location Plan
2. Letter from applicant (Burgess Design Group).

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the June 2007 Council Meeting.



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

Nil.

14.8 (MINUTE NO 3480) (OCM 14/06/2007) - CONSERVATION ZONE PROVISIONS IN TOWN PLANNING SCHEME NO 3 - AMENDMENT NO 58 (93058) (AJB)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:

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

AMENDMENT NO. 58

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

1. Amending clause 4.2.1 by inserting the following paragraph
(n):

(n) Conservation Zone

To provide for a range of uses which are consistent and
compatible with areas of conservation value including
wetland, lake and or bushland areas, whilst providing for
the ongoing protection and maintenance of those areas.

2. Amending the Zoning Table as follows:

2.1 Inserting a new column entitled "CONSERVATION"

2.2 Designating the permissibility of uses within the
Conservation zone as follows:

Dwelling Grouped (R-Code)	A
Home Business	A
Home Occupation	A
Home Office	A
House Single (R-Code)	P
Tourist Accommodation	A
Industry Cottage	A
All other uses	X



3. Adding a new clause 5.17 as follows:

5.17 Conservation Zone

5.17.1 For the purposes of this clause,

“conservation area” means any area within the Conservation Zone identified by the City in consultation with the Department of Environment and Conservation to be of high conservation value and may include but is not limited to areas of bushland, wetlands and lakes and their associated buffers;

“conservation agreement” means the agreement required by sub-clause 5.17.8(iv) of this clause.

5.17.2 The use and development of land within the Conservation Zone shall be compatible and consistent with the protection and preservation of conservation areas and comply with the requirements of relevant State government policy guidelines or statements pertaining to the conservation of bushland, wetlands and lakes.

5.17.3 Every lot, strata or survey strata lot in the Conservation Zone shall have located on it a building envelope of not less than 600m² in area located outside the conservation area except as otherwise agreed to by the Council in writing having regard to advice from the Department of Planning and Infrastructure and the Department of Environment and Conservation, if any.

5.17.4 Development shall be limited to a defined building envelope which shall be set back a minimum of 6 metres from any street boundary and 1.5 metres from side and rear boundaries.

5.17.5 Council shall consider and determine development applications having regard to advice provided by the Department of Planning and Infrastructure and the Department for Environment and Conservation, if any, in addition to the matters to which Council is required to have regard by clause 10.2.1.

5.17.6 Development applications shall be accompanied by the following information in addition to the

requirements of clause 9.2.1 –

- (i) a plan showing the entirety of the land the subject of the development application, including the building envelope and conservation area(s) located on the land;
- (ii) a plan showing access tracks, servicing corridors, fire breaks including any strategic fire breaks and the location and type of fences to be erected around any conservation area(s);
- (iii) a weed management program; and
- (iv) a bushland or wetland rehabilitation program to restore or enhance the environmental qualities of degraded areas within the conservation area;
- (v) a fire management plan, which plan shall require the provision and maintenance of strategic fire breaks to the satisfaction of the Fire and Emergency Services Authority of Western Australia;
- (vi) a nutrient management plan;

5.17.7 The following uses are not permitted within any conservation area:

- (i) the keeping of livestock or other animals;
- (ii) the clearing of vegetation except for the purpose of complying with relevant fire break requirements;
- (iii) filling or excavation including the construction of drainage facilities, artificial lakes, dams, swimming pools or waterholes;
- (iv) the erection of any structure other than a board walk or viewing platform;
- (v) the storage or placement of any vehicles, materials or other items;

5.17.8 Where development is approved, the owner shall prior to the commencement of development or within such other period of time as is approved by



the City:

- (i) implement the weed management program required by sub-clause 5.17.6(iii) to the satisfaction of the City;
- (ii) implement the approved bushland or wetland rehabilitation program required by sub-clause 5.17.6(iv) to the satisfaction of the City;
- (iii) implement the fire management plan required by sub-clause 5.17.6(v) to the satisfaction of the City;
- (iv) implement the nutrient management plan required by sub-clause 5.17.6(vi) to the satisfaction of the City;
- (v) ensure the boundaries of any conversation area on the land the subject of the development approval are made clearly visible by either the provision and maintenance of fencing or the appropriate marking of the boundaries;
- (iv) enter into a conservation agreement, prepared at the applicant's expense by the City's solicitors, to secure compliance with any of the requirements of clause 5.17 and authorising the City to lodge a caveat on the certificate of title of the land the subject of the approval as further security for such compliance.

5.17.9 Without affecting the generality of clause 11.1.2, upon the provision of 7 days written notice to the owner of land within the Conservation Zone, an authorised officer of the City shall be permitted to enter upon such land for the purpose of inspecting the conservation area and to ensure compliance with the requirements of the Scheme and/or the conservation agreement.

5.17.10 Where an owner of land has failed to comply with the requirements of the Scheme and/or the conservation agreement, the City may at the expiry of 1 calendar month after serving notice on the owner, undertake whatever action and works are necessary to achieve compliance with either the requirements of the Scheme and/or the

conservation agreement and recover all associated costs from the owner.

4. Amending the Scheme Map by inserting in the Legend of the Scheme Map under the heading "Zones" a new zone named "Conservation" represented by a dark green boundary and light grey infill.
- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48(A) of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48(A) of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
- (6) should formal advice be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment.

COUNCIL DECISION

MOVED Clr T Romano SECONDED Clr K Allen that defer consideration of Amendment No.58 until the July 2007 Ordinary Council Meeting to allow interested parties time to raise any issues of concern on this proposal with the Council.

CARRIED 8/0



Reason for Decision

Some residents in the Munster locality who are affected by the Water Corporation wastewater treatment plant buffer zone have expressed their concerns regarding this amendment and, in particular, that they have not had the opportunity to consider or gain an understanding of how it might affect them.

Deferring the Item for one month will allow the residents time to gain a better understanding of the proposed amendment to City of Cockburn's Town Planning Scheme No.3.

Background

N/A

Submission

N/A

Report

The requirements for the provision of public open space (POS) as part of the subdivision process is set out in the following Western Australian Planning Commission policies;

DC 2.3 - Public open space in residential areas.

DC 3.4 – Subdivision of rural land.

DC 4.1 - Industrial subdivision.

In respect to residential areas, Policy DC 2.3 provides that 10% of the area being subdivided is to be set aside of public open space and that such area should achieve a balance between active and passive uses including conservation. It also includes an objective that POS should protect and conserve the margins of wetlands but is silent in respect to the core area of a wetland, lakes and bushland areas. In the case of industrial and rural subdivision there is no general requirement for the provision of POS for conservation purposes and there is no absolute requirement that conservations must be included in POS as opposed to being retained in private ownership.

In respect to environmental policies there is a requirement that areas with high conservation values such as wetlands, lakes and bush forever areas be protected and not developed. However again there is no absolute requirement that these areas be included in POS.



When assessing structure plans and subdivision applications for rural, residential and industrial purposes the City usually requests that areas with high conservation value be shown as a reserve for recreation or conservation so that they can be effectively managed and maintained by the City for the enjoyment of the broader community.

In general developers and in particular those in the residential area agree with this requirement and set aside conservation areas in POS and also prepare and implement conservation management plans to enhance the conservation values. However there have been several instances where subdividing owners have not been prepared to vest the conservation areas as open space, preferring instead to retain the conservation area in private ownership even though they acknowledge there is no development potential.

As outlined above, there is no absolute requirement that conservation areas must be provided as public open space and accordingly the State Appeals Tribunal has upheld appeals against this requirement. In respect to a conservation category wetland in the Banjup rural area the Tribunal held the view that the vesting of the large area of wetland as POS was an unreasonable imposition and that the conservation values could be protected through a conservation covenant.

Given that conservation areas can be retained in private ownership rather than be vested as an area of open space for the City to manage and maintain, it is considered essential that these areas be adequately protected to ensure that their conservation values are not compromised through inappropriate land use or management practices. Accordingly it is proposed to include a Conservation Zone with appropriate land use and management requirements in Town Planning Scheme No 3 which can be applied through a structure plan or an amendment to TPS No 3 to conservation areas being retained in public ownership.

The amendment text sets out the objectives and requirements of the Conservation Zone, lists appropriate land uses that can be developed within a building envelope located outside of the defined conservation area and the need to prepare and implement appropriate management plans. The text also provides the City with the ability to inspect areas within the conservation zone if it is considered that the requirements of the zone are not being met, to conduct a management plan compliance audit, to require owners to undertake works in the event of non compliance and for Council to undertake works in the conservation zone at the owners expense should they not comply with a Council directive.

It is considered that the provisions contained in the amendment text will ensure that areas of high conservation value retained in private ownership will be used, managed and maintained in an appropriate manner commensurate with their environmental importance.



The Scheme provisions have been prepared by McLeod & Co in consultation with Strategic Planning Services and Environmental Management Services to ensure their appropriateness and legal integrity.

Strategic Plan/Policy Implications

Natural Environmental Management

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Will be undertaken as part of the amendment process.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

14.9 (MINUTE NO 3481) (OCM 14/06/2007) - TOW TRUCK PARKING IN RESIDENTIAL AREA - 34 FOLLAND PARADE, ATWELL - GLEN ALAN MOUNTFORD (5517956) (BH) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to the proposed Home Business (Tow Trucking) in accordance with the approved plan subject to the



following conditions:-

Standard Conditions

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of development.
3. Only one vehicle associated with the business being parked on the property.
4. Any restrictions imposed on the hours of operation of the vehicle associated with the business shall not limit further application of the relevant Regulations made pursuant to the Environmental Protection Act 1986.

Special Conditions

5. This approval is personal to the applicant only and is not transferable to another person and does not run with the land.
6. The vehicle associated with the business shall not be parked on the verge or the street for more than 4 consecutive hours.
7. The use of the vehicle associated with the business is restricted to the hours of 7am and 7pm, Sunday to Thursday and 7 am to 10pm on Friday and Saturday.
8. The business is not to adversely affect the amenity of the neighbourhood, in Council's opinion including (but without limiting the generality of the foregoing) due to the emission of light, noise, vibration, dust, grit, oil liquid wastes or waste products.
9. The CB radio/scanner is to be located inside the house at all times.
10. This approval is valid for six (6) months, at which time the proposal will be reviewed accordingly.
11. No car bodies or wrecked vehicles are to be stored on site.



12. The appropriateness of this approval will be reviewed after 6 months.

Footnotes

- (a) The applicant is advised that this approval is specific to the business described in the application. The replacement of the vehicle with an alternative greater than 3.5 tonnes tare weight will require a new approval to be obtained from the Council.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly; and
- (3) advise those who lodged submissions of the Council decision.

COUNCIL DECISION

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

CARRIED 8/0

Background

ZONING:	MRS:	URBAN
	TPS3	R20
LAND USE:	RESIDENTIAL	
LOT SIZE:	578m ²	
USE CLASS:	"A" Discretionary Use	

The application has been made following a complaint to Council on 26 February 2007 in respect of the business. The subject land is situated on the western side of Folland Avenue. The area is characterised by single dwellings on both sides of the road.

Submission

The application seeks planning approval for a home business for a Tow Truck business, which involves the parking of one (1) tow truck at the front of the subject property. The applicant has provided the following justification in support of the proposal which has been summarised accordingly:-

- The subject vehicle has been parked on the property since August 2006.



- One (1) truck to be parked on the residence with the main hours of operation being between 7am and 7pm, 7 days a week.
- This is requested to extend until 10pm on Friday and Saturday nights.
- Limited movements are requested after 7pm Sunday to Thursday.
- The CB Radio is to be located inside the house at all times.
- No car bodies are to be stored on the subject property.
- The vehicle is 3.08 tonnes in weight.

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

Report

The subject land is zoned Residential R20 under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

Scheme Requirements

The application seeking to establish a Home Business on the subject property complies with the requirements stipulated under Clause 5.8.5 of the City's Town Planning Scheme No. 3. and the definition of Home Business contained within the Scheme.

It is noted that the Tow Truck does not meet the definition of a commercial vehicle under the City's Town Planning Scheme.

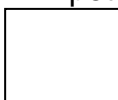
Amenity

It is considered that the proposed home business (Town Trucking) will not have a significant impact on the amenity of the area given that :

- the tow truck will be parked in line with the existing residence in the carport, as any other vehicle might be parked
- the noise and emission for the vehicle are no more than any other vehicle in a residential area, given that this is not considered a commercial vehicle
- the noise from the radio will be contained within the dwelling similar to any other domestic radio or hobby CB.

Community Consultation

In accordance with Clause 9.4 of the Scheme, the application has been advertised for public comment. In addition, the applicant supplied a petition from surrounding residents stating no objections and has also



supplied letters of support from 2 nearby residents.. At the conclusion of the advertising period, two (2) letters of objection were received. The following table is a summary of the issues raised in the submission:

Resident	Objection /Support/ Neutral	Issue/s
Jason & Katherine Robshaw 36 Folland Ave, Atwell	Objection	<ul style="list-style-type: none"> • Noise from the two way radio • Noise from the Truck's Exhaust • Wrecked Vehicles being brought back to the property • Other tow trucks present on the property
Helen Thomas 16 Connolly Mews, Atwell	Objection	<ul style="list-style-type: none"> • Noise from the truck late in the evening

Discussion.

The concerns raised in the submission are addressed below:-

The applicant has taken steps to alleviate these concerns, presented in both a letter dated March 21 2007 and following a meeting with Mr & Mrs Mountford at Council offices on 25 May, 2007. It has been agreed to keep the two way radio inside at all times to reduce noise issues. The applicant has also stated that they would be further willing to screen the truck to keep the associated noises confined to their property.

Additional screening is not considered necessary at this stage, however, at the review of the approval in 6 months, the offer to provide additional screening can be re assessed.

Conclusion

It is recommended that the application for the home business at 34 Folland Parade be conditionally approved as it is considered that the business will not have an adverse impact on the amenity of the locality. The approval will include a review after 6 months from the date of approval, at which stage any valid complaints in relation to the running of the business will be considered by Council.



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

Town Planning Scheme No 3
Planning and Development Act 2005

Attachment(s)

1. Location Plan – Identifying where Submissions of Objection and Support have been received.
2. Applicant's justification.
3. Petition and correspondence from neighbouring residents.
4. Photos of subject vehicle.

Advice to Proponent(s)/Submissioners

The proponent and submissioners(s) have been advised that this matter is to be considered at the 14 June 2007 Council Meeting.

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

Nil.

MAYOR LEE LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.45 PM

DEPUTY MAYOR GRAHAM ASSUMED THE ROLE OF PRESIDING MEMBER AT THIS POINT OF THE MEETING.

DECLARATION OF INTEREST

The Presiding Member read a declaration of financial interest from Mayor Lee, pursuant to section 5.60B of the Local Government Act 1995, in the following item. The nature of the interest being, that he is



the owner of property within the Kwinana Industrial Area Buffer, which is impacted by the Buffer Policy.

14.10 (MINUTE NO 3482) (OCM 14/06/2007) - AMENDED STATE INDUSTRIAL BUFFER POLICY SUBMISSION (9121) (AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) lodge a submission in respect to the amended State Planning Policy 4.1 - State Industrial Buffer Policy to include the following;
 1. The principle that industry should contain all amenity and health impacts and risk on site and that buffer areas are not an alternative to control at source and the application of high standards of environmental management by industry and infrastructure providers as stated in the Policy is strongly supported.
 2. The need to separate industry and sensitive land uses and to provide appropriate buffers is acknowledged by the City.
 3. The policy only requires industry to have regard to existing sensitive land use activities when determining a buffer. It is considered that this should also include future sensitive land use proposals and in particular committed but undeveloped residential areas as well as urban deferred areas in the MRS.
 4. It is essential that once buffer areas are defined that the impacts of industry within in that buffer and not incrementally increased. Accordingly environmental assessments for proposed industrial activities in close proximity to existing or proposed sensitive land uses should consider future expansion impacts at the time of the original proposal.
 5. It is essential that industry is required to develop in accordance with world best practice to minimise impacts and to manage its processes accordingly.
 6. Where the emissions of an industry have reduced, the buffer should be reduced accordingly rather than existing or future activities being allowed to produce additional emissions up to the previous buffer limit.
 7. The objectives of the Policy (Section 4) should be expanded

to include the following dot points;

- To encourage the reduction in the size of buffer areas as the impact of industry and infrastructure providers is reduced.
 - Off site buffers should not be used by industry instead of using best practice.
8. Strongly support the principle that industrial areas should contain a core in which intensive industry that is unable to contain its emission on site is located and surrounded by industries not having off site impacts as a transition between industry and sensitive land uses. (In this regard it should be noted that this was the original intention of the Hope Valley Wattleup Development Area. However recently there have been statements from industrial agencies that there may be off site impacts and accordingly the current boundaries of the Kwinana industrial area buffer affecting the Wattleup rural area should not be relaxed).
 9. The formalisation of buffers in a Town Planning Scheme as outlined in Section 6 of the Policy is strongly opposed on the basis that it creates unnecessary and time consuming work in processing an amendment to the scheme where a buffer area changes or the specifications or requirements of the buffer are modified as a result of plant upgrades or renewal of licences.
 10. There is a general presumption that different principles of amenity, health and risk apply to people living in rural areas which are within a buffer area. This is not the case particularly in respect to 2 ha lots that are used for rural living. People living in rural areas should be afforded the same level of protection as those living in residential areas. This should be included as a principle in the determination of the offsite impacts of an industry or infrastructure provider. Also ambient local sources should be taken into consideration in the determination of a cumulative impact assessment.
 11. Annexure A Wastewater Infrastructure should be amended to define who the responsible authority is in parts 3 and 4.
 12. Reiterate its previous decision that the buffer associated with the Woodman Point Wastewater plant should be contracted back to the eastern edge of Lake Coogee.



COUNCIL DECISION

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

CARRIED 7/0

Background

N/A

Submission

The Department of Planning and Infrastructure has prepared an amended draft State Planning Policy 4.1 – State Industrial Buffer Policy and has provided Council with the opportunity to provide comment.

Report

In May 1997 the Western Australian Planning Commission gazetted Statement of Planning Policy No 4 - State Industrial Buffer Policy. According to Appendix 3 of the policy the City lodged a submission on the advertised draft policy. However the City's files do not contain a copy of the submission so it has not been possible to confirm Council's earliest views on this matter.

The Planning Commission has undertaken a review of the Planning Policy and in August 2004 a draft State Industrial Buffer Policy 4.1 was advertised for public comment. The then Director of Planning and Development Mr Steve Hiller lodged a submission on the draft policy in August 2004. The draft policy has been modified following receipt of submissions and has sought further comment from the various agencies in light of the length of time that has elapsed since the initial advertising. A copy of the draft policy is included in the Agenda attachments.

The original and draft policy applies to industry including extractive, general, mining and rural industry that may have amenity and health impacts on, and may constitute a risk to urban and other sensitive land uses. It also applies to essential infrastructure such as ports, major freight terminals, wastewater treatment plants, water treatment plants, power generation facilities, power distribution terminals and substations, waste disposal sites and airports. Wastewater infrastructure is addressed in a specific annexure to the Policy. Road and rail transport noise, the Metropolitan freight network, telecommunications infrastructure, poultry farms and landuse planning in the vicinity of Perth and Jandakot airports are not covered in the draft policy since they are the subject of separate State Planning Policies.



The State Industrial Buffer policy is based on a fundamental and sound planning principle that non compatible uses should be appropriately separated. It is acknowledged that some industry and service infrastructure generate a range of emissions such as noise, smoke, fumes, dust, odour, vibration and light and the generation of risk and there needs to be an appropriate separation between these activities and sensitive land uses such as residential development, hotels, motels, hostels, caravan parks, hospitals and nursing homes, schools and other educational establishments, childcare facilities, shopping centres, sporting facilities and some public buildings.

The Policy makes it clear that the ideal situation would be for industry to contain all amenity and health impacts and risk on site (Para 4 section 2 Introduction and Section 5.1 on page 7). However the policy also acknowledges that this may not always be feasible and that where this is the case appropriate buffers should be provided between the industrial activity and nearby sensitive land uses.

Section 2 of the Policy provided the background and need for the policy, Section 3 describes the application of the policy, Section 4 outlines the objectives of the policy, Section 5 outlines in detail the policy measures, Section 6 details the implementation mechanisms and Section 7 provides definitions for terms used in the Policy.

The general thrust of the amended policy 4.1 is the same as the gazetted 1997 Policy in that it outlines the need to provide separation between some industrial and infrastructure activities and sensitive land uses and this is achieved through the determination of an appropriate buffer which may be off site. The draft policy provides that for proposed industrial development and infrastructure adjacent to sensitive uses, expansion of existing operations with the potential for off site impacts and for sensitive uses proposed adjacent to existing industrial uses, a suitable technical analysis should be undertaken by the proponent to determine the potential impacts and identify an appropriate buffer area and any associated measures necessary to manage the impacts.

The amended policy sets out in greater detail than the 1997 policy the requirements for the definition of a buffer for various rezonings (sections 5.2.1 and 5.2.2) and the requirements of the technical analysis.

Within the City there are a number activities that generate off site impacts including Watsons, the Woodman Point Waste Water Treatment plant, Cockburn Cement, Kwinana industrial area and Jandakot airport all of which have associated buffers. In the future buffers associated with the future outer harbour may affect the Naval Base caravan park. These areas are subject to the current requirements of the 1997 Policy and Policy 4.1 when it is finally



gazetted. The draft Policy 4.1 has been reviewed and there are a number of points that need to be highlighted. These are detailed below.

- 1) The principle that industry should contain all amenity and health impacts and risk on site and that buffer areas are not an alternative to control at source and the application of high standards of environmental management by industry and infrastructure providers as stated in the Policy is strongly supported.
- 2) The need to separate industry and sensitive land uses and to provide appropriate buffers is acknowledged by the City. (This is best enunciated in item D2 of the Strategic Plan with relates the level of amenity enjoyed by the community and Planning Policy APD 22 which acknowledges the buffer around Watsons. Similar to the buffer principles of the State Industrial Buffer Policy, the City applies a midge buffer between wetlands and residential development. In respect to the Woodman Point Waste Water Treatment Plant the City has accepted the need for a buffer but contends that the Water Corporation should undertake works to contract it back to the eastern edge of Lake Coogee).
- 3) The policy only requires industry to have regard to existing sensitive land use activities when determining a buffer. It is considered that this should also include future sensitive land use proposals and in particular committed but undeveloped residential areas as well as urban deferred areas in the MRS.
- 4) It is essential that once buffer areas are defined that the impacts of industry within in that buffer are not incrementally increased. Accordingly environmental assessments for proposed industrial activities in close proximity to existing or proposed sensitive land uses should consider future expansion impacts at the time of the original proposal.
- 5) It is essential that industry is required to develop in accordance with world best practice to minimise impacts and to manage its processes accordingly.
- 6) Where the emissions of an industry have reduced, the buffer should be reduced accordingly rather than existing or future activities being allowed to produce additional emissions up to the previous buffer limit.
- 7) The objectives of the Policy (Section 4) should be expanded to include the following dot points;

To encourage the reduction in the size of buffer areas as the impact of industry and infrastructure providers is reduced.



- To encourage the reduction in the size of buffer areas as the impact of industry and infrastructure providers is reduced.
 - Off site buffers should not be used by industry instead of using best practice.
- 8) Strongly support the principle that industrial areas should contain a core in which intensive industry that is unable to contain its emission on site is located and surrounded by industries not having off site impacts as a transition between industry and sensitive land uses. (In this regard it should be noted that this was the original intention of the Hope Valley Wattleup Development Area. However recently there have been statements from industrial agencies that there may be off site impacts and accordingly the current boundaries of the Kwinana industrial area buffer affecting the Wattleup rural area should not be relaxed.
- 9) The formalisation of buffers in a Town Planning Scheme as outlined in Section 6 of the Ppolicy is strongly opposed on the basis that it creates unnecessary and time consuming work in processing an amendment to the scheme where a buffer area changes or the specifications or requirements of the buffer are modified as a result of plant upgrades or renewal of licences.
- 10) There is a general presumption that different principles of amenity, health and risk apply to people living in rural areas which are within a buffer area. This is not the case particularly in respect to 2 ha lots that are used for rural living. People living in rural areas should be afforded the same level of protection as those living in residential areas. This should be included as a principle in the determination of the offsite impacts of an industry or infrastructure provider. Also ambient local sources should be taken into consideration in the determination of a cumulative impact assessment.
- 11) Annexure A Wastewater Infrastructure should be amended to define who the responsible authority is in parts 3 and 4.

It is recommended that Council lodge a submission on the draft Policy 4.1 based on the above points.

Strategic Plan/Policy Implications

Demographic Planning

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



Employment and Economic Development

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

The Planning Policies which apply to this item are:

APD22 Watsons Buffer

Budget/Financial Implications

Nil. Compensation for injurious affection does not apply to the application of buffers.

Legal Implications

N/A

Community Consultation

Responsibility of the Department of Planning and Infrastructure.

Attachment(s)

Draft State Planning Policy 4.1 - State Industrial Buffer Policy (Amended)

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

MAYOR LEE RETURNED TO THE MEETING AT THIS STAGE THE TIME BEING 7.46 PM.

THE PRESIDING MEMBER ADVISED MAYOR LEE OF THE DECISION OF COUNCIL WHILE HE WAS ABSENT FROM THE MEETING.

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER.



**14.11 (MINUTE NO 3483) (OCM 14/06/2007) - EXTRACTIVE INDUSTRY
- RENEWAL - LOT 132 FRASER ROAD, LOTS 9002 AND 9004
JANDAKOT ROAD, JANDAKOT (5513086) (SDS) (ATTACH)**

RECOMMENDATION

That Council:-

- (1) grant its approval to the proposed Extractive Industry – continuation of sand excavation on Lot 132 Fraser Road, Lots 9002 Jandakot Road & Lot 9004 Armadale Road, Jandakot in accordance with the approved plan subject to the following conditions:-

Standard Conditions

1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of development.
2. The premises shall be kept in a neat and tidy condition at all times by the operator at all times to the satisfaction of Council.
3. All stormwater must be disposed of on-site to the satisfaction of Council.

Special Conditions

1. This approval remains valid for a period of two (2) years only. If development is not completed within this time the approval shall lapse. Where an approval has lapsed, no development shall be carried out without the further approval of Council having been first sought and obtained.
2. Development must only be carried out in accordance with the commitments and plans contained in the submitted Environmental Management Plan which are to include a completion criteria developed in conjunction with the City's Environmental Services and should include but not be restricted to suitable species lists, percentage folia cover delineating between weeds and endemic species, plant and species densities, weed control methods, monitoring and reporting methods and contingency strategies should criteria not be met.
3. Implementation of a ground water monitoring program to monitor groundwater down stream of the silt dam.
4. Excavation works being restricted to between the hours of 7am to 5pm Monday to Saturday and not at all on Sunday or



Public Holidays.

5. Submission of a Revised Dust Management Plan to the City's Environmental Health Services for approval prior to the commencement of excavation works based on the practices already employed under the Dust Management Plan dated 25 April 2005.
6. Sand drift must be managed to ensure there are no visible dust emissions off-site impacting on neighbouring rural residential properties at any time. If any resident complaints are received they must be logged into a complaints register by the operator and investigated. Where required remedial works must be undertaken without delay.
7. A register being kept of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a log book to be kept on-site and available for immediate inspection by the Council.
8. There shall be a 2 metre undisturbed profile between the likely maximum water table and the end surface levels of the excavation areas at all times. Plans with final contour levels demonstrating compliance with this requirement shall be submitted to the City within 30 days of this approval.
9. No burning of stockpiled vegetation or any other material to occur on-site at any time.
10. All wastes are to be disposed of at a suitably licensed waste disposal facility or recycled on-site for use in site rehabilitation.
11. Areas of Remnant Vegetation and Buffer Areas shown on the submitted plan must be surveyed and either fenced or otherwise clearly marked on-site and sign posted to protect these vegetation areas from indiscriminate clearing.
12. No storage of materials such as petroleum, pesticides and fertilisers (including manures) and the keeping of stock is permitted within the northern portion of the subject area within a 300m Wellhead Protection Buffer.
13. The proponent must assess the site for the presence of Acid Sulphate Soils (ASS) and avoid the disturbance of any soils that could have an adverse impact on the quality of groundwater and the nearby drainage, leading to acidification of the water and damage to existing and future infrastructure resulting from increased development and

maintenance costs.

14. No earthworks shall encroach onto the Armadale Road reserve.
15. No stormwater drainage shall be discharged onto the Armadale Road reserve.
16. All vehicular access shall be restricted to the existing driveway.
17. No development, other than landscaping or car parking shall be permitted on the land shown required for future road purposes on the enclosed extract of Main Roads drawing 8021-63-6.
18. The proponent shall make good any damage to the existing verge vegetation within the Armadale Road reservation.
19. Existing crossovers that are not required as part of the development, shall be removed and the verge reinstated within a period of 60 days, to the satisfaction of the Council.
20. The excavation shall provide for a batter outside of the area required for road widening and vegetation buffer areas so that there is no impact on ground levels within the area required for road widening or increased proximity of excavation areas to adjacent houses.
21. There shall be no further clearing of original native vegetation the subject of this approval unless a Spring flora survey is conducted for remnant vegetation within the subject lots over at least 1 year and if possible over 2 years, to determine the occurrence of the Declared Rare Flora *Caladenia huegelii* during the flowering period for this species.

Footnotes

1. The applicant is advised that the subject area falls within the Jandakot Public Drinking Water Source Protection Area (PWSPA) and is classified as a priority 2 source protection area in accordance with State Planning Policy 2.7 (2003). This is to ensure that there is no increased risk of pollution to groundwater.
2. The Department of Conservation and Land Management notes that there is a known population of the Declared Rare Flora (DRF) species *Caladenia huegelii* within areas of remnant vegetation on Lot 9004 adjacent to Fraser Road.



In addition the subject lots are adjacent to Bush Forever (BF) site 390 – Fraser Road Bushland, Banjup (Bushforever, 2000).

3. The Department of Environment and Conservation (DEC) supports the proposed rehabilitation of areas with local native species to pre-mining conditions and the retention of existing remnant vegetation where possible, as outlined in the Rehabilitation Management Plan provided. The DEC also understands from the EMP that mining has ceased in Lot 131. DEC would also note that the DRF *Caladenia huegelii* is also recorded from Lot 131 and that any future proposals to mine or disturb the vegetation on Lot 131 would need formal assessment.
4. The Water Corporation advises the proponent to have management procedures in place to prevent the potentially unacceptable impacts associated with the disturbance of the ASS.
5. The Main Roads Department advises that the subject property is affected by land reserved in the Metropolitan Region Scheme as shown on the enclosed extract of Main Roads drawing 8021-63-6 and will be required for road widening.
6. The Main Roads Department advises that the project for the upgrading/widening of Armadale Road is not in a Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.
7. With regards to Condition No. 17-23, the proponent is advised that all enquires shall be directed to:-

Traffic Services Manager South
Main Roads WA
Waterloo Crescent
EAST PERTH WA 6004
Tel: 9323 4676
Fax: 9323 4174

8. Please call Perth One Call Service (Phone 1100 or 9424 8117) for location details (of Western Power's underground cable) obtained prior to any excavation commencing. Worksafe requirements must be observed when excavation works is undertaken in the vicinity of Western Power's assets.

9. The City's Environmental Health Services note that the Liquid and solid waste management proposals issued under the Controlled Waste Regulations and PDWSA requirements adequately comply with City waste disposal and stormwater protection requirements.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).
- (3) advise the submissioners of Council's decision accordingly.

COUNCIL DECISION
 MOVED Cllr S Limbert SECONDED Cllr I Whitfield that the recommendation be adopted.

CARRIED 8/0

Background

ZONING:	MRS:	Rural Water Protection
	TPS3	Resource
LAND USE:	Extractive Industry – sand	
LOT SIZE:	41.2779ha	
USE CLASS:	Extractive Industry (Statement of Planning Policy 2.3 "AA" discretionary use	

The application was originally referred to Council's Ordinary Meeting of April 2007. Council's determination was to defer its consideration of the application to renew the Extractive Industry (Sand Excavation) at Lot 32 Fraser Road, Lots 9002 Jandakot Road & Lot 9004 Jandakot Road, Jandakot, until the Ordinary Council meeting in May 2007 in order to arrange a detailed briefing and site inspection for all Elected Members. A site visit was arranged by consultants Beck Advisory and Council staff and took place on Wednesday 2 May 2007. Mayor S. Lee and Councillor J. Baker were present.

Due to the onsite meeting occurring in early May, the application has now been referred to Council's June Meeting. Accordingly there is a degree of importance in relation to finalising the determination for the renewal of excavation approval.



Submission

The applicant has provided the following justification in support of the proposal which has been summarised accordingly:-

The sand on the site is of high quality and is preserved for use in concrete. As the sand resources from the local area are all depleted or close to depletion, the resource from Readymix's Jandakot site will be used sparingly to supply local markets as economically as possible. If extraction were to proceed at 2004 extraction levels, the remaining resource on the site would only last another 12 to 18 months, however production levels are being reduced such that extraction will be completed over the next 5 years.

Progressive excavation of sand resources is undertaken to meet on-going market demands for concrete sand and fill sand for use in the civil construction industry.

The total operating quarry area including access roads, haul roads, processing area and ancillary facilities comprises approximately 146 hectares. Of this approximately 50 hectares have been rehabilitated to date of which some areas may be re-accessed as part of future excavation.

The extraction process simply involves the excavation of sand by front-end loaders onto articulated dump trucks. Material is directed to designated stockpiles on Lots 132 or 9002 for screening to remove organic material and other solid 'contaminates'. Depending on client specifications, the material may be washed and dried, prior to being loaded, weighed and dispatched via the on-site weighbridge.

Water for sand washing and dust suppression is sourced from a licensed production bore on-site. Domestic and potable water is sourced from scheme water supply. Total site water requirements average approximately 5ML/month, depending on dust suppression and processing requirements during sand washing.

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

Report

The subject land is zoned Resource under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

The land is identified within Statement of Planning Policy No 2.4 – Basic Raw Materials as a priority resource area for sand extraction. The policy states that priority resource locations are of regional



significance, which should be recognised for future resource extraction and not be constrained by incompatible uses or development.

Councillors at Council's Ordinary Meeting in April 2007 raised the following concerns with regards to the application: -

1. Acid sulphate Soils;
2. Off site impacts on surrounding residents and businesses;
3. Traffic movements to and from the site;
4. Rehabilitation, final land contouring;
5. Final end use of the land;
6. End date of sand extraction from the site; and
7. Site security.

The applicant provided a detailed briefing on site addressing the above concerns. The briefing involved a bus tour through the site and provided an opportunity for the Elected Members to query the applicant directly on any of their concerns. The preceding issues have been summarised in the following headings.

Impacts on surrounding residents

On average there are 30 truck movements per day between Mondays to Saturday. During this time, the site is generally occupied by up to four Readymix personnel including the Operations Manager or his delegate, mobile equipment operators and Weighbridge Operator. Access to the site is restricted, with signage and perimeter fencing. However, given the site's proximity to rural residential areas, and ongoing recreational activities of locals in motor sports like 'dirt-bike' riding, the site is often accessed by trespassers which has led to several instances of property damage, vandalism and theft, which has added an extra burden on the applicant.

A Noise Management Plan forms part of the Environmental Management Plan submitted by the applicant. The purpose of the plan is to protect the amenity of adjoining landowners by ensuring that the noise levels meet the requirements of the *Environmental Protection (Noise) Regulations 1997*, which forms part of this conditional approval. Readymix is ultimately responsible for fulfilling the requirements of the Noise Management Plan.

A Dust Management Plan has also been prepared to ensure that ongoing activities are conducted in a manner that minimises the potential for offsite dust impacts as far as practicable. A revised Dust Management Plan is required to be submitted and approved by Council's Health Services as part of the conditional approval. The submission is required prior to the commencement of any excavation works not already covered under the Dust Management Plan dated 25 April 2005.



Rehabilitation and final end use

The total operating quarry area including access roads, haul roads, processing areas and ancillary facilities comprises approximately 146 hectares. Of this approximately 50 hectares have been rehabilitated.

Management procedures to rehabilitate disturbed areas during and following operation of Jandakot Sand Quarry have been detailed within the Rehabilitation Management Plan, which also forms part of the Environmental Management Plan. The objective of the plan is to address the following issues:

- Restoration of land surface to a profile with safe and stable slopes with levels compatible with likely future land uses;
- Progressive stabilisation of land surfaces to minimise effect of wind erosion and dust generation;
- Provision of vegetated buffers;
- Impacts on natural drainage;
- Potential for contamination of surface and groundwater systems; and
- Public safety issues associated with site closure.

Recommendation

The 5 year approval period for an extractive industry is not considered excessive but upon consideration of the decades of continued mining and progressive subdivision and development of the area and neighbouring residents resistance to mining it is considered that the renewal of approval period be limited to 2 years within which mining operations should preferably cease. This time period gives a reasonable notice period for the operator to extract the remaining resource and secure the necessary approvals needed to relocate to another site. The drawing out of sand supplies might be preferred by the operator but would only serve to continue operations and their potential impacts on nearby residents despite attempts to mitigate sand drift nuisance. It is recommended that Council support the application on the basis.

Strategic Plan/Policy Implications

Natural Environmental Management

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

The planning policies which apply to this item are:

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



APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
Planning and Development Act 2005
State Administrative Tribunal Regulations

Community Consultation

In accordance with clause 9.4 of the Scheme, the application was advertised to nearby owners that were likely to be affected by the proposal. At the conclusion of the advertising period six (6) submissions of objection were received, one (1) submission of no objection was received, and five (5) submissions from Government Agencies. A summary of submissions is included in the agenda attachments and should be read in conjunction with this report.

Attachment(s)

- (1) Location Plan – Identifying where Submissions of Objection and Support have been received.
- (2) Schedule of Submissions
- (3) Applicant’s justification and attached Figures (1-6)
- (4) Potential subdivision layout following remediation of site.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 June 2007 Council Meeting.

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

Nil.

MAYOR LEE AND CLR OLIVER LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.47 PM

DEPUTY MAYOR GRAHAM ASSUMED THE ROLE OF PRESIDING MEMBER AT THIS POINT OF THE MEETING



DECLARATION OF INTEREST

The Presiding Member read a declaration of a financial interest from Mayor Lee, pursuant to Section 5.62(1)(ea) of the Local Government Act, 1995, in the following item. The nature of his interest being, that one of the submissions received relative to this item is from Australand, from whom it appears he received a notifiable gift in relation to the 2005 Election at which he was elected, and he is therefore deemed to be a closely associated person.

The Presiding Member read a declaration of a financial interest from Cllr Oliver, pursuant to Section 5.61 of the Local Government Act, 1995, in the following item. The nature of the interest being, that she had received a notifiable gift relative to the 2005 Election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

14.12 (MINUTE NO 3484) (OCM 14/06/2007) - ADOPTION OF COCKBURN CENTRAL TOWN CENTRE PARKING STRATEGY - VARIOUS LOTS - NORTH LAKE ROAD, BEELIAR DRIVE, JANDAKOT (9629B) (RD) (ATTACH)

RECOMMENDATION

That Council:

(1) pursuant to Clause 2.5 of Town Planning Scheme No. 3 adopt Cockburn Central Town Centre Parking Strategy subject to the following modifications:

1. The uniform standard for car parking applicable for residential dwelling units changed to a minimum of 1 car bay and maximum of 2 car bays per residential unit as per follows:

(a) 1 car bay for one or two bedroom dwellings; and

(b) 2 car bays for three (or more) bedroom dwellings.

2. The standard for car parking applicable for "Convertible Units" is as per the residential use.

3. Include a further recommendation, as follows, under a new heading :

Notification of TOD Principles

That any developer within the Cockburn Central Town Centre provide, at point of sale, information clearly outlining the TOD principles that the development has been



- undertaken on (including but not limited to TravelSmart and car parking limitations).
- (2) pursuant to Clause 2.5 of Town Planning Scheme No. 3 publish notice of Council's adoption of the Cockburn Central Town Centre Parking Strategy in the Cockburn Gazette and Cockburn Herald and also publish a copy of the Parking Strategy on Council's website;
 - (3) advise the landowner and persons lodging submissions of Council's decision accordingly; and
 - (4) forward a copy of the Parking Strategy to the Western Australian Planning Commission.

COUNCIL DECISION
 MOVED Clr T Romano SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 6/0

Background

ZONING:	MRS:	Urban
	TPS3:	Regional Centre Development Area 23
LAND USE:	Vacant – subdivision work completed	
LOT SIZE:	Various	

Council at its meeting held on 12 April 2007 resolved to adopt the Draft Cockburn Central Town Centre Parking Strategy for the purpose of advertising with the following modifications:

1. The uniform standard for car parking applicable for residential dwelling unit be changed from a minimum of 1 car bay per residential unit to 2 car bays per residential unit; and
2. The uniform standard for car parking applicable for “Convertible Units” be based upon the residential use (i.e. 2 bays per unit).

Formal advertising process with the modified Parking Strategy has been subsequently carried out as per Clause 2.5 of the City's Town Planning Scheme No. 3. This report seeks Council support in final adoption of the Parking Strategy, incorporating some justified changes



recommended in response to the submissions received from advertising.

Report

Purpose of Cockburn Central Town Centre Parking Strategy

As mentioned in the Cockburn Central Town Centre Structure Plan, the objective of the development of the Town Centre is to create a vibrant Transit Orientated Development (TOD) as a showcase to promote sustainable planning initiatives in the region and wider Perth Metropolitan area.

It is worthwhile to have a closer look on the definition and characteristics of "Transit Orientated Development", as the concept of TOD is still reasonably new in Australia especially in the general community, whilst this development type has been aggressively pursued in the US, Canada and other OECD countries for more than a decade in order to reduce car dependence and hence, the greenhouse gas emissions.

The concept of TOD has been defined by many leading urban designers and scholars in the past decade. More recently, the Western Australian Planning Commission's *Network City – Community Planning Strategy for Perth and Peel Regions* (WAPC, 2004) gives TOD the following definition:

Transit Orientated Development means a compact, mixed use community within the walkable catchment of a transit place, blending housing, shopping, employment and public uses in a pedestrian-friendly environment that makes it convenient and practicable for residents and employees to travel by public transport instead of by car.

As Professor Affleck (Executive Director of WA Planning & Transport Research Centre) points out that a central objective of TOD is to provide opportunities and incentives to reduce car dependence, by providing a high standard and accessible public transport (such as the train station and bus inter-change planned for Cockburn Central), and by providing pedestrian-friendly environment to encourage other non-car travel modes such as cycling and walking. As such, TOD offers excellent opportunities to reduce the number of car parking bays below conventional parking requirements.

In considering a TOD as part of the local planning strategy process, Western Australian Planning Commission's (WAPC) DC Policy 1.6 (*Planning to support Transit Use and Transit Orientated Development*) requires local government to contemplate the follows:

- Higher residential densities.



- Encouraging mixed use development, both generally and within individual development.
- Promoting public transport use over car use.
- Flexible and robust planning provisions that allow for uses and activities in a transit orientated precinct to change and intensify over time.
- Reducing car parking standards to encourage non-car travel modes and promote pedestrian-friendly public realm.

In view of the above, in terms of a policy measure, one of the key focuses for a TOD is to discourage the use of car. This means that current statutory planning requirements for car parking standards (such as the R-Codes and a Local Town Planning Scheme) will need to be relaxed in order to achieve this objective. It is for this purpose, the City prepared the Parking Strategy for the Cockburn Central Town Centre to guide the Town Centre development with more appropriate and balanced car parking standards to reflect the TOD objectives.

R CODES PROVISIONS VERSUS THE DRAFT PARKING STRATEGY

The Residential Design Codes (R-Codes), as a Statement of Planning Policy, is a statutory document which has been used to guide the conventional residential development (non-TOD) with comprehensive provisions and one of which is parking standards. It must be emphasised that, in order to achieve the TOD objectives, the ultimate purpose of the Cockburn Central Town Centre Parking Strategy is to seek reduction on the number of car parking bays required by the R-Codes rather than increasing it. However, the change to two (2) car bays per dwelling recommended by the Council contradicts the purpose of the initial Draft Parking Strategy as it requires even more parking bays than the R Codes. This is evident in the following calculation:

- *Single Bedroom Dwellings*

The R Codes require the provision of one (1) car bay per single bedroom dwelling (Clause 3.5.1 A1 ii of the R-Codes). The requirement of the Draft Strategy is double that of the R-Codes provision for this type of dwelling.

With respect to single bedroom dwellings, it is noted the application currently before Council for Lot 9 Linkage Avenue, Cockburn Central, has 18 single bedroom dwellings within it (for which the applicant proposes 1 bay per dwelling). A similar application including 20 single bedroom dwellings and with 1 bay per dwelling, has also been received for Lot 12 Stockton Terrace.



- *Multiple Dwellings*

The calculation of parking for multiple dwellings is based on the formula – 0.35 spaces per dwelling plus 0.015 spaces per sqm of plot ratio area, to a maximum of two spaces per dwelling. There is also a requirement for visitor parking. This requirement is no less than 10% of the required spaces provided for exclusive use of visitors where more than four dwellings are proposed (Clause 3.51 A1 iii of the R-Codes).

Based on an average two-bedroom unit 80 sqm in size, 1.39 car bays are required under the R Codes (much less than currently required by the Draft Strategy). This takes into account the 10 % requirement for visitor car parking, which as mentioned, forms part of the total number of required bays i.e. reduces the number of bays for tenant allocation. On the other hand, Council's Draft Strategy requires the provision of visitor parking (10%) in addition to the provision of tenant parking. That means the number of bays for use by tenants under Council's Strategy is not diminished by visitor requirements.

For a typical three (3) bedroom unit 110-120 sqm in size, the parking requirement is 1.8-1.93 bays per dwelling. Again, this takes into account the requirement for visitor parking, and is still less than the two (2) bay requirement per dwelling currently in the Draft Parking Strategy.

The above concludes that the change to two parking bays per dwelling to the Draft Parking Strategy requires even more car parking spaces than the conventional residential dwellings for 1 and 2 bedroom units, which cannot to be justified in both the statutory and strategic planning context. More importantly, it is contrary to the initial purpose of the Draft Parking Strategy, and hence does not support the TOD objectives. As a result, it would likely negatively impact upon the development of Cockburn Central as a TOD showcase.

Community Consultation

Advertising of the Draft Parking Strategy (with the change recommended by Council) has been carried out in accordance with Clause 2.5 of the Scheme from 28 April 2007 to 28 May 2007. Ten submissions of objection were received at the closing of the advertising including submissions from: the Cockburn Central Regional Centre Steering Committee, the Planning and Transport Research Centre (WA), Eames & Associates Architects, Colliers International, Cameron Chisholm Nicol, LandCorp, Cardno BSD, Castelli Group, Australand and Department for Planning and Infrastructure (Urban Policy).

The issue of car parking standard for residential units has become the central focus during the advertising. Much of the discussions of the received submissions objects to the change of car parking standard for residential units (from one bay to two bays recommended by the



Council meeting on 12 April). Some common points from the ten submissions of objection are summarised as follows:

1. TOD offers significant opportunities to reduce the number of car parking bays below conventional parking requirements for residential and other land uses. TOD provides these opportunities by increasing transit accessibility, combining a mixture of land uses and substantially increasing the residential density of the locality. If any of these elements are compromised, the benefits generated by TOD for the wider community, as a result of changing people's travel habits, are greatly reduced. The provision of two parking bays fails to capitalise on the significant investment made by the State Government in the Southern Rail Line, and hence does not incorporate with the TOD objectives.

Discussion:

The above is a valid point. The provision of two parking bays does not differentiate the Cockburn Central as a significant TOD from the conventional parts of the City. TOD is a planning package incorporating elements such as higher densities, mixed uses, high standard public transport services, and reduced car dependence with relaxed parking provisions. Each of these elements is essential and unlikely to function properly without each other. The provision of two parking bays would have negative effects on the TOD planning as a package.

2. The demand for a residential dwelling in a TOD to have two parking spaces is minimal. A large proportion of residents in a TOD would make lower use of the car and be in favour the high quality public transport system. This reduces the incentive to spend household income on provision of multiple motor vehicles. Households in middle and lower income bands will be likely to purchase fewer vehicles; two-persons households are most likely to prefer one vehicle. There is little need for having two parking spaces compared to other conventional parts of the City.

Discussion:

Generally speaking, people living in one bedroom or two bedroom units are small households. It is unlikely they would prefer to own two cars if they had choices especially considering today's high fuel price. TOD provides high standard public transport system with excellent accessibility which will connect people with employment, education and other destinations without heavily relying on the car. There is little need for these types of households to keep two cars. The one "family car" can serve the purpose for off-peak retail, recreational and other



journeying purposes, as well as places with lack of public transport or outside of operating hours of public transport. As a result, one parking bay would be considered sufficient for this type residential units. This justifies why the R-Codes require 1 bay for one bedroom units and 1.39 bays for two bedroom units in the conventional (non-TOD) residential situation. The initial Draft Parking Strategy was seeking the discount for the provision of two bedroom units (within Cockburn Central as a TOD) from 1.39 bays to 1 bay. This is a reasonable and appropriate concession, given that the high standard and integrated public transport system provided for Cockburn Central will greatly reduces car dependence, and given that the mixed land uses planned for Cockburn Central offers a great deal of self-containment which reduce the need for the car. It must be emphasised that this concession was recommended by the consultants (Bruce Aulabaugh Transport Planning and Shrapnel Urban Planning) after carrying out extensive research and case studies.

3. The requirement of two parking bays will significantly reduce the housing affordability in Cockburn Central.

Discussion:

It will cost the developer more in order to satisfy the requirement of two parking bays (one extra bay in addition to the initial provision of the Draft Strategy). An addition underground car bay can be quite costly (approximately \$35,000). This extra cost must be recouped by the developer via dwelling sales prices. As a result, this will have a negative impact on housing affordability within Cockburn Central. Council must consider carefully whether it is worthwhile to require the second car bay (which is likely unneeded in the TOD situation as analysed in the above) for one and two bedroom units and hence largely compromise the housing affordability.

4. The requirement of two car bays is higher than what would normally be required under the R-Codes. This is contrary to the *Network City* strategy which is aimed to help reduce car dependence, reduce congestion on roads and reduce the greenhouse gas emissions.

Discussion:

The fact that the requirement of two car bays per unit beyond what the R Codes require for the conventional residential situation, contradicts the objectives of the *Network City* strategy, in which TOD planning is encouraged in order to help change people's travel habits and reduce car dependence, and hence the greenhouse gas emissions. One of the greatest challenges



that the *Network City* strategy is facing is that Perth has been a car based City for so many decades, it is extremely difficult to change people's car reliance and travel behaviour. Whilst many sustainability initiatives have been put forward to urban planning professions in order to make a paradigm shift in urban planning, it is also critical to educate the general community with sustainability initiatives to help them change their mindset. Local Councils should be at the forefront to promote sustainability initiatives and help the community to appreciate these principles. Cockburn Central as a TOD showcase, is an excellent opportunity for Council to demonstrate its appreciation on sustainable development.

5. The Council may not only lose an opportunity to showcase this venture to a large audience as an example of sustainable development, but also would set a problematic precedent for future TODs in the Perth Metro area.

Discussion:

This is a fair comment. Cockburn Central is intended by both the State and local governments to be established as a World-class TOD showcase. Insofar the development of Cockburn Central has been well progressed. Council has respectively adopted the Cockburn Central Town Centre Structure Plan and the Detailed Area Plans Incorporating Design Guidelines which both were aimed to guide the Town Centre to develop in a sustainable way. The Draft Parking Strategy is another planning mechanism incorporating the Structure Plan and the Design Guidelines as a package aimed to control car parking standards helping achieve the TOD objectives. However, the requirement of two car bays which is higher than what the R Codes require in the conventional residential situation, would negatively impact upon the TOD objectives; and subsequently, Council may lose the opportunity to showcase Cockburn Central as a true sustainable TOD example.

Apart from the common points listed in the above, other individual points and officer's comments can be referred to the Schedule of Submission in Attachment 3.

Car Parking Management

The last Council Minute raised concerns that current on-street parking and Park & Ride facilities are full during the week at Cockburn Central, even without the railway being operational. This is largely due to the absence of a Car Parking Management measure in place. Car parking management is crucial in terms of maintaining TOD proper functioning. As mentioned in last agenda item, a careful and responsive car parking management measure will enhance the efficiency and effective use of



limited car parking spaces, encourage the use of public transport and change of travel habits, and help to ensure the proper functions of the TOD. It is for these reasons the Draft Parking Strategy recommends time limits for on-street parking and public carparks, ensuring that on-street parking and public carparks are used for short term parking purposes by customers and visitors as opposed to long term parking by commuters. The current parking situation at Cockburn Central has clearly indicated the need for time restriction for these public parking spaces.

The City's Strategic Planning Services has been liaising with the Ranger Services to look at updating Local Laws relating to parking issues in order to accommodate new essential initiatives such as permit parking, restricted time parking, ticket parking and infringement laws for both Cockburn Central TOD and the Port Coogee development. Although these essential car parking management measures are new to the City of Cockburn, some other City Councils have sophisticated local laws in place for quite some time in dealing with parking issues. These well-established local laws could be useful references for the City to establish its own Local Parking Laws. In addition, the City is currently looking at employing a Parking Officer to enforce these local laws within Cockburn Central and Port Coogee.

It is worth mentioning that ticket parking as a monetary measure has been adopted in many city centres. To a large extent, ticket parking is a proven measure in effectively managing car parking within city centres and encouraging the use of public transport. This is clearly evident in the Perth City Centre where car parking demand is much higher than what is in Cockburn Central.

It must be emphasised that the requirement of two car bays (one additional bay to the initial Draft Strategy) would merely encourage households to own a second car and is not a sustainable measure in helping solve the parking issues at Cockburn Central. The ultimate effective solution should be encouraging households to capitalise from the world-class public transport system at Cockburn Central by measures of discouraging the use of car (eg. the local parking laws). This is one of the fundamental principles of TOD planning, which should be clearly differentiated from the conventional residential development.

TOD Parking Examples in Perth

There are many successful developments around Perth which provide 1 car bay per dwelling for one and two bedroom units, some of them are even not a TOD:



Development Site	Car Parking Standards		
	One Bedroom Unit	Two Bedroom Unit	Three Bedroom Unit (or Three Bedroom Townhouse)
Gosnells	As per R Codes	As per R Codes	As per R Codes
East Perth (Imago)	1 bay/dwelling	1 bay/dwelling	2 bays/dwelling
Wellard	As per R Codes	As per R Codes	As per R-Codes
Clarkson (Somerley)	1 bay/dwelling	1 bay/dwelling	2bay/dwelling

It is noted from the above examples that three bedroom units are allocated 2 car bays per dwelling. These three bedroom units are aimed to provide more housing choices and opportunities for larger households. The two bays per dwelling car parking ratio is consistent with the r-codes and has not been discounted.

IMPACT ON TRIPLE BOTTOM LINES

It is important to recognise that in planning for Cockburn Central as a TOD, the social, economic and environmental sustainability is optimised through a range of planning measures to support transit orientated development. These measures as an integrated package are recommended by the WAPC DC Policy 1.6 which includes:

- High residential densities
- Mixed use of land
- High standard public transport system
- Reduced car trips and parking standards

These four fundamental measures must incorporate each other or be ineffective with the absence of one. High residential densities, for example, will provide economic viability to the commercial development within the Mixed Use zone; vice versa, the commercial activities will provide convenience (a degree of self-containment) to the residents without car trips. High Standard public transport system will help reduce car dependence; equally, reduced parking standards will encourage the use of public transport.

The requirement of two car bays recommended by Council, however, is inconsistent with the above measures. It negatively impacts on the triple bottom lines:

- It forces the developer to provide twice as many parking spaces, which leaves less space for residential living purpose and consequently compromises on the residential densities. This undermines the economic viability of the commercial activities as well as the patronage of the transit system.



- It provides more space for parking rather than human, which compromises the vibrancy of the centre, and potentially undermines the long term socio-economic sustainability of the centre.
- It negatively affects the builtform environment by altering the design to accommodate more parking spaces.
- It adversely affects developer's economic viability by increasing parking spaces and reducing dwelling yield.
- It undermines the pedestrian-friendly environment of the centre by encouraging more car trips within the centre. This will negatively impact upon the physical environment of the centre.
- It raises the cost of the units by forcing purchasers to pay for two car bays, and hence undermines housing affordability.

Conclusion

The planning for Cockburn Central at both State and local government levels seeks to set a benchmark for sustainable urban development in Perth. It requires innovative approaches to promote the triple bottom lines and should not be confined by existing conventional planning mindset which could negatively impact upon the TOD objectives.

The requirement of 2 car bays per residential dwelling is even more conservative than the conventional planning standards and does not help setting a benchmark for sustainable urban development; therefore it cannot be justified in both statutory and strategic planning contexts. Furthermore, it is inconsistent with the WAPC DC Policy 1.6 and undermines the *Network City* strategy. Finally, it fails to capitalise on the significant investment made by the State government in Southern Rail Line and may lose an opportunity to showcase this once intended to be a world-class TOD example and *Network City* demonstration project.

For above reasons, it is recommended that Council review its position on the requirement of 2 car bays per residential dwelling and support 1 car bay per residential dwelling for one bedroom and two bedroom units.

In addition to the above, it is recommended that an additional parking standard of 2 bays per dwelling for three bedroom (or more) units be included in the Strategy in order to provide opportunities for more housing choices to cater the need of larger households to enjoy the TOD lifestyle. Parking standard for "convertible unit" is recommended to be consistent with the residential use.



Strategic Plan/Policy Implications

Demographic Planning

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

Governance Excellence

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

Transport Optimisation

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*
- *To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.*

The Planning Policies which apply to this item are:

APD3 - Residential Design Codes

APD33 - Town Planning Scheme No. 3 Provisions

WAPC DC Policy 1.6 - Planning to support Transit Use and Transit Orientated Development

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No. 3.

Community Consultation

It is proposed that the Draft Strategy be adopted as a Local Planning Policy under Clause 2.5 of the Scheme. Clause 2.5.1 requires the Draft Strategy to be advertised for no less than 21 days, with a public notice being placed in a local newspaper once a week, for 2 consecutive weeks. The landowner was also invited to comment.

Attachment(s)

1. Site Plan
2. Draft Cockburn Central Town Centre Parking Strategy
3. Schedule of Submissions



Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 June 2007 Council Meeting.

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

Nil.

MAYOR LEE AND CLR OLIVER RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 7.48 PM

THE PRESIDING MEMBER ADVISED MAYOR LEE AND CLR OLIVER OF THE DECISION OF COUNCIL WHILE THEY WERE ABSENT FROM THE MEETING

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER.

14.13 (MINUTE NO 3485) (OCM 14/06/2007) - CONVERSION TO RESIDENTIAL LODGING HOUSE - LOTS 85 & 86 (NO. 17 & 19) WINTERFOLD ROAD, HAMILTON HILL (2201783) (ES) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval for a residential lodging house to accommodate 30 men on Lot 85 & 86 Winterfold Road, Hamilton Hill, in accordance with the approved plans subject to the following conditions:
 1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
 2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
 3. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
 4. All landscaping being appropriately irrigated and maintained to the satisfaction of the Council.
 5. Walls, fences and landscape areas are to be truncated

within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.

6. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS/NZ2890.1) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the Council.
7. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
8. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.
9. Provision and maintenance of a minimum total of 9 car parking bays in accordance with the City of Cockburn Town Planning Scheme No. 3.
- 10.. Vehicular access to and from the site shall be restricted to that shown on the plan approved by the Council.
11. All outdoor living areas must be fully developed with appropriate paving and landscaping.
12. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
13. The applicant must provide sufficient detail to confirm that the kitchen facilities will comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australia New Zealand Food Standards Code. The kitchen is of insufficient size to allow the 30 lodgers to prepare their own meals. The kitchen is required to have minimum area of 19.5m². Detail of kitchen fit-out and fixtures must be provided to council prior to the submission of an application for a building license.
14. The applicant must provide detail as to the furnishings of



the lodging rooms and communal areas to the City's Health Service prior to submission of an application for a building license. Lounge and dining areas are to be provided with sufficient furniture to accommodate a minimum of 15 lodgers in each area at any one time. Lodging rooms are to contain beds and storage space for the lodgers personal effects which do not impede on the minimum clear floor space as designated in the City of Cockburn Health Local Laws 2000.

15. The development is to comply with the noise pollution provisions of the *Environmental Protection Act 1986*, and more particularly with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
16. Refuse bins shall be provided adequate to service the development and the bins are to be screened from view to the satisfaction of the Council before the development is occupied or used.
17. All stormwater is to be contained and disposed of on-site.
18. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
19. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

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

20. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, and designed on the basis of a 1:10 year storm event.
21. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with

- the City of Cockburn Greening Plan;
- (2) any lawns to be established;
- (3) any natural landscape areas to be retained;
- (4) those areas to be reticulated or irrigated; and verge treatments.

22. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
23. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a management plan including measures to control noise and security shall be submitted and approved to the satisfaction of the Council planning department and health department prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
22. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate detailed plan of proposed screening materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval. The screening is to be maintained to council satisfaction.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the applicant and submissioners of Council's decision accordingly.



COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr I Whitfield that Council adopt the recommendation subject to the inclusion of an additional Condition, as follows:

- 19A. That the Residential Lodging House be registered annually as per the City of Cockburn (Health) Local Laws 2000 giving the City the discretion to revoke the registration at any time if the Residential Lodging House is not kept to specific health standards or has not complied with any aspect of the local laws.

CARRIED 8/0

Reason for Decision

Council Officers have recommended that Council conditionally approve the application for a residential lodging house on Lot 85 AND 86 Winterfold Rd, Hamilton Hill. All Lodging Houses within the City are registered and assessed annually by the City's Health Service for compliance with the City of Cockburn (Health) Local Laws 2000. Council believes that by imposing this condition advising the requirement to ensure compliance at all times with the City's Health Local Laws, this will ensure that the service will remain compliant to Council's satisfaction and give the opportunity for residents in the vicinity to raise any health issues and concerns with this type of housing. Council would still retain the right to revoke the planning approval where it was found that the service was breaching the conditions as specified in the Town Planning Approval.

Background

ZONING:	MRS:	Urban
	TPS3	Residential R-40
LAND USE:	Disused church and associated community uses	
LOT SIZE:	1838m ²	
USE CLASS:	"A"	

- The subject land is situated on the southern side of Winterfold Road at the Grigg Place intersection. Residential dwellings are located on the land directly abutting the site to the south and east while a local reserve for parks and recreation is situated directly to the west of the site. Further west of the site is commercial development in the form of a shopping centre including the Hamilton Hill Tavern and IGA Supermarket. The location generally, is characterised by single residential development.
- Recommendation for approval of a seven (7) lot subdivision on the site was made by council on 3 May 2006 and supported by the WAPC on 1 August 2006.



Submission

Application has been made to:

- Use the subject site for the purpose of a privately owned and managed lodging house to accommodate a maximum of thirty (30) men.
- Convert the existing building from a church to eighteen (18) lodging rooms, a kitchen dining area and a recreation area.
- Provide an additional twelve (12) lodging rooms in three (3) detached buildings on the north west of the site, adjacent to the adjoining local reserve. Each of these buildings will include a recreation room and an external courtyard.
- Provide two (2) amenities buildings on the west of the site, adjacent to the adjoining local reserve. There is an existing outbuilding and laundry in the southwest corner of the site.

Provide 9 car parking spaces for the development on the east of the site adjacent to the adjoining residential property.

Report

The proposed development complies with the applicable requirements of the Residential Design Codes of Western Australia (R-Codes) concerning site requirements for R40 density, additionally the use is considered to be appropriate for this site in reference to Town Planning Scheme No. 3 (the scheme). The use is an 'A' use which means Council has to exercise discretion after advertising.

The application was initially advertised to surrounding property owners in accordance with Clause 9.4.1 of the scheme. Thirty-three (33) submissions were received as a result of this initial consultation, with the majority of submissions objecting to the proposal. The applicant, following consultation with Council Offices with regard to the concerns raised during the public consultation, submitted amended plans to Council. These plans comprised substantial changes that addressed some of the concerns outlined in the submissions. The application was subsequently readvertised to all residents who had sent submissions to Council regarding the initial consultation and those residents who Council notified in initial consultation. Seven (7) submissions objecting to the proposal were received as a result of this consultation. The main concerns raised in all submissions received are discussed below.

Aesthetics

The amended plans received as part of this application positively address concerns in regards to the aesthetics of the development. The building is particularly designed to enhance the streetscape, and includes a varied pallet of materials and finishes. A limestone block



fence with infill panels is proposed along the frontage of the site, which contains the activities within the lodging house. Activity areas within the lodging house site have been contained to courtyards and portions of the building that are discreet from areas of external interaction, particularly the street and adjoining neighbours. This, in conjunction with screening along boundaries addresses concerns raised in the submissions.

In regards to visual amenity from adjoining residential lots the development will arguably enhance the appearance of the existing buildings, which have been unused for several years. Renovations to the existing buildings include new windows and screening. The proposed additional accommodation buildings will not be seen from adjoining residential properties hence will not demise the appearance of the site from their perspective. The new accommodation buildings are visible from the adjoining local reserve, which is currently used as a drainage sump, and the streetscape. The proposed new buildings have no impact on the drainage sump and as discussed previously are deemed to contribute positively to the amenity of the streetscape. Furthermore landscaping is proposed across the site and a detailed landscaping plan will be required to be submitted to the satisfaction of the city prior to applying for a building licence.

Management

The lodging house will be privately owned and managed by the applicant and his business partner. The two currently operate a similar lodging house on Hampton Road in South Fremantle. They have successfully operated this lodging house for over three (3) years, with adjoining neighbours of the facility and the City of Fremantle having no objection to their management of the facility.

The owners intend to maintain a similar demographic to that which exists at the South Fremantle lodge. That is approximately 50% of the lodgers are employed and fall in the 25-50 year old age bracket, with the remainder consisting of mainly aged pensioners and some disability pensioners. The proposed lodging house at Winterfold Road is intended to provide for long term accommodation with management expecting most residents to reside at the lodge for a minimum of 12 months. The applicant has noted that as the operation will be privately managed they will have no affiliation with any government or non-government agency. As such they will have no obligation or charter that restricts them in exercising discretion in relation to their choice of tenants.

An onsite manager will be present on the site and will reside in one (1) of the thirty (30) lodging rooms. The manager will restrict such aspects as movement to and from the site, which will be controlled by digital key code access and is proposed to be restricted after 9:30pm. Furthermore, the onsite manager will be required to ensure the day to



day activities of the residence and recreational pursuits carried out by the residents on the site comply with the prescribed management plan. A management plan is required to be submitted to council satisfaction prior to applying for a building license. This will be required to address behavioural and social issues which are implied with lodging house usage, some of which were raised in the submissions. It is intended that both the management plan and onsite manager will greatly minimise any potential anti social behaviour related to the lodging house, including excessive noise.

Car Parking & Traffic Volumes

Eight (8) car parking bays and one (1) service bay are proposed for the development which is in accordance with Clause 5.8.6 of the scheme. One (1) car parking bay is required for every four (4) beds within the lodging house and one (1) service bay.

Traffic volumes created by the lodging house are not expected to differ greatly from volumes that could be expected from the site if it were to be developed as seven (7) units, which approval was granted for in August 2006.

Privacy

The development will have the largest immediate impact on the adjoining neighbours to the south and east of the site. An outdoor recreation area was relocated from the southeast corner of the site to the northern side of the site as part of the amended plans submitted, primarily to reduce the impact of the development on the southern and eastern neighbours, particularly the noise impact. The amended plans propose significant landscaping and a clothes drying line along the southern fence line, hence this area will not encourage high levels of human activity. Outdoor recreation areas are proposed for the northern portion of the site adjacent to the local reserve, this is vacant land hence is an ideal location for such land use. The outdoor areas are designed for leisure activities and are primarily located within definable courtyard areas.

The amended plans received by council address concerns raised in the submissions about privacy and overlooking. Privacy screening was added to the southern boundary, to the exit to the kitchen and to the north of the existing outbuilding/laundry. Such screening will be required to be constructed and maintained to council satisfaction to adequately prevent overlooking into adjoining property, especially into the southern neighbours properties. Furthermore the amended plans ensure there will be no overlooking from southern windows, mezzanine windows at or below eye level as they are proposed to have obscured glass.



Devaluation of property

Potential effects on property values are speculative, and not valid considerations in determination of a planning application.

Location

The location of the proposed lodging house in Winterfold Road is deemed to be appropriate. As most residents will not be in possession of a vehicle it is important that the lodge is in close proximity (walking distance) to a shopping centre and public transport. A shopping centre is located to the west of the site on the corner of Winterfold Road and Carrington Street, while a bus route runs along Winterfold Road.

The proposed lodging house is deemed to be a compatible use in a Residential R40 Zone and complies with clause 5.8.2 of the scheme referring to convenience and functionality of residential uses. Providing a strict management plan is adhered to it is arguable that the proposed usage will have a similar impact to that of a seven (7) unit development which the site has prior approval for. The proposal has been physically designed to positively address the streetscape and preserves an adequate relationship with adjoining neighbours. Matters to be considered by council when dealing with applications are raised in Clause 10.2 of the scheme. Such matters are addressed throughout this report. The application is considered to appropriately satisfy this clause.

Recommendation

That Council conditionally approve the application for a residential lodging house on Lot 85 & 86 Winterfold Road, Hamilton Hill.

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.*

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.*

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes



APD32 Residential Design Codes
APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

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

Legal Implications

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

Community Consultation

Extensive community consultation was undertaken as part of this application and is discussed previously in this report.

Attachment(s)

1. Location Plan - Identifying Objector properties.
2. Site plan, floor plans and elevations.
3. Summary of Submissions

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 June 2007 Council Meeting.

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

Nil

14.14 (MINUTE NO 3486) (OCM 14/06/2007) - TELECOMMUNICATIONS INFRASTRUCTURE - LOT 72 (19) BUCKLEY STREET, JANDAKOT (5513103) (ES) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval for the erection of telecommunications infrastructure on Lot 72 (No.19) Buckley Street, Jandakot, in accordance with the approved plans subject to the following conditions:

1. The development may only be carried out in accordance



with the terms of the application as approved herein and any approved plan.

2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The premises shall be kept in a neat and tidy conditions at all times by the owner/occupier to the satisfaction of the Council.
4. The telecommunication facility being constructed to facilitate co-location with other telecommunication carriers.
5. The telecommunication pole being constructed using a slimline pole and finished in galvanised grey with the equipment room finished in colourbond Merino in accordance with the application.

Footnotes

1. The development must comply with the BCA. A building licence is required prior to commencement of development.
 2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, Council's Planning Services should be consulted.
 3. The telecommunication facility must comply with the Australian Radiation Protection And Nuclear Safety Agency ("ARPANSA") established Radiation Protection Standard that specifies limits for continuous exposure of the general public to RF transmissions at frequencies used by the mobile phone base stations and the Australian Communication Authority ("ACA") mandated exposure limit for continuous exposure of the general public to Radio Frequency EME from mobile phone base stations.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval);
- (3) review its "Telecommunications Policy – High Impact Facilities" APD13, to seek a reduction in the separation distance between a telecommunications tower and prescribed facilities from 500m to 100m; and

- (4) advise the applicant and submissioners of Council's decision accordingly.

COUNCIL DECISION

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

CARRIED 8/0

Background

ZONING:	MRS:	Industrial
	TPS3	Industry
LAND USE:	Existing Industry	
LOT SIZE:	4247m ²	
USE CLASS:	Use Not Listed – Telecommunications Infrastructure	

The proposed facility shall be located on an existing industrial site, within the Jandakot Industrial Area. The subject site is currently utilised as a motor vehicle wrecking yard.

The area surrounding the subject site to the east, west and south is generally utilised for industrial purposes, with the exception of the lot immediately abutting to the east, which is a local reserve for 'Lakes and Drainage'. To the north of the subject site is North Lake Road, and beyond is Anning Park, a local reserve for 'Parks and Recreation'.

The nearest existing residential area is approximately 340 metres northeast of the proposed facility. Between the subject site and the residential uses, the North Lake Road reserve and the mixed business precinct provide a significant buffer.

Submission

Vodafone in conjunction with Optus are proposing to construct a new base station and phone tower. The proposed facility is intended to facilitate the new high-speed next-generation mobile network, which will improve mobile telephone content, wireless broadband access and further mobilisation of business applications in the Jandakot area. A recent agreement between Vodafone and Optus resulted that the two will share network facilities across Perth, but they will continue to provide completely different services.

The proposal involves the installation of telecommunications infrastructure within the Jandakot industrial area. The site selection



process has been influenced by the objective of avoiding residential areas and other sensitive locations.

Vodafone are proposing to install a 35m slimline mono pole at the site with 3 antennas at the 34.25m level and a radio communications dish at the 32.9m level together with an associated equipment room at the base of the structure.

The application basically complies with Council's Policy in relation to site zoning and visual impact requirements however 500m separation from existing residences cannot be achieved in this area.

The site has been selected having regard to the WAPC Statement of Planning Policy No 5.2 where it is advised as follows:-

- The slimline mono pole will be finished in a galvanised grey with the equipment room finished in colourbond Merino.
- The pole and equipment room will be isolated by fencing.

Vodafone have also indicated that they have a responsible approach to Electro Magnetic Energy (EME) Emissions which is demonstrated through compliance with relevant radio frequency standards and comprehensive policies and procedures to protect the health and safety of the community and employees.

In Australia, the EME safety standard is set by ARPANSA and regulated by the Australian Communications Authority (ACA) – independent regulator of the nation's telecommunications industry. Compliance with EME standards is part of Vodafone's responsible approach to EME and mobile phone technology.

Report

Planning approval is required from Council before the development of the telecommunication infrastructure can be commenced. The Council's Town Planning Scheme No 3 provides the basis for planning controls within the district.

The application is for a use not listed in the City's Town Planning Scheme No 3 and subject to the advertising requirements of clause 9.4 the proposal requires approval from Council.

The application was advertised to all residents and property owners within a 500m radius of the subject site (as per APD13 – Telecommunications Policy – High Impact Facilities). The main issues raised in the 33 submissions received are discussed below.



Electromagnetic energy (EME) emissions.

The proposed facility will be designed and installed to comply with Australian safety standards, as set by the Australian Communications and Media Authority (ACMA – formerly ACA). Australia's Standard for EME is designed to protect all sectors of the public (including children) wherever they are in relation to the proposed base station, 24 hours a day.

In addition to the foregoing, it is noted the Officer Report to the Council Meeting of 16 November 2004, with regard to the proposed telecommunications monopole on Lot 67 (No 37) Hammond Road, Jandakot (approximately 60 metres west of the subject site), included the following advice:

- Current medical research into the health effects of telecommunication towers shows that it is unlikely that the radiofrequency radiation from base stations would cause any adverse health effects. The health implications of mobile phone towers was not a valid consideration of Council's former policy; and
- [Carriers] must comply with strict safety margins regarding electromagnetic energy emissions to address concerns for potentially sensitive groups in the community such as children, pregnant women, the infirm and aged. These requirements are not administered by the Council and is not within its control.

Given the above, it is submitted the EME emissions from the proposed facility shall be well within the prescribed limits imposed by the ACMA.

Proximity to residential uses

The subject site is within the Jandakot Industrial Area, and is therefore consistent with the stated objectives of the City of Cockburn 'Policy No. APD13 – Telecommunications Policy: High Impact Facilities', and the Western Australian Planning Commission's 'State Planning Policy 5.2 – Telecommunications Infrastructure' and 'Guidelines for the Location, Siting and Design of Telecommunications Infrastructure', which encourage location within industrial areas. Further, the WAPC documents specifically discourage the location of telecommunications facilities within identified environmental conservation areas (such as Bush Forever), which was the alternative suggested in a number of the submissions.

The nearest residential dwelling is approximately 340 metres northeast of the subject site, and residential areas shall therefore not be significantly detrimentally affected by the proposed facility. As the EME predictive report indicates, emissions at 300 metres from the facility are estimated to be approximately 0.015% of the ACMA mandated maximum.



Furthermore, at councils meeting on 16 November 2004, in approving the proposed telecommunications facility on Lot 67 (No. 37) Hammond Road, Jandakot, Council resolved as follows:

That Council: review its “Telecommunications Policy – High Impact Facilities” APD 13, to seek a reduction in the separation distance between a telecommunications tower and prescribed facilities from 500m to 100m.

The telecommunications policy has not yet been reviewed. Notwithstanding, the above resolution clearly indicates Council considers a separation of 100m to residential uses to be sufficient.

Aesthetics

The subject proposal is designed and located such that it achieves network coverage for Vodafone/Optus whilst minimising the visual impact of such infrastructure on residential areas and community sensitive sites. The proposed monopole shall be of a galvanised finish, with panel antennas flush-mounted to the pole and will be coloured grey, which is deemed to be an unobtrusive colour and appropriate for an industrial area. The proposed equipment cabin is to be a Colorbond structure in ‘Merino’. The ground level infrastructure shall therefore blend with existing structures on the subject site and surrounds, and shall complement the existing landscaping in the area. Furthermore the development does not involve the removal of any existing significant vegetation from the site.

The subject site is approximately 340 metres southwest of the nearest residential zoned land, and shall therefore not have a significant impact on amenity of any resident. In addition, it is noted the area contains a number of existing vertical elements, including several high-voltage electricity towers, and other industrial infrastructure. Accordingly, the proposed development is compatible with the existing development, and is unlikely to cause significant detrimental visual amenity impacts.

Co-location opportunities

There is one (1) existing telecommunications site in the general vicinity of the subject site, located at Prinsep Road, Jandakot. There is currently Vodafone infrastructure co-located on the Prinsep Road facility. However, due to the higher frequency utilised by the third generation network, the transmission range of the signal is reduced. As a result, and also due to the topography of the region, the co-located infrastructure does not adequately cover the area intended to be serviced by the proposed infrastructure.

Therefore, Vodafone is already utilising all existing co-location opportunities in the vicinity of the subject site. The proposed facility is



necessary in order to provide coverage to an area not adequately serviced by the existing co-located infrastructure.

In addition to the above, Council at its Ordinary Meeting of 16 November 2004 resolved to approve a substantially similar Application for Approval to Commence Development for telecommunications infrastructure on Lot 67 (37) Hammond Road (also known as 2 Tichborne Street), Jandakot. The approved facility has not been constructed, and the planning approval has now expired. The possibility of Telstra (the applicant in the previous proposal) co-locating on the facility the subject of the current application has been discussed, and it is probable that Telstra will seek to co-locate a facility on the proposed monopole, should Council resolve to approve this application. The proposed facility would therefore potentially accommodate infrastructure servicing three (3) separate carriers. Any proposed co-location would be required to follow the processes set down under the Telecommunications Act 1997 and subsidiary legislation/regulations, for the installation of a low-impact telecommunications facility.

Property values

Potential effects on property values are speculative, and are not valid considerations in determination of a planning application. Notwithstanding, it is considered the proposed facility will not have a significant detrimental effect on the amenity of the residential areas approximately 340 metres distant from the subject site

Recommendation

It is recommended that Council approve the proposed telecommunication facility for the following reasons:-

- the proposed facility shall be located within an industrial area offering substantial separation to residential uses, and will not have a significant detrimental effect on the visual amenity of the locality.
- The proposed facility shall operate in compliance with the EME emissions standards mandated by the Australian Communications and Media Authority, with predicted emissions significantly lower than the maximum permitted.
- All co-location opportunities in the vicinity of the site are being utilised, and the proposed facility has the potential, and is in fact likely, to accommodate at least three (3) telecommunications carriers, reducing the amount of infrastructure required to be installed in the locality.

The proposed facility is substantially similar to the facility approved by Council in 2004 on a nearby site, the planning approval for which has since expired and which is unlikely to be constructed should the subject application be approved.



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.*

The Planning Policies which apply to this item are:-

APD13 Telecommunications Policy - High Impact Facilities

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3.

Community Consultation

Community consultation was undertaken in accordance with Town Planning Scheme No 3 and Council Policy APD13.

33 submissions were received, being 16 objections and 17 non-objections.

Attachment(s)

1. Locality Plan
2. Elevations, Site Plan
3. Photo Montage
4. Summary of EME Levels

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 June 2007 Council Meeting.

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

Nil.



14.15 (MINUTE NO 3487) (OCM 14/06/2007) - PUBLIC WORK - INDIGENOUS VISITORS TEMPORARY ACCOMMODATION - 20 FREDERICK ROAD, HAMILTON HILL (2202785) (LP) (ATTACH)

RECOMMENDATION

That Council advise the Western Australian Planning Commission that:

- (1) it does not support the proposed Indigenous Visitors Temporary Accommodation on Lot 294 (No 20-22) Frederick Road, Hamilton Hill for the following reasons:
 - 1. The proposed location within the low-density residential area is not considered to be an appropriate location for a temporary accommodation hostel development;
 - 2. It is considered that the proposal has a potential to have negative impact on the residential amenity of the local area due to noise, increased number of visitors to the site, increased traffic flow;
 - 3. The proposed facility should be strategically located next to such public facilities as shopping areas, entertainment, medical/hospital facilities, various modes of public transport;
 - 4. It is considered that the number of parking bays on site is not sufficient, which may result in increased parking on the street and therefore contribute to congestion and diminish safety of drivers and pedestrians and affect visual amenity of the street.
- (2) it would be prepared to reconsider its recommendation subject to the applicant taking measures to amend the proposal to address the issues stated above.

COUNCIL DECISION

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

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	TPS3	Residential R20
LAND USE:	Hostel – Indigenous Visitors Temporary	



	Accommodation
LOT SIZE:	1715m2
USE CLASS:	Use not Listed in the Zoning Table

The site currently contains an existing vacant dwelling in poor condition. The premises were previously used as a hostel for young residents having problems with substance abuse. An application by the Perth City Mission/Homeswest for proposed use of the building for Perth City Mission's Yirra Programme was considered by Council at its meeting of 24 September 1996 and it was resolved to refuse the application due to high level of opposition to the proposal from surrounding residents. There is no information on file regarding decisions made by the Commission or other departments in relation to that application.

Council was originally requested by the WAPC to provide comment on the proposed Temporary Indigenous Visitors Accommodation in October 2006, however Council's request to extend statutory period for providing comments to the Commission (42 days) in order to carry out public consultation was not granted. As the extension could not be granted the City was unable to advertise the proposal and present the matter to Council within the statutory timeframe and therefore no formal recommendations were provided to the WAPC.

There has been no decision made by the WAPC to this date. However, the applicant has lodged an application for review with the State Administrative Tribunal. Council received a notification from the State Administrative Tribunal on the 10th May 2007 inviting a representative from the City of Cockburn to attend a Mediation hearing on the 29 June 2007 between the Department of Housing and Works (the applicant) and the WAPC (the respondent) regarding the application on the subject site.

In the mean time the WAPC has requested Council to re-consider the proposal by the Department of Housing and Works and provide its comments and recommendations to the Commission after carrying out of public advertising.

Submission

The applicant has provided the following justification in support of the proposal, which has been summarised accordingly: -

- The facility will provide an important short-term transient accommodation service for visiting Aboriginal and Torres Strait Islander people in an appropriate environment that encourages them to achieve personal goals and obtain dignity and equity in the Australian community.



- The proposed facility will comprise the following accommodation: 10Xtransient 2 bed rooms with ensuites, 2Xmedical/disabled 2 bed rooms with ensuites, Commercial kitchen, communal dining room, recreation/TV room and tea room, Staff room and toilets, administration offices/reception area, manager's unit, assistant manager's unit for weekend shift work, staff & residents laundries.
- The accommodation units are all single storey and are grouped around a central courtyard.
- The design has been developed to complement the surrounding residential area with colorbond pitched roof and face brickwork walls.
- It is proposed that the facility will be managed 24 hours a day 7 days a week by the operator Aboriginal Hostels Limited (AHL), who is responsible for many similar facilities throughout Australia.
- The experience of (AHL) is that these hostels do not generate much noise and are tightly managed to ensure minimum impact on both the residents within the complex and the adjoining properties.
- Colorbond fencing along side boundaries is proposed if supported by neighbours.
- AHL standards indicate that only one car parking bay per each three rooms is required. A total of 8 car-parking bays are proposed including: 5 bays for residents plus 1 disabled bay and 2 covered staff bays.

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

Report

The subject land is zoned Residential under the City of Cockburn Town Planning Scheme No 3 and is zoned Urban under the Metropolitan Region Scheme (MRS).

The proposal constitutes Public Works by a Public Authority on land zoned under the MRS and therefore determination of this application rests with the WA Planning Commission (WAPC).

The proposal was forwarded to the WAPC on 12 October 2006 for determination.

Council has been requested by the WAPC to re-consider the application and provide its formal comments and recommendations as soon as practicable after carrying out of public advertising.



The proposed use – Hostel/Indigenous Visitors Temporary Accommodation is a use that is not listed in the Table 1 – Zoning Table of the TPS 3 and therefore the provisions of the TPS 3 under the Clause 4.4.2 apply, which are as follows:

If a person proposes to carry out any use that is not specifically mentioned in the:

- a) *Zoning Table – Table 1 and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category in the table the local government may-*
- (i) determine that the use is consistent with the objectives of the particular zone and therefore permitted;*
 - (ii) determine that the use may be consistent with the objectives of the zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for approval; or*
 - (iii) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

The subject site is located within the Residential Zone. Clause 4.2.1 (a) of the TPS 3 specifies the following as an objective for the Residential Zone:

Residential Zone

To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

The proposed development consists of a cluster of single storey buildings, the design of the proposed development is considered to fit in with the existing built character of the local residential area.

The proposed use being accommodation for short-term visitors is different from the predominant use in the area being mainly single (permanent occupancy) dwellings on large lots mainly over 800m².

The proposal was advertised to the surrounding landowners and occupiers in accordance with the TPS 3 requirements (Refer to Community Consultation)

The main concerns raised by the surrounding residents were the negative impact by the proposed hostel for temporary visitors on the quiet residential nature of the area.



The impact on amenity is always an important consideration when considering new proposed uses to be located within established residential areas.

Residential Design Codes specify the following as being the main objectives for Residential Development (Clause 2.1.1):

1. *To provide for a full range of housing types and densities that meet the needs of all people;*
2. *To provide for a local variations in neighbourhood character;*
3. *To ensure appropriate standards of amenity for all dwellings;*
 - (i) *To ensure appropriate provisions of on-site facilities for all dwellings;*
 - (ii) *To protect the amenity of adjoining residential properties;*
 - (iii) *To encourage the conservation of buildings with heritage value; and*
 - (iv) *To encourage environmentally sensitive design.*

Three of the above objectives refer to importance of amenity considerations within the residential area.

The proposed facility can accommodate 24 residents and there will be also one permanent staff member (Manager) residing on the property plus an Assistant Manager mainly attending on the weekends. The summary of the proposal also mentions some domestic staff members, however no specifics were given.

Taking into account that the residents of the facility may have visitors it can be expected that there may be between 26-30 people on the subject property at any given time.

The subject property is 1715m² in size and has a potential to be redeveloped with three single residences or grouped dwellings under the current R20 density. Three houses would normally accommodate no more than between 12 and 15 persons.

It also should be taken into account that compared to permanent residents of single houses or grouped dwellings, who usually have to be at their places of employment or study during the daytime hours, the proposed hostel is designed for temporary visitors who would not be working or studying during the day, so it is likely that those residents will be spending most of their time at the hostel excluding the times when they have to attend to their appointments (reason for their visit to Perth).

It is considered that the proposed facility is more suited to a busier, higher density area located next to different modes of public transport, shopping, medical, recreational and other public facilities. If one of the main intentions of the proposal is to provide accommodation for temporary residents visiting the city for medical reasons, it would be



more appropriate to locate this hostel in close proximity to a hospital/medical facility.

The proposed location of the temporary visitors hostel within the low density established single residential area is not considered appropriate. The submissions received from the adjoining residents also indicate that there were problems with the similar type of accommodation on the subject site in the past.

Residential Design Codes (RDC)

The proposal will be assessed under the requirements of the RDC to determine its compatibility with the existing residential uses in the area.

The proposed complex consists of 3 single – storey buildings at the rear and one building with large frontage (29.0m in length) facing Frederick Street. The front building consists of a single –storey portion (16.6m in length) and a double storey portion (10.5m in length), with the two buildings being connected by a Lobby.

There is a playground with barbeque facilities and outdoor seating proposed in the central courtyard of the site. The plans of the proposal also show 8 car-parking bays located at the front of the property, one of which is a disabled bay.

The property is proposed to be landscaped along all the side boundaries, with the width of landscaped areas being from 2.0 – 3.0m.

The proposed development complies with the requirements of the RDC in regards to side and front boundary setbacks, open space, building height and privacy setbacks. The overshadowing diagram was not submitted by the applicant, however as the major part of the proposal is single-storey overshadowing of the adjoining property to the south is not likely to be an issue.

Car-parking

The information submitted by the applicant based on the research carried out by the Aboriginal Hostels Limited indicates that this type of facility has low level of parking requirements, as very few residents in such facilities require car parking.

The applicant proposes 5 bays for residents, 1 disabled bay and two covered bays for staff.

There are no specific car-parking requirements in the TPS 3 for the proposed use, as it is a use that is not listed in the Zoning Table.

The following requirements are provided in the TPS 3 for uses that may have similar car-parking requirements to the proposed use:



- House Lodging – 1 bay/4 Beds plus 1 delivery bay;
- Tourist accommodation – 1bay/1 Unit or 1bay/1 Bedroom plus 1bay/Administration Centre;
- Motel – 1 bay/1 Unit; 1bay/employee plus delivery bay.

The above requirements can only be used as a guide and for comparison with the proposed use, however the following comments can be made:

The proposal shows a Service Yard, Large Communal Kitchen with storage. It is expected that goods will be delivered to the premises, however there were no parking provisions made for delivery bays.

If some staff would be employed to operate the proposed kitchen facilities there should be parking bays provided for those employees.

It is a reasonable expectation that the residents of the proposed hostel may have visitors, there are no designated visitor parking bays marked on the plans.

It is considered that additional parking is required to ensure that if the proposal is approved it doesn't result in traffic congestion in the area, which in its turn would diminish safety of drivers and pedestrians and affect visual amenity of the street.

Recommendation

It is recommended that Council advise WAPC that the application for indigenous temporary accommodation/hostel be refused for the following reasons:

- The proposed location within the low-density residential area is not considered to be an appropriate location for a temporary accommodation hostel development;
- It is considered that the proposal has a potential to have negative impact on the residential amenity of the local area due to noise, increased number of visitors to the site, increased traffic flow;
- The proposed facility should be strategically located next to such public facilities as shopping areas, entertainment, medical/hospital facilities, various modes of public transport;

It is considered that the number of parking bays on site is not sufficient, which may result in increased parking on the street and therefore contribute to congestion and diminish safety of drivers and pedestrians and affect visual amenity of the street.



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.*

The Planning Policies which apply to this item are:-

APD5	Public Works and Development by Public Authorities
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

N/A

Legal Implications

Town Planning Scheme No 3
Residential Design Codes 2002
Planning and Development Act 2005
State Administrative Tribunal Regulations

Community Consultation

The proposed use – Hostel is a use that is not listed in the TPS 3 Zoning Table. In order to consider this use as a use that may be consistent with the objectives of the Residential zone (Clause 4.4.2 (ii) TPS 3) the proposal was required to be advertised in accordance with Clause 9.4 of the Scheme.

The following advertising to the community was carried out:

- A sign on site,
- Letters sent to the surrounding property owners in the immediate locality.

There were 5 submissions received during the advertising period, 4 were objections.

The main points raised in the objections are summarised below:

- Introduction of this type of facilities within the residential suburb would negatively affect the safety and security of the residents;
- The proposal will contribute to further traffic congestion in the street;



- The existing dwelling is in poor condition, which should not be used as an argument to promote development as it was the responsibility of the relevant authority to upkeep this property;
- The proposal would de-value properties in the area;
- The noise and congestion resulting due to proposed hostel would disrupt residential nature of the area;

The above points raised by the surrounding neighbours were carefully considered in the main body of the report above.

Attachment(s)

1. Location Plan showing where Submissions of Objection and Support have been received.
2. Site Plan and Elevations
3. Applicant's justification
4. Copies of Submissions
5. Aerial photograph of subject land.

Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 June 2007 Council Meeting.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 3488) (OCM 14/06/2007) - LIST OF CREDITORS PAID - APRIL 2007 (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for April 2007, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr S Limbert 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

N/A

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

List of Creditors Paid - April 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.



15.2 (MINUTE NO 3489) (OCM 14/06/2007) - STATEMENT OF FINANCIAL ACTIVITY - APRIL 2007 (5505) (NM) (ATTACH)

RECOMMENDATION

That Council receive the Statement of Financial Activity and associated reports for the period ended 30 April 2007, as attached to the Agenda.

COUNCIL DECISION

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

CARRIED 8/0

Background

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

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

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

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

Submission

N/A

Report

Attached to the Agenda is the Statement of Financial Activity for April 2007.

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



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

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

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

Material Variance Threshold

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

For the 2005/06 financial year, Council had adopted a materiality threshold of 10% or \$10,000, whichever is the greater. There is a need to review this for the 2006/07 financial year. For this purpose, a Position Statement will be developed and submitted to a future DAPPS Committee meeting.

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

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

Legal Implications

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

Community Consultation

N/A



Attachment(s)

Statement of Financial Activity and associated reports – April 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil

MAYOR LEE, CLR ALLEN AND CLR OLIVER LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.55 PM

DECLARATION OF CONFLICT OF INTEREST

Deputy Mayor Graham declared a conflict of interest, pursuant to Clause 21 of Council's Standing Orders, in Item 16.1 and Item 16.2. He stated that his participation in decision-making in relation to the Port Coogee development gives rise to a perception of a conflict of interest until the Corruption and Crime Commission (CCC) makes findings in relation to the matters that were the subject of his evidence.

DEPUTY MAYOR GRAHAM LEFT THE MEETING AT THIS STAGE THE TIME BEING 7.56 PM

The Acting Chief Executive Officer called for nominations of Presiding Member at this point of the meeting. Clr Whitfield was nominated to the position of Presiding Member.

THERE BEING NO FURTHER NOMINATIONS CLR WHITFIELD ASSUMED THE ROLE OF PRESIDING MEMBER.

DECLARATION OF INTEREST

The Presiding Member advised the meeting that he had received declarations of interest from the following Elected Members:

MAYOR LEE

Declared a financial interest, pursuant to Section 5.62(1)(ea) of the Local Government Act 1995, in Item 16.1 - Membership - Water Usage and Regional Open Space Greening Committee. The nature of the interest being that, one of the Terms of Reference for this Committee deals with Regional Open Space associated with the Port Coogee Development and, as it appears that he was the recipient of a notifiable gift from the developer (Australand) in relation to the 2005 Election at



which he was elected, he is therefore deemed to be a closely associated person.

Declared a financial interest, pursuant to Section 5.62(1)(ea) of the Local Government Act 1995, in Item 16.2 - Closure of Kiesey Street, Coogee. The nature of the interest being that, as he was the recipient of a notifiable gift from the developer (Australand) in relation to the 2005 Election at which he was elected, he is therefore deemed to be a closely associated person.

CLR ALLEN

Declared a financial interest, pursuant to Section 5.60B of the Local Government Act 1995, in Item 16.1 - Membership - Water Usage and Regional Open Space Greening Committee. The nature of the interest being that, he is a proximity landowner of property adjoining land adjacent to the Port Coogee development, which is the subject of a Term of Reference for the Committee.

Declared a financial interest, pursuant to Section 5.60B of the Local Government Act 1995, in Item 16.2 - Closure of Kiesey Street, Coogee. The nature of the interest being that, he is a proximity landowner of property adjoining land adjacent to the Cockburn Road realignment, which impacts on Kiesey Street.

CLR OLIVER

Declared a financial interest, pursuant to Section 5.61 of the Local Government Act 1995, in Item 16.1 - Membership - Water Usage and Regional Open Space Greening Committee. The nature of the interest being that, she received a notifiable gift, relative to the 2005 Election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

Declared a financial interest, pursuant to Section 5.61 of the Local Government Act 1995, in Item 16.2 - Closure of Kiesey Street, Coogee. The nature of the interest being that, she received a notifiable gift, relative to the 2005 Election at which she was elected, from Mayor Lee, who is deemed to be closely associated with a person in relation to this matter.

Note:

Item 16.1 is required to be carried by an absolute majority of Council. Four members declared an interest and two members were absent from the meeting, which leaves only 4 members. A request was made to the Department of Local Government and Regional Development to reduce the quorum required to make the decision. The Acting Chief Executive Officer advised the meeting that, in accordance with authority delegated by the Minister for Local Government, the Director



General has approved the request, under Section 5.7(1) of the Local Government Act 1995 for a reduced quorum to enable Council to deal with Item 16.1 - Membership - Water Usage and Regional Open Space Greening Committee.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 **(MINUTE NO 3490) (OCM 14/06/2007) - MEMBERSHIP - WATER USAGE AND REGIONAL OPEN SPACE GREENING COMMITTEE (3209006) (ML)**

RECOMMENDATION

That Council:-

- (1) appoint Cnr _____ as a Member and Cnr _____ as a Deputy Member of the Water Usage and Regional Open Space Greening Committee; and
- (2) endorse the following Terms of Reference for the Committee:
 1. Examine the quality of the landscape presentation within the Regional Open Space and the incorporation of the Rotary Park Lookout into the Regional Open Space adjacent to the Port Coogee development area.
 2. Determine the scope of acceptable reticulation, landscape treatments with the Regional Open Space and any development plans to improve this land.
 3. Identify how groundwater that is collected within the Port Coogee development can be reused to reduce the amount of groundwater needed to be disposed of via groundwater injection bores.
 4. Examine the City's Greening Plan Strategy to ensure the appropriateness of any social, environmental and economic outcomes that are likely to follow on from its implementation.
 5. Examine the City's Water Conservation Strategy to ensure the appropriateness of any social, environmental and economic outcomes that are likely to follow on from its implementation.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr T Romano that Council:

- (1) appoint Cllr Whitfield as a Member and Cllr Romano as a Deputy Member of the Water Usage and Regional Open Space Greening Committee; and
- (2) endorse the following Terms of Reference for the Committee:
 1. Examine the quality of the landscape presentation within the Regional Open Space and the incorporation of the Rotary Park Lookout into the Regional Open Space adjacent to the Port Coogee development area.
 2. Determine the scope of acceptable reticulation, landscape treatments with the Regional Open Space and any development plans to improve this land.
 3. Identify how groundwater that is collected within the Port Coogee development can be reused to reduce the amount of groundwater needed to be disposed of via groundwater injection bores.
 4. Examine the City's Greening Plan Strategy to ensure the appropriateness of any social, environmental and economic outcomes that are likely to follow on from its implementation.
 5. Examine the City's Water Conservation Strategy to ensure the appropriateness of any social, environmental and economic outcomes that are likely to follow on from its implementation.

CARRIED 4/0

Background

At the Council Meeting held on 8 September 2005, Council established the Water Usage and Regional Open Space Greening Committee, appointed its members and adopted its Terms of reference. Until now, the Committee has not conducted a formal meeting.

Submission

To extend the Terms of Reference of the Committee and provide scope for an increase in members of the Committee.



Report

Since the establishment of the Committee and the appointment of its membership in 2005, Council's involvement in determining an overall Water Strategy and long term initiatives for the City of Cockburn, in conjunction with Regional, State and National measures to address water supply issues has increased markedly. As such, our emphasis has turned more to a whole of City approach as opposed to the relatively narrow focus on the Beeliar Regional Open Space and the groundwater intercepted by the Port Coogee development.

As a consequence, it is recommended that the Committee broaden its Terms of Reference to include its capacity to guide Council in these matters across a wider spectrum of related areas. It is proposed to amend the Terms of Reference to include Point 4 and 5 as follows:

1. Examine the quality of the landscape presentation within the Regional Open Space and the incorporation of the Rotary Park Lookout into the Regional Open Space adjacent to the Port Coogee development area.
2. Determine the scope of acceptable reticulation, landscape treatments with the Regional Open Space and any development plans to improve this land.
3. Identify how groundwater that is collected within the Port Coogee development can be reused to reduce the amount of groundwater needed to be disposed of via groundwater injection bores.
4. *Examine the City's Greening Plan Strategy to ensure the appropriateness of any social, environmental and economic outcomes that are likely to follow on from its implementation.*
5. *Examine the City's Water Conservation Strategy to ensure the appropriateness of any social, environmental and economic outcomes that are likely to follow on from its implementation.*

With the additional responsibilities of the committee, as proposed, it is also recommended that membership of the Committee be increased by the addition of an elected member and a deputy.

Such appointments are required to be made by Council, with an absolute majority of Council to effect the additional membership.



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

Sec 5.8 of the Local Government Act, 1995, and Clause 17.7 of Council's standing Orders, refer.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

N/A

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

Nil

16.2 (OCM 14/06/2007) - CLOSURE OF KIESEY STREET, COOGEE (450121) (ML) (ATTACH)**RECOMMENDATION**

That Council:

- (1) close Kiesey Street, Coogee to through traffic at the intersection of Cockburn Road in accordance with section 3.50 of the Local Government Act 1995;
- (2) monitor the traffic flow in King Street, Hillcrest Avenue and Beach Street 6 months after the reopening of Ocean Road to quantify the impact of the closure and report to Council;
- (3) seek a commitment from MRWA to fund the proposed improvements to Cockburn Road between Kiesey Street and Amity Blvd as soon as possible; and



- (4) advise those people who made a submission, accordingly.

Note:

The Acting Chief Executive Officer informed the meeting that not all advices received from Members of the Council who declared an interest on the subject matter were received in time for an application to be made to the Minister for Local Government, for a reduced quorum to be granted to enable the Council to deal with the issue. Hence, the matter **lapses due to a lack of quorum** and will be presented to the July 2007 Council meeting.

However, Councillors requested that those community members who have expressed concerns in this item be consulted prior to the matter being referred back to Council.

Background

Council at its meeting held on 9 November 2006 resolved to close Kiesey Street to the passage of vehicles at Cockburn Road subject to:

- (1) there being no substantial objection received as a result of advertising in a local newspaper; and
- (2) there being no substantial objection from service authorities, emergency services or adjoining owners.

The proposal was advertised in the Cockburn Gazette and, at the conclusion of the advertising period, five objections were received of which two were from residents of the Coogee Caravan Park, one objection from a resident in Beach Street, one from a resident in Hillcrest Street and one from a resident in Spearwood. One of the objections was lodged in the form of a petition that contained 35 signatories. The petition represented 11 houses in the vicinity of the proposed closure.

Objections centred on the belief that the closure would result in increased traffic in Beach Street and Hillcrest Street as well as concerns regarding the general safety and accessibility in the area and to Cockburn Road.

Council at its meeting held on 10 May 2006 resolved to:

- (1) defer the closure of Kiesey Street until the June 2007 Ordinary Council Meeting; and



- (2) seek advice from Main Roads WA regarding the possible retention of the intersection at Kiesey Street with the possible modification to restrict the movement to a 'left in - left out' arrangement.

Officers have sought feedback from MRWA as recommended and their letter has been appended for Councils consideration.

Submission

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

Report

Research undertaken suggests that the closure of Kiesey Street was identified by the DPI and MRWA during planning of the realignment of Cockburn Road. The closure of Kiesey Street was an integral part of the Draft Coogee Beach Structure Plan that was advertised for public comment in June 2004. There were 447 submissions in total of which 14 objected to the closure of Kiesey Street. Council resolved to support the Structure Plan (December 2004) with the closure of Kiesey Street retained. The design of Cockburn Road has clearly assumed the closure of Kiesey Street would proceed. The structure plan also shows the modification of the Powell Road entrance (moved further north) and the retention of Beach Road as a full movement intersection (*refer to structure plan*).

From a technical viewpoint, the difference in level of Cockburn Road at Kiesey Street will change by 0.7m. If an intersection could be facilitated, the sight distances are not good and the problem is further exacerbated by the grade of Cockburn Road approaching Kiesey Street, the likely speed of traffic, the traffic mix (% of heavy vehicles) and a merge point at the current intersection location where the road narrows from 2 lanes to 1. Acceleration and deceleration lanes would need to be established to facilitate the turning movement. These factors and the potential turning movements at Beach and Powell Road (new access point) would, in my opinion, put the vehicles entering the traffic stream at Kiesey Street in some danger. This danger would be further increased if those vehicles sought to turn left out of Kiesey Street and right into Powell (*refer to design detail*).

Whilst officers understand the concerns of the affected community, maintaining access at Kiesey Street is not the best or safest way to mitigate those concerns. Primarily traffic in Hillcrest and Beach will be local traffic only once the roadworks are completed. Regional traffic will use Amity Blvd or Ocean Road in the short term and Council is



proposing to construct a new link at Spearwood Avenue. All of these links will provide a more direct access to Cockburn Road than King Street and Beach Road.

It is uncommon to carry out traffic counts or analysis during periods when the road is subjected to temporary closures or diversions. Counts were however conducted in Beach Road and Hillcrest Ave during the closure of Ocean Road and whilst these results show elevated traffic volumes, the level of traffic is well within acceptable limits for local roads. This network can adequately cater for the level of traffic projected. The traffic statistics are as follows

Road	Location	Date	AWT
Kiesey Street		Jan-05	942
King Street	East of Hillcrest	Jun-04	1042
King Street	East of Hillcrest	Jun-05	1083
Hillcrest Avenue	South of King	Mar-05	247
Hillcrest Avenue	South of King	Nov-06	471
Beach Road	West of Fairview	Jan-05	423
Beach Road	West of Fairview	Nov-06	600

The City will of course continue to monitor traffic flows in the area once all of the modifications are completed and has the ability to implement traffic calming in either King Street or Beach Road if traffic volume, speed or behaviour is considered to be unacceptable. The recommendation seeks a review and report on the impacts on the local road network after Ocean Road is reconnected.

SKM advises that Ocean Road is currently due to be re-opened in September. The roadworks cannot be completed, however, until the modification to Cockburn Road is completed. Kiesey Street is a Local Government road and as such, is its responsibility to close. On this basis officers are recommending that the closure of Kiesey Street be enacted.

Strategic Plan/Policy Implications

Demographic Planning

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

Transport Optimisation

- *To construct and maintain roads which are convenient and safe for vehicles, cyclists and pedestrians.*

Budget/Financial Implications

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



Legal Implications

Section 3.50 of the Local Government Act.

Community Consultation

The proposal has been advertised in a local newspaper and service authorities, emergency services and adjoining owners advised.

Attachment(s)

- (1) Structure Plan
- (2) Detail design (2)
- (3) Letter from MRWA

Advice to Proponent(s)/Submissioners

The submissioners have been advised that this matter is to be considered at the May 2007 Council Meeting.

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

Nil.

MAYOR LEE, DEPUTY MAYOR GRAHAM, CLR ALLEN AND CLR OLIVER RETURNED TO THE MEETING AT THIS STAGE THE TIME BEING 8.05 PM.

THE PRESIDING MEMBER ADVISED MAYOR LEE, DEPUTY MAYOR GRAHAM, CLR ALLEN AND CLR OLIVER OF THE DECISION OF COUNCIL WHILE THEY WERE ABSENT FROM THE MEETING.

MAYOR LEE RESUMED THE ROLE OF PRESIDING MEMBER

17. COMMUNITY SERVICES DIVISION ISSUES**17.1 (MINUTE NO 3491) (OCM 14/06/2007) - MANNING PARK CARETAKERS COTTAGE - LEASE (2207525) (RA)****RECOMMENDATION**

That:

- (1) Council enter a new lease agreement with South Metropolitan Personnel (SMP) under the same terms and conditions that currently apply other than for the period of the lease being extended to 10 years with an option for a further 5 years subject to:



1. SMP receiving a grant from Lotterywest to carry out the extension works to the building to provide for disabled access;
- (2) should condition (1)1. not be met the lease with SMP be extended for a period of 5 years under the same terms and conditions that currently apply; and
- (3) Council advise SMP that it is welcome to make an application for a Council contribution towards the proposed works through the Grants and Donations application process.

COUNCIL DECISION

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

CARRIED 8/0

Background

Council at its meeting of the 14 July 2005 resolved as follows:

- (1) enter a rental agreement with the South Metropolitan Personnel for the use of the Manning Park house for a period of 2 years with the following terms and conditions:
 1. For peppercorn rental conditional on:
 - (a) the renter being responsible for all maintenance and outgoings associated with the property;
 - (b) open and close the gates and toilet in the park as required by the City;
 - (c) have a caretaker on site; and
 - (d) carry out at least 20 hours of works per week in the park as required by the City; and
- (2) at the conclusion of the 2 year period the matter is to be reviewed.



Submission

SMP has contacted the City seeking consideration to continue the current lease agreement for a period of no less than 10 years. This request being based on the need to provide evidence to Lotterywest of some permanency of tenure for a grant application they are seeking to modify the existing building to create a disability accessible toilet and shower area in the building.

An application has also been made for the City to contribute \$10,000 toward the cost of the project, which will have a total estimated cost of \$45,000.

Report

S.M.P. is a not for profit incorporated association that assists young people with disabilities and their families. SMP uses the house to:

- assist the client group to develop life skills i.e. cooking, house cleaning and general domestic skills;
- provide longer hours of support – the house would be a centre that creates the opportunity for much needed respite for the clients and their carers.

Current lease arrangements with SMP have worked very well and it is evidence that they continue to provide a very valuable service to a most disadvantaged group in our community.

It is proposed that SMP be advised that it will be required to submit an application through Council's Grants and Donations process for a contribution of \$10,000 sought for the project.

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.*



Budget/Financial Implications

The \$10,000 sought by SMP for the project will be considered as part of the Grants and Donations applications process.

Legal Implications

The property is within land leased from the Western Australian Planning Commission. The lease has provision for the City of Cockburn to enter into sub-lease arrangements.

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)

N/A

Advice to Proponent(s)/Applicant

The Proponent has been advised that this matter is to be considered at the June 2007 Council Meeting.

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

Nil.

17.2 (MINUTE NO 3492) (OCM 14/06/2007) - MINUTES OF THE BUSH FIRE ADVISORY COMMITTEE MEETING - 17/05/2007 (1550) (RA) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Bush Fire Advisory Committee meeting held on 17 May 2007 and adopt the recommendation contained therein.

COUNCIL DECISION

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

CARRIED 8/0



Background

The Bush Fire Advisory Committee conducted a meeting on 17 May 2007. The Minutes of the Meeting are required to be presented to Council and its recommendations considered by Council.

Submission

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

Report

It is to be noted in the minutes that the Bushfire Advisory Committee meeting has sought approval to seek the lease of 246 Spearwood Avenue, Spearwood for use by the South Coogee Bushfire Brigade with all costs associated with the lease to be met by the Fire and Emergency Services Authority.

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

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

Strategic Plan/Policy Implications

Governance Excellence

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

Budget/Financial Implications

Should the lease arrangements proceed all fees and charges will be met by FESA.

Legal Implications

N/A

Community Consultation

Committee Minutes refer.

Attachment(s)

Bush Fire Advisory Committee Minutes - 17 May 2007.



Advice to Proponent(s)/Submissioners

N/A

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

Committee Minutes refer.

17.3 (MINUTE NO 3493) (OCM 14/06/2007) - RELOCATION OF COCKBURN BOWLING CLUB (4309237) (AL) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise the Cockburn Bowling Club of the results of the survey and seek the Club's formal advice on its support for the relocation of the bowling club to Visko Park Yangebup;
- (2) submit a formal application to the Department of Planning & Infrastructure (DPI) for the use of a portion of Visko Park (Development option 1) for the relocation of the Cockburn Bowling and Recreation Club (Inc) subject to the support of the relocation from the club in accordance with (1); and
- (3) require a report to be presented to Council outlining the funding requirements and options available for the location of a bowling club on Visko Park Yangebup should the Department Planning and Infrastructure approve the development.

COUNCIL DECISION

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

CARRIED 8/0

Background

In May 2006 the Department of Planning and Infrastructure (DPI) State Land Service refused approval for Council to utilise part of the reserve at lot 12 Birchley Road in Yangebup for the new site of the redeveloped Cockburn Bowling Club. However, the DPI agreed to reconsider the request if the following issues were addressed:



- Demonstrate that the proposal has overwhelming community support;
- Obtain support from the DPI Statutory Planning Department to the proposal;
- Provide supporting evidence that the area has sufficient POS and that the public would not be adversely affected by the proposal and;
- Explore why the Cockburn Bowling Club needs to relocate, what options have been considered, why Visko Park is the preferred option, development concepts, club operational characteristics, public accessibility, proposals for the use and development of the residual area of the park.

Council at its meeting of 14 September 2006 resolved as follows:

- (1) advise the Cockburn Bowling and Recreation Club that it will seek to gain the approval of the Department of Planning and Infrastructure for the use of Visko Park for a Bowling and Recreation Club for the district;
- (2) require the Chief Executive Officer to prepare in consultation with the Cockburn Bowling and Recreation Club alternative concept designs for the location of facilities on the site to reduce any impact on the amenity of local residents;
- (3) carry out a survey of residents in the area to ascertain their views on the location of the Cockburn Bowling and Recreation Club on Visko Park and the preferred alternative concept design; and
- (4) require a report to be prepared on the results of the community survey and other matters that are required to be addressed to meet the requirements established by the Department of Planning and Infrastructure.

The City of Cockburn has recently received a comprehensive report on the redevelopment and relocation of the Cockburn Bowling and Recreation Club, completed by Creating Communities Australia.

The report has been developed to address a number of issues raised by the Department of Planning and Infrastructure (DPI) who had previously refused approval for Council to relocate the Bowling club on the reserve at lot 12 Birchley Road in Yangebup or otherwise known as Visko Park. The DPI did however agree to reconsider the proposal, providing a number of items were addressed by the Council.



Council has since worked to address these issues which are outlined in the report completed by Creating Communities and can now proceed with further planning approval for the project if desired.

Submission

N/A

Report

In accordance with the Council decision a survey of the local residents has recently been completed targeting the surrounding owners of Visko Park regarding the possible relocation of the Cockburn Bowling and Recreation Club. The results of the survey show extensive community support for the Club to be relocated to Visko Park and would not have an negative impact on the amount of public open space allocated for the immediate area.

Local residents in the vicinity of Visko Park have provided a strong indication of their extensive support for the development of a bowling and recreation club within the Visko Park site. Furthermore, their overwhelming support for Option one (see attached report) leaves no doubt that the integration of both passive and formal recreation facilities to deliver a multi-purpose recreation precinct for use by the public, club members and other sporting and community groups is perceived as an increase in public benefit.

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.*

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.*

Budget/Financial Implications

A preliminary cost estimate of developing the abovementioned facilities was obtained in March 2005. This figure was approximately \$4.5 million; however, price escalations over the last two years may see the cost increase to beyond \$5 million. Should DPI approve the



development a more detailed report will be presented to Council that identifies the funding options available for the project to proceed.

Legal Implications

N/A

Community Consultation

The YMCA consultants have surveyed members of the Bowling Club, which included the distribution of self-administered questionnaires to all members through the Club Executive Committee. A total of 185 full bowling members and approximately 210 social members were surveyed with a response rate of 19.5% or 77 questionnaires.

In March 2007 Council surveyed 626 property owners in the area (see detail of the area surveyed in the attached report.) surrounding Visko Park to ascertain whether or not there was support for the relocation of the Bowling Club. There was a very high response rate of 35.6% being 223 responses. 75% of owners were in favour of the development and of this number 87% preferred the concept option 1 as the desired site layout.

Attachment(s)

Creating Communities Report - "Proposed Relocation of the Cockburn Bowling and Recreation Club to Visko Park".

Advice to Proponents(s)/Applicant

N/A

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

Nil

17.4 (MINUTE NO 3494) (OCM 14/06/2007) - HAMMOND ROAD SPORT AND RECREATION FACILITIES (4621) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the Hammond Road Sports Facility layout plan as attached to the agenda;
- (2) proceed with Option 3 for the development of the site as described in the report; and
- (3) commit to proceeding with the development in accordance with



the timeframe for Option 3 provided that:

1. The Community Sporting Recreation Facilities Fund application is successful;
 2. Ministerial approval is provided permitting Council to take out a loan for the development which can be repaid from cash-in-lieu funds; and
 3. Developer contributions to community infrastructure arrangements have been approved by the Minister for Planning and Infrastructure and are in place for this project; and
- (4) require a report on the scope of the project should any condition in (3) above not be met.

COUNCIL DECISION

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

CARRIED 8/0

Background

The City of Cockburn engaged the YMCA of Perth in collaboration with Corporate and Regional Enterprise (CARE) Consulting to undertake a needs analysis and to prepare a concept plan for a community and recreation facility for the eastern suburbs of the City.

Council at its Ordinary meeting of June 2004 resolved as follows:

“supports the development of Reserve 7756 on Hammond Road to incorporate 24 hard courts, clubrooms, community facilities and active grassed areas as detailed in the consultant’s report as the preferred option and require the development of a concept plan for the site and buildings with cost estimates for future consideration by Council.”

Project Manager, Donald Cants Watts Corke, was appointed in September 2006 following a tender process. Tenders for Architectural Services and Civil Engineers were called November 2006 Architects, Bollig Design Group, and Civil engineers, Connell Wagner, were appointed in January 2007 to design carry out stage 1 of the project, a



concept plan for the site, cost estimates and proposed timelines for development and construction.

Submission

N/A

Report

The project comprises the development of Reserve 7756 Hammond Road Success, which is currently bush land, into a multi-purpose sport and recreation facility for the City of Cockburn and its residents. The intent of the project is to have the project completed and facility ready for community use by March 2009.

The design development process for the project has been broken into two stages. Stage 1 sees the development of concept designs and preliminary reports for the project, while Stage 2 involves the detail design, calling for construction tenders and the construction of the Hammond Road facilities.

The site provides for a shared use arrangement with the Department of Education. In exchange for use of the oval space during school hours, the Department of Education is contributing approximately 3,000 sq. m. of oval space as well as making car park, cricket nets and multiuse hard courts available for community use. Cost sharing arrangements for the ongoing maintenance of the oval facilities are yet to be finalized.

The proposed scope of the project is:

- Multi-Purpose Clubroom Comprising:
 - Function Room
 - Program Room
 - Club Rooms
 - Kitchen And Servery
 - Meeting Room
 - Admin Office
 - Toilets
 - Changerooms
 - Storage Facilities
- Drainage swale realignment
- Wetlands conservation area protection and development
- Roads and car parking areas including lighting
- Dual use footpaths and cycle ways
- Two Multi-purpose playing fields including reticulation and lighting
- Netball courts (20 No.) including lighting. Four courts are multi-marked for tennis.
- Tree planting and landscaping



The estimated total cost (at present values), based on the proposed facilities, is \$9,346,893 exclusive of GST. This has been broken down into facilities as follows:

Building Cost	\$2,731,646.00
Courts	\$980,000.00
Roads and Carparks	\$1,050,923.00
Drainage	\$186,283.00
Paths and Cycle Ways	\$44,640.00
Street Lighting	\$351,000.00
Field and Reticulation	\$477,000.00
Trees and Landscaping	\$35,000.00
Earthworks	\$1,095,134.00
Contingency	\$712,541.00
Loose Furniture and Equipment	\$60,000.00
Professional Fees	\$757,726.00
Net Project Cost (Current Prices)	\$8,481,893.00
Escalation to tender and during const'n	\$865,000.00
Gross Project Cost	\$9,346,893.00

A Community and Sporting Recreation Facilities Fund (CSRFF) application can be submitted to the Department of Sport and Recreation as a contribution toward the construction of the facilities. CSRFF grants are available for up to one third of the cost of approved facility, capped at a maximum of \$1.8 million. There is no guarantee of receiving funds through the CSRFF grants process, with the level of funding received depending on the merits of the project and other applications during the funding round. A stipulation on the funding is that works for which a funding application is made cannot commence prior to the funding approval announcement. This is in March of each year.

An application has been made to the Minister of Planning and Infrastructure seeking approval to take out a loan for the development of the Hammond Road site for recreational purposes which will allow for the loan to be repaid from anticipated cash in lieu funds sourced from the develop for the Twin Bartram Swamp area Success (currently valued at \$1,000,000) and lot 358 Bannigan Drive Success (currently valued at \$600,000). It is unknown at this stage whether Ministerial approval will be gained as the Planning and Development Act is silent on the use of cash in Lieu funds for infrastructure development. In addition there is an anticipated income of \$35,000 from the Education Department toward the project.

The Chief Executive Officer has been negotiating to have developers contribute towards the development of community infrastructure and has the view that approval from the Minister for Planning and Infrastructure will be granted for a developer contribution by February 2008. As developer contributions will only be for new works that have



not been begun. The requires that Option 3 that Option 3 be pursued as it optimises the potential for external funding.

Option 1

Approve the project as proposed and move to Stage 2. This will allow the project to proceed on the stated timeline and still enable the City of Cockburn to submit an application for CSRFF funds for the building, hard courts and lighting for the facility, expected to cost approximately \$4.5 million including consultancy fees. This will allow an application of up to \$1.5million to be submitted.

Estimated Project Cost \$9,346,893.

The proposed time-line for Option 1 development and construction is as follows:

	Item	Date
1.	Detail designs completed	9/8/07
2.	Tenders for works close	12/9/07
3.	Obtain DOE Permits	9/9/07
4.	Commence Earthworks	4/10/07
5.	Grass and Reticulation Completed	30/1/08
6.	Commence Hard Courts and Club Rooms	31/3/08

Option 2

Approve the Civil components of the project (roads, car parks and earth works) finalise the plans for the hard courts and building but defer any decision on hard court and facility provision until after CSRFF grants have been announced. This is expected to delay hard court and building construction for two months on the proposed timeline while final plans are reviewed, tenders prepared and tenders called for construction. Based on escalation of 1% per month this option is expected to increase costs by \$90,000 based on construction costs of \$4.5 million. Additionally, given the delay in construction, the facilities are not expected to be ready until May 2009, after the winter sport season has commenced.

Estimated project cost \$9,436,893

Option 3

Defer moving to Stage 3 until after the status of applications for grants and loans are known. If the oval is to be ready for the 2009 winter season, roll on grass will need to be used in lieu of stolons resulting in an extra cost of \$240,000.

Estimated project cost:
Net Project Cost (current Prices) \$8,481,893



Extra turf costs	<u>\$240,000</u>
Adjusted Net Project costs	\$8,721,893
Escalation to original tender and const'n	\$888,000
Escalation due to 9 months delay	<u>\$865,000</u>
Gross project cost	\$10,474,893

The proposed time-line for Option 3 development and construction is as follows:

	Item	Date
1.	Detail designs completed	9/8/07
2.	Tenders for works close	30/3/08
3.	Obtain DOE Permits	9/4/08
4.	Commence Earthworks	4/4/08
5.	Grass and Reticulation Completed	30/8/08
6.	Commence Hard Courts and Club Rooms	31/9/08

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.*

Natural Environmental Management

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

Budget/Financial Implications

Council currently has \$2,650,000 on its Plan for the Future of the District for 2007/08. this will be sufficient for any works that are likely to occur in this period.

Indicatively and as a best case scenario the following funding could be attained:

Total project cost **\$10,4784,893**

Funding Options (Indicative)

▪ Community Sporting Recreation Facilities Fund	\$1,800,000
▪ Cash-in-lieu	\$1,600,000
▪ Developer Contributions	\$1,800,000
▪ City of Cockburn	\$5,239,893
▪ Education Department	\$35,000

\$10,474,893



Legal Implications

N/A

Community Consultation

Extensive community consultation was undertaken through the needs assessment conducted by the YMCA and CARE.

Attachment(s)

Concept Plans

Advice to Proponent(s)/Applicant

N/A

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

Nil.

17.5 (MINUTE NO 3495) (OCM 14/06/2007) - MINUTES OF ABORIGINAL ADVISORY COMMITTEE MEETING - 19 APRIL 2007 (8979) (JZ) (ATTACH)

RECOMMENDATION

That Council receive the Minutes of the Aboriginal Advisory Committee Meeting held on the 19 April 2007, as attached to the Agenda and adopts the recommendations contained therein.

COUNCIL DECISION

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

CARRIED 8/0**Background**

The Aboriginal Advisory Committee have held several discussions in regard to Council recognising Noongar Land and considering placing a plaque in a prominent place such as the City's Administration Building to this effect.



Submission

To receive the Minutes of the Aboriginal Advisory Committee meeting held on 19 April 2007 and consider its recommendation.

Report

The Aboriginal Advisory Committee is made up of a diverse range of local Community members. The Committee requested, after consultation with Sealin Gartlett, a respected Aboriginal Community member, that a draft wording of the Plaque is presented to the Chief Executive Officer and the Mayor. The Chief Executive Officer and the Mayor have had input into the final Plaque wording and proposed location of the Plaque.

It is proposed that the Plaque will be made of stainless steel with the wording and designs lazer cut into the steel for permanence. There will also be coloured glass behind the steel cut-out and this adds an extra dimension to the plaque and it is sandwiched between the top layer of the lazer cut-out steel and a flat layer of steel and it is difficult to damage and long lasting. The size of the Plaque will be approximately 250mm x 200mm. The Plaque will be made by Forever Shining, a local Coogee business.

The Plaque will be placed on the pillar opposite the Administration Reception entrance so it will be visible as people exit the building.

It is anticipated that the Plaque will be unveiled on 9 July 2007 as part of the Flag Raising event during Naidoc Week.

The purpose of the Plaque is for the City to acknowledge that the building stands on traditional Nyungar Land. It is a way forward to unite the City and Aboriginal Community.

Strategic Plan/Policy Implications

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

Cost of \$718.54 plus GST to be funded through, Arts and Culture and Human Services existing budgets.



Legal Implications

McCleods Barristers and Solicitors have been contacted in regard to this proposal. See attached correspondence 14 May 2007.

Community Consultation

Aboriginal Advisory Committee

Attachment(s)

- (1) Minutes of Aboriginal Advisory Committee Meeting 19 April 2007
- (2) Correspondence from McLeods Barristers and Solicitors 14 May 2007.

Advice to Proponent(s)/Submissioners

N/A

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

Nil.

17.6 (MINUTE NO 3496) (OCM 14/06/2007) - LOT 7 JUNCTION BOULEVARD, COCKBURN CENTRAL (9629) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt Business Plan 2 dated April 2007 for the sale of Lot 7 Junction Boulevard to Combined Equity Pty Ltd and to enter a Development Agreement with Combined Equity Pty Ltd for the Development of Lot 7 Junction Boulevard, Cockburn Central;
- (2) enter the Development Agreement as circulated under separate cover, with Combined Equity Pty Ltd for the construction of civic, commercial and residential components on Lot 7 Junction Boulevard, Cockburn Central, with any minor alterations to the Terms and Conditions acceptable to the Chief Executive Officer;
- (3) on the signing of the Development Agreement proceed to sell Lot 7 Junction Boulevard, Cockburn Central to Combined Equity at the Price of \$2,118,576 (sold under the GST margin Scheme); and
- (4) require a report to be prepared for consideration by Council which provides detail of the project prior to any works going to tender by Combined Equity Pty Ltd.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council at its meeting of 11 January 2007 resolved as follows:

- (1) Proceed with the joint venture development proposal in accordance with the Business Plan attached to the Agenda, between the City of Cockburn and Combined Equity Pty Ltd subject to the following conditions being met to the satisfaction of Council.
 1. Signing of a Memorandum of Understanding (MOU) for the Joint Venture arrangement between the City of Cockburn and Combined Equity Pty Ltd;
 2. Preparation of the legal contract for the joint venture between the City of Cockburn and Combined Equity Pty Ltd for presentation to a future meeting of Council, which includes a fixed management fee based on the final construction cost;
 3. Preparation and development of the project design to ensure that Council adheres to Landcorp's development guidelines for consideration by Council at a future time; and
- (2) Proceed to purchase Lot 7 Boulevard Junction, Cockburn Central from Landcorp in accordance with the Council decision of 9 March 2006.

Accordingly the City signed an MOU with Combined Equity for the development of Lot 7 and entered a contract to purchase the lot from Landcorp. The Contract of Sale provided for the payment of the sale price in two instalments, one of \$1,500,000 payable on settlement and the balance of \$618,576 payable by 30 September 2007. There was a further condition placed in the contract by Landcorp that required the Council to have approved a Business Plan for the project in accordance with section 3.59 of the Local Government Act. Further the Council was required to have entered or have demonstrated its best endeavours to enter a contractual arrangement with its partner by 20 June 2007. Accordingly the Development Agreement negotiated



between the City and Combined Equity is required to be agreed by Council for the City to meet its contract of sale obligations to Landcorp.

Submission

N/A

Report

In accordance with requirements of Local Government Act Section 3.59 and the advice provided by the City's Solicitors Business Plan 2 was prepared and advertised in the West Australian on 24 April 2007 with submissions closing on 4 June 2007. In essence this Business Plan provides for the sale of the land and provides more detail on the proposed joint venture prior to the Council entering a Development Agreement. There were no public comments received on the Business Plan 2 by the closing date.

Following extensive negotiation and discussion between the City and Combined Equity a Development Agreement has been prepared for the project that meets Contract of Sale requirement for the purchase of lot 7 established with Landcorp. Council's formal resolution to approve the Development Agreement will ensure that the City can proceed with the purchase.

The portion of the site that addresses the town square is of three stories above ground level each with a floor plate of approximately 2000m². The lower of which will be for commercial purposes and retained by Combined Equity. The City will retain the second story for a Library and the third it is proposed will be retained by the City to provide for meeting rooms, a theatrette and approximately 1,500 m² of office space suitable for lease. An alternative is for the 1500m² of office space to be sold.

The western portion of the site will include retail/commercial space on the ground floor and a residential tower above. The height constraints resulting from the proximity to the Jandakot airport is for a building of 73.5m AHD that is, approximately 14 stories. An application has been submitted to the relevant authorities seeking to have the building height limit raised to 88.5 metres, that is, approximately 17 stories. The final height of the building will be determined by the costs of construction and the level of pre sales and estimated sales for the project. Should the 14-story residential tower option be progressed it is expected that there will be a total of 116 units the lower levels of the tower containing 10 2-bed room units at each level and 3 bedroom units at the upper levels. The 17-story option allows for a total of 116 units with a proffered 8 2-bed units per level at the lower levels and 3 bed units at the upper levels.



The Development Agreement provides for the construction of a commercial and civic building on that portion of the site that abuts the civic square. Architectural design development for this portion of the site has progressed for the project and provides for underground parking for the total site. The underground car parking provided for the residential units under the current architects concept plans for the residential component is 145 bays, this is 25 more than required under the initial draft proposed parking strategy for Cockburn Central. Should the Council revised draft currently out for public comment proceed that will be an additional car parking requirement of 87 bays which will add approximately \$3,000,000 to the project cost.

The final design and cost of the residential stage of the development is subject to detailed design and cost planning including construction costing and anticipated residential unit sales. Prior to any final agreement on the 2nd stage residential component preceding the formal approval of Council will be sought. The Development Agreement provides for the City to sell its interest in the second stage of the project should it so decide in the future.

Strategic Plan/Policy Implications

Infrastructure Development

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

Governance Excellence

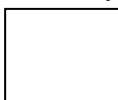
- *To develop and maintain a financially sustainable City.*

Transport Optimisation

- *To achieve provision of an effective public transport system that provides maximum amenity, connectivity and integration for the community.*

Budget/Financial Implications

The first stage of the development that includes the construction of the underground parking and the civic and commercial facilities has a current estimated cost of construction of \$37,000,000 (based upon the initial draft parking strategy). The City's initial contribution toward this is hence \$18,500,000 on a 50/50 basis. The City will in effect be buying in strata title the library and other civic facilities back from



Combined Equity. The cost to the City of these strata titled properties is anticipated to be in the vicinity of \$24,420,000 as the City will gain approximately 2/3 of the civic/commercial building. The Development Agreement provides scope for Council to lease all or a portion of the third floor of the Civic/Commercial Stage. McGee's advise that the third floor of two separate office areas totalling 1,520 sq.m. would anticipate a net return of \$418,000 p.a. plus an additional \$21,600 p.a. for parking allocation for the floor area based on one(1) bay per 50 sq.m.

It is proposed that the City borrow directly for the project and contribute on a dollar for dollar basis with Combined Equity to achieve the capital required.

The State Treasury has advised that provided the City has met all statutory compliance requirements of the Local Government Act it can borrow to the extent that it can demonstrate it has the financial capacity to repay its loan(s). The City of Cockburn has no borrowings and hence it is anticipated that it could readily borrow up to the amount required to proceed with the project should it so desire.

Legal Implications

The Council is required to meet the requirements of sections 3.58 and 3.59 of the Local Government Act 1995. The City has received comprehensive advise from Jackson MacDonald Solicitors to ensure the process followed for the project complies with the requirements of the Act.

Community Consultation

Addressed through the public advertising of Business Plans 1 and 2 for the project.

Attachment(s)

1. Business Plan for sale of Lot 7 Junction Boulevard, Cockburn Central between the City of Cockburn and Combined Equity Pty Ltd.
2. Development Agreement (circulated under separate cover as a confidential attachment).

Advice to Proponent(s)/Applicant

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 14 June 2007 Council Meeting.



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

This project will result in the City acquiring a library and other Civic facilities which is anticipated to be wholly or partially funded by the profit made from the residential components of the development. The involvement in the joint development of the residential and commercial components of the project will be in competition with other developers within Cockburn Central.

DECLARATION OF INTEREST

Clr Romano declared a conflict of interest, pursuant to Clause 21.2(2) of Council's Standing Orders, in the following item. The nature of the interest being, that he is a member of the Board of the applicant organisation.

CLR ROMANO LEFT THE MEETING AT THIS STAGE THE TIME BEING 8.07 PM.

17.7 (MINUTE NO 3497) (OCM 14/06/2007) - DONATION TO COCKBURN COASTAL BUSINESS CENTRE (INC.) (5930) (RA)

RECOMMENDATION

That Council advise the Coastal Business Centre (Inc.) that it is not prepared to make a donation for 2006/07 outside of its policy, but the Group is welcome to apply through the Grants and Donations application process for 2007/08.

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr S Limbert that the Council make a donation of \$5,500 (incl. of GST) to the Coastal Business Centre (Inc.) for 2006/07, outside Council's policy, with the funds to be drawn from Account No.9004 - Emergency Disaster Fund.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0

Reason for Decision

For many years Council has had a close liaison with this Group which is providing valuable assistance to businesses within Cockburn. Council would ordinarily have made a grant to this organisation except for an oversight by their Officer. Council should not penalise this Group due to an honest oversight, ie. not realising Council's new policy in respect to grants. There is \$10,000 of unused funds in the Emergency Disaster Fund for 2006/07.



Background

Council established a Grants and Donations Committee to advise Council on the allocation of funds to local not-for-profit organisations. All organisations that had previously received a grant or donation from Council were advised of the new application process. The Coastal Business Centre (Inc.) was advised by letter on 21 April 2006 that they would be required to make a formal application.

Submission

An Invoice from the Coastal Business Centre (Inc.) was received in May 2007 seeking a donation of \$5,500 (GST inclusive) towards its operation.

Report

The Coastal Business Centre (Inc.) is a not-for-profit organisation partly funded by the Commonwealth Government that provides accommodation and financial advice to start up small businesses. The organisation currently leases space at the old Fremantle Prison to start up new business in what has been described as a business incubator arrangement.

The Invoice received from the Centre was not in accordance with the advertised Grants and Donations procedures required by the Committee established by Council to consider applications.

As the Grants and Donations Committee has considered all applications for the 2006/07 year it is not practical nor reasonable for this Committee to consider a retrospective application from the Coastal Business Centre (Inc.) It is proposed that Council advise the Group that it is not prepared to make an exception to the formal application process for a donation for 2006/07 but it is welcome to make an application for funds in 2007/08.

An alternative for Council is to make a direct donation to the Group for 2006/07 outside of its policy and draw funds from the budget allocation for grants and donations.

Strategic Plan/Policy Implications

Governance Excellence

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

Council Policy SC34 'Annual Budget Preparation' refers.



Budget/Financial Implications

Council has established a policy which provides for 2% of its rates income to go towards grants and donations. There are some surplus funds in the 2006/07 budget in the grants and donations budget area.

Legal Implications

N/A

Community Consultation

The availability of grants and donations are extensively advertised in the local media and City publications.

Attachment(s)

N/A

Advice to Proponent(s)/Submissioners

Coastal Business Centre (Inc.) have been advised that their request for \$5,500 will be considered at the June 2007 Council Meeting.

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

Nil.

CLR ROMANO RETURNED TO THE MEETING AT THIS POINT THE TIME BEING 8.09 PM.

THE PRESIDING MEMBER ADVISED CLR ROMANO OF THE DECISION OF COUNCIL WHILE HE WAS ABSENT FROM THE MEETING

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil



20 (OCM 14/06/2007) - NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Mayor Lee presented a notice of motion that:

A Report be prepared for consideration by the Delegated Authorities, Policies and Position Statements Committee for Council to adopt a Policy that in future requires the purchase of Council Plant, Vehicles and Equipment to be of a type that has the minimum ecological footprint, wherever possible. Such a Policy will focus on the purchase of Plant, Vehicles and Equipment which operate on fuel types with minimal carbon emissions, for example, hybrid, gas and/or bio diesel, or similar.

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 3498) (OCM 14/06/2007) - 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 Cllr S Limbert SECONDED Cllr K Allen that the recommendation be adopted.

CARRIED 8/0

25 (OCM 14/06/2007) - CLOSURE OF MEETING

8.11 PM

CONFIRMATION OF MINUTES

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

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

