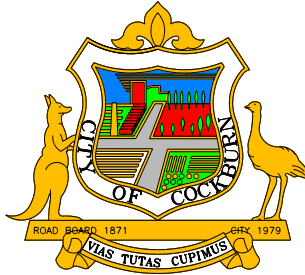


# **CITY OF COCKBURN**



**ORDINARY COUNCIL**

**AGENDA PAPER**

**FOR  
TUESDAY 14 SEPTEMBER 1999**



## CITY OF COCKBURN

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## CITY OF COCKBURN

### AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY, 14 SEPTEMBER 1999 AT 7:30 P.M.

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1. **DECLARATION OF OPENING**

2. **APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)**

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

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

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

5. **APOLOGIES AND LEAVE OF ABSENCE**

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

**Mrs Mary Jenkins - Public Question Time - 13 July 1999** - tabled a submission to gain approval for funding to support a series of workshops for people interested in entering local government.

Mrs Jenkins submission was forwarded to Municipal Training for consideration. By letter dated 16 August 1999, the Chief Executive Officer advised Mrs Jenkins that Municipal Training Services are prepared to conduct a training session for members of the community interested in standing for Council and that he would review the situation when future election details are known.

**Mrs Mary Jenkins - Public Question Time - 10 August 1999** - queried how the Main Roads Department based their statistics, what criteria were used and how they came to their conclusions in regards to the Main Roads Department Assessment - Traffic Use and Pollution.

A response dated 25 August 1999, advised that the Main Roads Department had assessed three options for a connection south of the Fremantle Eastern Bypass which included Cockburn Road, the current alignment of the Fremantle Rockingham Highway as per the Metropolitan Region Scheme and an alternative alignment for the Fremantle Rockingham Highway which is west of the current MRS alignment. The three alternatives were subjected to a multi-criteria assessment which included:

- Attributes classified as having economic objectives
- Attributes classified as having safety objectives
- Attributes classified as having environmental objectives
- Attributes classified as having social impacts

The assessment of air pollution levels was a qualitative assessment. The report concluded that pollution levels for the Cockburn Road alignment would be higher than that of the MRS and western alignments, due to the number of intersections along Cockburn Road causing stop/start operations and that the operating speed for most part of the travel along the section of the road at speeds of less than 80kph, would increase emissions compared to the MRS and western options.

**Mrs Mary Jenkins - Public Question Time - 24 August 1999** - in relation to a proposed R60 development in Gerald Road (Item 14.2), queried whether the property was connected to sewer.

A response dated 25 August 1999, advised that the R60 zoning in the local scheme was established on the basis that the sewer was available for re-development. There are developed properties to the west and south of the proposed development site, which are not sewered and form part of the Water Corporation in-fill sewer programme.

**Mrs Mary Jenkins - Public Question Time - 24 August 1999** - queried Council's involvement in a report by consultants on the Coastal Highway linking Servetus Street to the Fremantle to Rockingham Highway.



A response dated 3 September advised that Planning Services was unaware of the report. During 1998, the City of Cockburn was invited by the Councils north of the river, to join them together with other south of the river Councils, on a joint Coastal Highway Review Group but the Council declined the offer.

**Ms Donna Mackveil - Public Question Time - 24 August 1999** - tabled a petition regarding the continuance of the Early Education Program at the Coolbellup Family Centre. Ms Mackveil stated that the Centre had written to the Chief Executive Officer but no response had been received.

At an onsite meeting with the Social Services Manager and in a letter dated 7 September, Ms Makwell was advised that there is no record of her letter and enclosed a copy of correspondence to other members of the group who's letters were received.

At the meeting, the group accepted that they were in a position to operate independently and had a desire to continue. They are still able to access assistance from the program should they need it on an occasional basis. It was also agreed that building modifications will be made to increase the area available to the group which was confirmed in the 7 September letter.

## **7. PUBLIC QUESTION TIME**

## **8. CONFIRMATION OF MINUTES**

### **8.1 (OCM1\_9\_1999) - ORDINARY COUNCIL MEETING - 24/8/1999**

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

## **10. DEPUTATIONS AND PETITIONS**

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

Nil

## 12. COUNCIL MATTERS

### 12.1 (OCM1\_9\_1999) - APPOINTMENT OF DELEGATE - REGIONAL TOURISM MARKETING ASSOCIATION (8160) (DMG)

#### **RECOMMENDATION**

That Council appoints the Director, Community Services as a Delegate to the South West Metropolitan Regional Tourism Marketing Association Inc.

#### **COUNCIL DECISION**

#### **Background**

At its Meeting conducted on 11<sup>th</sup> May, 1999, Council appointed its Customer Services Manager as its delegate to the Association as an interim appointment, pending the re-establishment of an elected Council.

Council has now been notified of the resignation of the Customer Services Manager and it is necessary to appoint a replacement.

#### **Submission**

N/A

#### **Report**

As an interim appointment, it is recommended the Director, Community Services be appointed as an additional Delegate to the Association.

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

N/A

#### **Budget/Financial Implications**

Council contributes \$7,000 to the South West Metro Regional Tourism Association.

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

Nil

### 13. PLANNING AND DEVELOPMENT DIVISION ISSUES

#### 13.1 (OCM1\_9\_1999) - PLANNING AND BUILDING LEGISLATION - CROWN IMMUNITY (1129) (SMH) (ATTACH)

**RECOMMENDATION**

That Council:

- (1) adopt Policy "PD47 - PUBLIC WORKS" and include it in the Council Policy Manual.

**COUNCIL DECISION****Background**

Under most Acts the Crown is immune from having to comply with the provisions of various Acts and Regulations, and local schemes in respect to public works.

A public work not only includes infrastructure installation in public places, but also public buildings, wharves and jetties and public spaces.

Under the definition of public works in the Public Works Act there are 27 categories of public work.

Informal legal advice is that where a government agency will not lodge a formal planning application or not pay Council fees and seeks not to be bound by any Council law or regulation, the Council should not stamp an approval or give any indication that any proposal is acceptable because it could become inadvertently liable as an approving authority.

**Submission**

McLeod and Co lodged a submission to the Department of Local Government in July 1999 suggesting that Crown Immunity should be removed from the proposed Building Act.

Although the submission was only referred to Development Services for information, it does raise some concerns about the fact that some Government Departments which seem to think it perfectly in order to require a Council to certify plans, but not equally in order to pay fees and comply with any conditions of approval.

McLeod and Co suggest that the Council may consider lodging a submission to the Department of Local Government seeking to have Crown Immunity removed from the proposed Building Act.

Given the current imminent status of the Building Act and the new Planning Legislation in the Parliamentary process, it seems unlikely that such significant changes would be entertained by either Minister.

### **Report**

Given that the current Crown immunity is likely to continue under both the proposed Building Act and the new Planning Legislation, it would be preferable for Council to establish a Policy to provide guidance to staff in dealing with and assessing Government projects which are deemed to be exempt because they are public works.

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

This is a new Policy which is proposed to be included in the Policy Manual. The Policy is proposed to be delegated to nominated officers.

### **Budget/Financial Implications**

N/A

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

Nil

## **13.2 (OCM1\_9\_1999) - MODIFICATION TO AMENDMENT NO. 172 TO DISTRICT ZONING SCHEME NO. 2 - HERITAGE PROVISIONS (92172) (SA) (ALL)**

### **RECOMMENDATION**

That Council:

- (1) advise the Western Australian Planning Commission of the following, in regard to the proposed modifications to Amendment No. 172:
  1. it supports the modifications to Clause 5.8.7 (a)(ii) to read "the felling or damaging of trees which are included on the Heritage List by virtue of their being associated with buildings or structures also on the Heritage List" as the intent of the Heritage of WA Act is that a Heritage List should only include elements of the natural environment or landscape if they form part of the context of a building

- or structure on the List;
2. it supports the modifications to Clause 5.8.6(a) by inserting "the Management Categories assigned to any Place and" after the words "Council shall have regard to";
  3. that the "Place List", included in Council's Municipal Heritage Inventory, is Council's "Heritage List" referred to in Clause 5.8.1;
- (2) require Council's Planning And Development Division to prepare a report on alternative statutory and/or policy mechanisms to preserve areas, places and sites of natural heritage significance.

## COUNCIL DECISION

### Background

The history of the amendment is as follows:

1. August 1997 the amendment was initiated by Council;
2. December 1997 Western Australian Planning Commission (WAPC) granted consent to advertise the amendment subject to a number of modifications being effected;
3. February 1998 modifications adopted by Council;
4. April 1998 advertising period closed, three submissions were received;
5. May 1998 Council adopted the amendment for final approval;
6. 31 December 1998 the WAPC advised that the Hon. Minister has decided **not** to approve the subject amendment until the following modifications were effected:
  - delete Clause 5.8.3 (Management Categories) as these serve no statutory purpose in the Amendment;
  - delete Clause 5.8.7(a)(ii) as trees and vegetation which do not have historical heritage value are more appropriately protected by other mechanisms such as tree preservation clauses in a town planning scheme or by designation of

Special Control Areas as proposed in the Model Scheme Text;

- delete Clause 5.8.7(e) as a claim for compensation for heritage provisions does not arise in the legislation;
  - modify Clause 5.8.10 by limiting the density bonus to up to 50% in order to be consistent with recently approved District Zoning Schemes;
7. 16 February 1999 Council resolved to advised the WAPC and the Hon. Minister Planning of the following:
- it adopts the modification to delete Clause 5.8.3 (Management Categories);
  - it is not prepared to adopt the modification to delete Clause 5.8.7(a)(ii) regarding the felling or damaging of any trees listed;
  - it adopts the modification to delete Clause 5.8.7(e) regarding compensation for heritage provisions;
  - it adopts the modification to modify Clause 5.8.10 by limiting the density bonus to up to 50%;
  - request the WAPC and the Hon. Minister to support the modifications to Clause 5.8.6(a) by inserting "the Management Categories assigned to any Place and" after the words "Council shall have regard to".

### **Submission**

The WAPC advised Council on 3 August 1999, that the Hon. Minister has reconsidered his decision (dated 31 December 1998) and is prepared to:

1. substitute Modification 2 with the following:
  - (2) Modify subclause 5.8.7(a)(ii) to read "the felling or damaging of trees which are included on the Heritage List by virtue of their being associated with buildings or structures also on the Heritage List" as the intent of the Heritage of WA Act is that a Heritage List should only include elements of the natural environment or landscape if they form part of the context of a building or structure on the List;
2. include the following additional modification:
  - (5) Clause 5.8.6(a) to be modified by inserting "the Management Categories assigned to any Place and" after the words "Council shall have regard to"

## Report

It is recommended that Council advise the Western Australian Planning Commission of the following:

1. That it supports the substitute modification for subclause 5.8.7(a)(ii), to read as "the felling or damaging of trees which are included on the Heritage List by virtue of their being associated with buildings or structures also on the Heritage List". This will bring the subject subclause in line with the Heritage Act of Western Australia (1990) which states in Section 45: Municipal inventories:

"The Council of a municipality shall compile and maintain an inventory of **buildings** within its district which in its opinion are, or may become, of cultural heritage significance."

Because of this the Council proposal under Clause 5.8.7(a)(ii) to prohibit the "felling and damaging of any trees **listed**", is therefore unacceptable because trees, in themselves, cannot be listed on the Municipal Inventory. This is unfortunate, but the list is limited to buildings.

The WAPC stated in its correspondence that the intent of the Heritage of WA Act is that a Heritage List should only include elements of the natural environment or landscape if they form part of the context of a building or structure on the List. Furthermore, most natural heritage sites listed in Council Municipal Inventory List are located on Regional Reserves, eg the Beeliar Wetlands, Tuart Trees at Brownman Swamp, and are excluded from Council jurisdiction. The only exception is the Woody pear stand, located on Pt Lot 90 Forrest Road, Bibra Lake.

2. That it supports modification to Clause 5.8.6(a), by inserting the wording "the Management Categories assigned to any Place and" after the words "Council shall have regard to". This modification was requested by Council (dated 16 February 1999), as it enables the link to remain between the Scheme Text and the Management Categories in the Municipal Inventory. The Clause 5.8.3 (Management Categories) was deleted at the request of the WAPC, as they served no statutory purpose in the Amendment documentation.
3. Council's Planning and Development Division believe there is a need for an alternative statutory mechanism or policy for identification and preservation of significant Natural heritage sites, places or areas, which are not located on a Regional Reserve. This will enable Council to identify local sites, places

and areas which have either natural and/or cultural heritage significance, and may include significant trees or stands, eg the Woody Pear Stand in Bibra Lake, wetlands, plantations, parks, forested areas, local reserves etc.

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

2.8 - Heritage and Historical Conservation

### **Budget/Financial Implications**

Council to pay all costs associated with the amendment. Funds for Council initiated amendments are provided for within the 1999/00 Budget.

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

Nil

- 13.3 (OCM1\_9\_1999) - ADOPTION OF AMENDMENT NO. 208 TO DISTRICT ZONING SCHEME NO. 2 - REZONING FROM "RURAL" TO "RESIDENTIAL R30" - LOTS 2 & 506 HAMILTON ROAD, AND LOTS 6, 41 & 42 MELL ROAD, SPEARWOOD - OWNER: VARIOUS - APPLICANT: MR & MRS GRIDA (92208) (SA) (COASTAL) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the amendment without modification;
- (2) in anticipation of the Hon. Minister's advice that final approval will be granted, the amendment documents be signed, sealed and forwarded to the Western Australian Planning Commission.

#### **COUNCIL DECISION**

### **Background**

The owner of Lot 42 (No. 5) Mell Road, Spearwood requested Council to amend the zoning of their property from "Rural" to "Residential". No other details were provided.

The amendment was initiated by Council on 20 April 1999, and referred to the Department of Environmental Protection (DEP) for assessment.



The DEP advised the scheme did not require assessment, however advice was given relating to soil contamination.

### **Submission**

The amendment has been advertised for a period of 42 days, with the advertising period ending on the 11 August 1999. No submissions were received.

### **Report**

Lot 42 is within the Packham Urban Development Area and is one of six (6) small Rural zoned lots adjacent to Stage 8 which was subdivided in about 1997. These lots were excluded from Stage 8 as each of the lots already contained a residence, with the exception of Lot 750 Mell Road which contains a heritage listed church building. Five of the lots are designated for Residential use under the Packham Structure Plan.

The land is zoned "Urban" under the Metropolitan Region Scheme and there is limited potential for further subdivision of the lots. Section 35A of the Metropolitan Region Town Planning Scheme Act (1959) requires Council's Town Planning Scheme to be in conformity with the Metropolitan Region Scheme.

The subject land is outside the interim 500 metre Watsons Odour buffer currently prescribed by the Environmental Protection Authority.

Only one of the lot owners has requested Council to amend the zoning of the land from Rural to Residential. It is however considered inappropriate to rezone only one lot in isolation. For this reason the other four residential lots in the immediate locality currently zoned Rural are included in the Amendment.

The proposed amendment will have the effect of rationalising the zoning to reflect the current use of the lots and be in conformity with the Residential zoning of adjacent land to the south.

It is recommended that the Amendment be adopted for final approval, without modification.

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

N/A

### **Budget/Financial Implications**

Council to pay all costs associated with the amendment. Although this relates to private land, the Council decided in the interests of orderly and proper planning to extend the request of 1 landowner to 5 other

owners to resolve the zoning of small developed lots in Packham. Funds to cover the associated costs have been provided in the 1999/00 Budget.

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

Nil

**13.4 (OCM1\_9\_1999) - TRAILS MASTER PLAN - ADOPTION (8176) (SOS) (ALL) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Trails Master Plan as the basis for guiding the future development of recreational trails in the City of Cockburn;
- (2) accept the priorities for development of the individual trails as detailed in Recommendation 1 of the Trails Master Plan, but not commit to a Ten Year Plan as recommended, rather, implementation of trail development plans will be pursued where possible depending on the budgetary resources and external funding sources prevailing at the time.

**COUNCIL DECISION**

**Background**

In June 1998, the City was successful in obtaining a grant of \$5,000 from Lotteries Western Australia to be put towards the cost of the production of a recreational trails plan for the Cockburn region.

In October 1998, Maher Brampton Associates was engaged to prepare a Trails Master Plan. The key objective of the Consultant's brief was to identify the potential for recreational trails in Cockburn and to assess the opportunities and constraints for their development.

Through the preparation of the Master Plan, various agencies and individuals were consulted, including the Department of Conservation and Land Management, Ministry for Planning, Wetlands Education Centre and Conservation Society and individuals representing various user groups.

## Submission

The Trails Master Plan provides extensive detail on various aspects of trails development. Essentially the Master Plan contains three key areas of information;

- Introductory information – the value of trails, analysis of the natural attributes of Cockburn and identification of key stakeholders and issues;
- The Trails Network – details the existing and proposed trails network and the opportunities for incorporating various themes into the network;
- Costs and Resourcing – approximate cost estimates for each trail are provided and recommendations are made on how to best resource trails development.

The Master Plan's executive summary, recommendations, and map are included in the Agenda Attachments.

## Report

The Trails Master Plan is considered to be a valuable document that will provide direction for the development and upgrading of recreational trails within Cockburn. The Master Plan also fits in well with ongoing work on the review of the Cockburn Bikeplan in promoting regional linkages and non-vehicular movement systems for various user-groups.

The Trails Master Plan makes 14 recommendations regarding the development of a recreational trails network. The key recommendations focus on;

- Prioritising each trail and the sequence of development ;
- Suggested methods to attract funding;
- The need for inclusion of trails planning in Management Plans for Beeliar and Jandakot Regional Parks;
- The need for liaison with the Aboriginal community to identify opportunities for interpretative features along the trails; and
- Using planning processes when considering development proposals to capitalise on/protect opportunities for trails development.

These recommendations should form the basis for guiding Council's decisions to implement a recreational trails network. It is, however,

important to make specific comment on Recommendation 1, which urges Council to adopt a “Ten Year Trail Development Program”, for the progressive implementation of each of the individual trails that will form the Trails Network.

There is no disagreement with the priorities allocated to developing each trail as outlined in the proposed Program, however Council cannot commit itself to a rigid spending program over a ten-year time frame. Rather, it is recommended that the priorities outlined in the proposed Program be adopted as the basis for pursuing future trails development, but the actual implementation should be approached case-by-case and year-by-year, depending upon the budgetary resources and external funding opportunities prevailing at the time.

It is recommended that the Trails Master Plan be adopted on this basis.

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

Corporate Plan. The Master Plan is consistent with Corporate Strategic Plan initiatives to improve recreational facilities and to foster awareness of environmental, cultural and historic attributes in the City.

### **Budget/Financial Implications**

No funds for this project were recommended for inclusion in the 1999/00 Budget. Funding options will need to be assessed as appropriate during the financial year or reconsidered in the 2000/01 Budget.

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

Nil

## **13.5 (OCM1\_9\_1999) - PROPOSED COMMERCIAL VEHICLE PARKING - LOT 17 SCOFIELD PLACE, BANJUP - OWNER/APPLICANT: R N GROENVELD (5514627) (MT) (EAST) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) approve the application for commercial vehicle parking on Lot 17 Scofield Place, Banjup subject to the following conditions:

#### Standard Conditions

1. Standard conditions contained in Council Policy PD17 as determined appropriate to this application by the delegated officer under clause 7.6 of Council’s District Zoning Scheme N° 2;

### Special Conditions

1. *The truck being parked on a bunded concrete pad.*
  2. *All wastewater from the concrete pad being collected and filtered to the satisfaction of the Water and Rivers Commission.*
  3. *No major servicing of the vehicle being undertaken on the lot.*
- (2) issue a Form 2 Approval to Commence Development to the applicant;
- (3) advise those who made a submission or Council's decision accordingly.

### COUNCIL DECISION

### Background

ZONING:	MRS:	RURAL WATER PROTECTION ZONE
	DZS:	SPECIAL RURAL ZONE NO. 9 – BARTRAM ROAD, BANJUP
LAND USE:	VACANT	
LOT SIZE:	20443m <sup>2</sup>	
AREA:	N/A	
USE CLASS:	"AA"	

### Submission

The applicant has made an offer to purchase the lot, subject to receiving Council approval to park a commercial vehicle on the property. The vehicle is an 8 ton truck with a backhoe on the back. The truck will be parked on a concrete pad and only minor servicing will occur on the property. A house and shed will also be built on the lot. A submitted site plan is attached to this agenda.

The application was referred to surrounding landowners for information and comment. A summary of the two submissions received from neighbours is attached to this agenda.

The property is within the Rural – Water Protection Zone and was referred to the Water and Rivers Commission for comment. They have

no objection to the proposal subject to a number of conditions. A copy of their response will be tabled at the meeting.

### **Report**

One submission was received opposing the commercial vehicle parking but it implies that they thought the lot would be used as a transport depot. They referred to drivers arriving in cars to collect their trucks. Their main fear is that the number of trucks will move beyond one. The application is for only one truck with the owner / driver resident on the property. The submission is anonymous so we have been unable to clarify this point with them.

The proposed commercial vehicle is a Isuzu tray-back truck. The proposed parking area is well setback from all boundaries and is screened by existing vegetation from all sides. The applicant has confirmed that the truck will leave after 7am and arrive back after by 4.30pm. It does not need to be left idling when it is started up. Given all of the above factors, the vehicle is not expected to affect the amenity of the area.

The conditions requested by the Water & Rivers Commission ensure there is no contamination to the groundwater.

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

N/A

### **Budget/Financial Implications**

N/A

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

Nil

- 13.6 (OCM1\_9\_1999) - REVISED STRUCTURE PLAN - CELL 6 YANGEBUP - LAND BOUNDED BY STOCK ROAD, BEELIAR DRIVE, THE RAILWAY AND BIBRA LAKE INDUSTRIAL AREA - OWNER: VARIOUS - APPLICANT: BSD CONSULTANTS (100883) (SA/AJB) (COASTAL) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the proposed modifications and revised structure plan, dated 16 June 1999, to Cell 6 Yangebup structure plan, subject to the following modifications:

1. redesign of Lots 81, 82 and 83 to create two lots, and one lot behind house lot 72;
  2. redesign of the drainage site, south of Beeliar Drive in accordance with Council's subdivision application for the land (WAPC No. 110720);
  3. redesign the POS allocation on Lot 34 Thorne Place in accordance with 10% POS requirement;
  4. redesign the access places to access ways, with a minimum 15 metre road reserve, as per attached plan;
- (2) request the Western Australian Planning Commission to adopt the revised Structure Plan, with modifications, as a guide for its consideration of subsequent subdivision applications within the Cell 6 Yangebup;
- (3) notify the applicant, relevant landowners and those who made submissions of Council's decision accordingly.

## COUNCIL DECISION

### Background

ZONING:	MRS:	Urban
	DZS:	Residential R20
LAND USE:	N/A	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	

The existing structure plan was included in Amendment No. 123, the amendment to rezone the land included in Cells 6 and 8 Yangebup. Council resolved to seek final approval on the 15 July 1997, and amendment was gazetted on 7 October 1997. A subdivision application for Cell 6 was lodged, but deferred pending resolution of the public open space allocation.

A revised subdivision plan for Cell 6 Yangebup was submitted in November 1998, for Council's consideration. The plan was deficient in the provision of 10% Public Open Space (POS) for the application area, and the applicant requested that Council considered the following arrangement:

- POS (or other acceptable land) to be established on the first diagram of survey, to be pro-rata and proportionate to the participating landowners to whole - ie some 2.8 ha out of the total 3.6 ha required. In this regard, it is recognised that one owner who is not yet a signatory to the outstanding application, is expected to become one in the near future and would be recognised as participatory;
- The bulk of the southern POS area would be vested under Section 20A at the time;
- The balance of the approximate 2.8 ha being set aside as either POS and vested as such or being transferred to the Council in fee simple. Such land to be generally low lying land and located in the north eastern part of the project;
- This latter land would be held by Council until such time as either the northern POS area shown on the plan becomes available for POS or in the event that this does not occur within what Council determines to be reasonable time, the land the subject of the transfer would then be set aside as POS buffer and the subdivisions design adjusted accordingly.

Council resolved at it Ordinary Meeting, held on 15 December 1998, to refer to item back to the next Community Development Committee to enable the preparation of a detailed report.

### **Submission**

The applicant has submitted another revised structure plan for Cell 6 Yangebup, dated 16 June 1999. The proposed modifications in the revised Structure Plan include:

- Inclusion of a higher density development site (zoned R40) on Lot 19 (south east corner);
- Modification to the road layout and public open space distribution (POS) over Lot 13, Part Lot 12, Part Lot 1 and Lot 501 in the north east corner of the Structure Plan;
- Minor modification to the road design over Lots 5 and 6 on the western side;
- Deletion of the proposed road on the eastern side of the POS, located on the west side;
- Inclusion of a drainage site on Lot 32;
- The design of Lot 34 is subject to the resolution of land requirements by the landowners, with Main Roads WA, and as such is not included in this revised structure plan.

The revised structure plan is otherwise similar to the previous plan.

Council advertised the revised plan for a period of three weeks, the advertising period closing on the 13 August 1999. The Council wrote



to 27 landowners and received seven submissions were received. Refer to Schedule of Submissions and revised structure plan attached to the agenda.

## Report

The revised structure plan has been considered by Council Officers, and includes the following features and modifications:

1. Retention of central POS for active purposes;
2. The POS and road layout for the Lot 13, Part Lot 12, Part Lot 1 and Lot 501 has been modified. The plan indicates 10% of POS on Lot 501 Storey Place and Lot 13 Shallcross Street, which are not included in the current subdivision application. An appropriate area for Lot 1 has been allocated for POS, and is located at the common boundaries of the above lots to form a Local Park for residents in the northern portion of the cell, which is an objective of the Liveable Neighbourhoods - Community Code Design.

The road design has been modified to including moving the proposed cul-de-sac on Lot 501 Shallcross Street northwards to enable a road to abut the POS site and create a four metre wide access way to Lot 500, and redesign of the road system over the above lots, including creation of cul-de-sac, rather than a through road. The redesign of the road layout still provides for an accessible and connective local road system, although it does not reflect the community design code principles.

3. The design of Lot 34 is subject to the resolution of land requirements by landowners, with Main Roads WA, and as such is not included in this revised structure plan. However, provision for 10% POS of Lot 34 Thorne Place is still provided for (with minor modification to the revised structure plan), together with 10% POS for Part Lot 3 Shallcross Street and Lot 1 Yangebup Road, being set aside at the common boundaries as open space as a local park for residents west of Shallcross Street. The proposed road on the west of the POS has been deleted from the revised plan.
4. Redesign of the road system west of Shallcross Street to incorporate a more connective and accessible system, including relocating the link road with Shallcross Street onto Lot 5 Shallcross Street. Previously there was not enough separation between the two link roads onto Shallcross Street, creating a unsafe intersection, therefore moving the western link road southwards allows for better traffic movement and safety.

5. Inclusion of an R40 site on Lot 19 Yangebup Road, to allow for an area of higher density housing within the cell, in accordance with the original proposal.
6. Council has included a road on Lot 16 Shallcross Street, which is required to create a convenient and direct access to the central POS area. This proposed road will allow for a walkable distance to the active POS area for a majority of residents.
7. The applicant has indicated a 3430m<sup>2</sup> drainage site, south of Yangebup Road. This land is currently subject to a separate subdivision application (WAPC No. 110720), which shows the area as being five residential lots, a sewer easement and drainage area. There is no agreement between Council and the applicant to locate the drainage on this site. The applicant gave an undertaking to provide estimated drainage calculations for Cell 6, prior to submitting the revised structure plan, however these have not been provided.

There may be an opportunity to co-locate the drainage for the Cell 6 in the old quarry site south of Beeliar Drive, along with Council's drainage site for subdivision of Part Lot 621 Yangebup Road, (WAPC No: 110720).

However, to expedite approval process and issue of subdivision approval conditions, adoption of the revised structure plan should not depend upon the resolution of the drainage issue. The drainage issue will be finalised as apart of the preparation of the detailed plan and approval conditions for the subdivision.

The revised plan provides a solution to the POS problem by supplying 10% POS for both non-participating land owners and adjoining participating landowners, which will allow for better distribution of POS through out the subject area, which in turn creates a simpler administration process. The revised plan also allows for better access to the central large section of POS (ie active POS) and improves the connectivity on local roads, with the inclusion of the suggested road design modifications. However, the allocation of drainage is an issue which requires clarification, and can be resolved at the subdivision approval stage.

Council's agreement to the modifications to the Structure plan and the adoption of the revised structure plan will enable the processing of the subdivision applications, by delegated authority.

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

N/A

**Budget/Financial Implications**

N/A

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

Nil

**13.7 (OCM1\_9\_1999) - LOCAL PLANNING STRATEGY - PROPOSED TOWN PLANNING SCHEME NO. 3 - REVISION (9485) (SMH)****RECOMMENDATION**

That Council:

- (1) receive the revised version of the Local Planning Strategy;
- (2) adopt the revised Local Planning Strategy;
- (3) forward the revised Local Planning Strategy to the Western Australian Planning Commission for endorsement following signature by the Chief Executive Officer .

**COUNCIL DECISION****Background**

The Council submitted its Local Planning Strategy to the Commission for its consideration and endorsement. However, the Ministry for Planning found the Strategy unacceptable and required significant modifications to be undertaken before it would be submitted to the Commission.

The documents were returned with a schedule of suggested changes.

On the 13 July 1999, the Council received the advice from the Ministry and directed the Director Planning and Development to revise the Strategy having regard for the Ministry's advice.

**Submission**

Recent discussions with the Ministry for Planning officers, indicated that they are keen to receive the revised version of the Local Planning Strategy so that it can be reported on to the WAPC together with proposed Town Planning Scheme No. 3 (Version 2).

The assessment of proposed Town Planning Scheme No. 3 (Version 2) has now been completed and the Ministry is anxious for the Minister to make a decision to advertise.

The Council staff have been informally advised of the changes required to the Scheme, and these have already been completed, in anticipation of the Minister's advice.

### **Report**

The Local Planning Strategy has been completed in accordance with the Ministry requirements.

80% of the first version was able to be retained and parts deleted and new parts added as necessary.

The staff believe that the document is now in a form that should be acceptable to the Ministry.

A copy of the Local Planning Strategy has been provided separately to each Commissioner, and will be tabled at the meeting.

It is recommended that the Council adopt the Strategy for endorsement by the Commission, given that the Strategy will be advertised with Town Planning Scheme No. 3 for public comment, according to the proposed revisions to the Town Planning Regulations.

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

N/A

### **Budget/Financial Implications**

N/A

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

Nil.

- 13.8 (OCM1\_9\_1999) - REQUEST FOR RECONSIDERATION OF COUNCIL DECISION - FINAL ADOPTION - AMENDMENT NO. 182 - LOT PT 1 AND LOT 781 CNR NORTH LAKE ROAD AND BERRIGAN DRIVE, SOUTH LAKE - OWNER: B & R INVESTMENTS PTY LTD (92182) (SR) (EAST)**

### **RECOMMENDATION**

That Council advise the applicant and the Western Australian Planning Commission as follows:-

(1) the Council has no objection to the Minister granting final approval to Amendment No. 182, subject to adding point 3. to the Amendment Text as follows:-

"3. Amending the Scheme Text by adding to the "Third Schedule - Restricted Uses" additional provisions to protect the amenity of adjoining residential areas as follows:

Street	Particulars of Land	Restricted Uses
Cnr Berrigan Drive and Forrest Road	Lot 781 and Pt Lot 1	<p>those uses which may be permitted within the Mixed Business Zone as set out in the First Schedule (Zoning Table), excluding the following uses: Hotel/ Tavern, Veterinary Hospital, Cottage Industry, and subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Building setbacks to Residential boundaries shall be a minimum of 3 metres;</li> <li>2. A masonry wall not less than 2 metres in height shall be constructed along boundaries with Residential zoned land;</li> <li>3. No vehicular access to Labyrinth Way shall be permitted.</li> </ol>

(2) Any Development applications for the site shall be required to address the following matters:-

1. A traffic and circulation study being conducted, at the developer's cost, by a suitably qualified and independent consultant, to the Council's satisfaction;

2. Information on the possible impact of lighting and noise on the adjoining residents being submitted by the developer to ensure no adverse impact on the adjoining residents, to the Council's satisfaction;

3. The development application being advertised for public comment.

#### COUNCIL DECISION

## Background

Amendment No. 182 proposed to amend Lots Pt 1 and 781 from Residential R15 and R30 to "Mixed Business".

The applicant for the amendment (Optimum Performance Solutions Pty Ltd/BSD Consultants) has requested Council reconsideration/rescission of Council's decision of 19 January 1999 not to seek final approval. Council's Resolution was as follows:

*"That Council:*

- (1) uphold the submissions objecting to the amendment; and*
- (2) advise the Minister for Planning, that Council does not wish to proceed with the amendment, on the basis that the zoning of mixed business would not be compatible with the adjoining residential land."*

A motion to rescind this decision was lost at the subsequent Council Meeting on 16 February 1999 due to the lack of an Absolute Majority.

The history of the Amendment is as follows:

The Amendment was proposed in September 1997, and initiated by Council in October 1997. The Environmental Protection Authority (EPA) advised that an assessment of the Amendment was not required in December 1997. The advertising of the Amendment for public comment was from 3 July until 14 August 1998.

Fifteen (15) submissions were received, nine (9) of which had no objection. The balance (6) objected.

The Schedule of Submissions is attached to the Agenda and was considered by Council at its meeting on 19 January 1999. This followed deferrals of the Amendment at the Council Meetings of 17 September 1998 and 17 November 1998, pending finalisation of Amendment No. 155 which introduced the "Mixed Business" zone into Council's Scheme. A list of the uses permitted 'as of right' or subject to Council's discretion under the "Mixed Business" zone is included as an attachment.

It is important to point out that the staff recommended support for the Mixed Business (non-retail) proposal which was not supported by the Council, and is able to support this revised proposal by the Minister because it is more restrictive than previously proposed.

## Submission

Council's 19 January 1999 decision on the Amendment has since been considered by the WAPC and the Hon Minister for Planning as outlined in the WAPC letter to the Council dated 2 August 1999 (attached).

The applicant has submitted a modified proposal as per their letter dated 24 August 1999 (attached).

The principal modification to the Amendment is the proposal to exclude the uses of 'Hotel', 'Tavern', 'Veterinary Hospital' and 'Cottage Industry' from the range of uses permissible under the "Mixed Business" zoning to be applied to the subject land.

The secondary modification is to the 'Development Concept Plan' in respect of the following:

- "a) *deletion of the crossover from the residential street (Rimington Court) abutting the site;*
- b) *masonry wall along the residential abutment land;*
- c) *pedestrian link via Labyrinth Way only;*
- d) *slightly modified building layout to move all buildings of the common boundaries with the residential lots;*
- e) *pedestrian access between the buildings and the masonry common fence line to prevent storage or untidy development occurring behind the commercial buildings."*

## Report

The matters considered relevant to Council's decision are as follows:

1. Legislative/ procedural requirements and Council's role in the final determination of the Amendment;
2. The extent to which the proposed modifications to the range of permissible uses and the development plan will overcome the concerns raised in the submissions and ensure the amenity of the adjoining residential areas is not jeopardised. Council's previous decision was "... on the basis that the zoning of "Mixed Business" would not be compatible with the adjoining residential land."

As far as 1. above is concerned, the Town Planning Regulations provide that the final decision concerning finalisation of amendments rests with the Hon. Minister for Planning. The Minister has signalled an

intention to consider approval of the Amendment, subject to modifications designed to, address the issue of residential amenity.

Council's options are to firstly, reiterate its previous (19.1.99) decision; secondly, advise the Hon. Minister that it would be prepared to support modifications to the Amendment in the form submitted by the applicant, or; thirdly, advise that it would be prepared to support an alternative form of modifications.

It is not possible to rescind the 19 January 1999 decision (as this decision has already been actioned under the Town Planning Regulations), if the Council wishes to pursue the second or third option outlined above.

As far as 2. above is concerned, it is considered that the proposed restrictions on the range of permissible uses to apply to the land, in conjunction with the proposed development restrictions, satisfactorily address the residential amenity issue. The proposed development restrictions, namely setbacks, vehicle access restrictions and the proposed masonry wall are not, however, legally binding on the current or any subsequent landowner/ developer. It is therefore considered desirable to give statutory effect to the proposed development restrictions to ensure their implementation by incorporating them into the Amendment Text. This would be the third option mentioned above and is detailed in the Officer Recommendation. Clause 3.4.1 of Council's Scheme provides that the Council may specify the conditions under which land may be developed within a Restricted Use zone.

These Scheme restrictions, if adopted by the Hon. Minister, should also be supported by a requirement that Development Applications address the further matters listed in (2) of the Officer Recommendation.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

N/A

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

Nil.

**13.9 (OCM1\_9\_1999) - COOLBELLUP REDEVELOPMENT - FINI GROUP (9112) (AJB) (ATTACH)**

**RECOMMENDATION**

That Council:



- (1) receive the report;
- (2) adopt the Master Plan for Coolbellup prepared by the Fini Group as the basis for proceeding with detailed planning and programming of the redevelopment works;
- (3) endorse the Coolbellup Community Plan;
- (4) adopt the following tree planting strategy proposed by the Fini Group, namely:-
  1. Create tree lined boulevards along Waverley Road, Counsel Road, Cordelia Avenue and Coolbellup Avenue using a mix of Plane and Elm trees, and other trees such as Olive, Jacaranda and Norfolk pine in selected areas throughout parklands.
  2. Street planting in Coolbellup Avenue except at the entrance and roundabouts be deferred until a review of the street tree planting strategy is completed following works in Waverley Road, Counsel Road, Cordelia Avenue and Stock Road.
  3. To plant exotic trees at a height of 2-4 metres to give an instant effect to these visually important boulevards that link at the town centre of the suburb.
  4. The Fini Group to maintain all trees for three (3) years and the maintenance is to include watering, pruning and replacement.
  5. A mix of native vegetation, and exotic planting to be applied as follows:-
    - Parklands throughout Coolbellup (60% native, 40% exotic)
    - Screening to North Lake Road (80% native, 20% exotic)
    - Screening to Stock Road (80% native, 20% exotic).
  6. None of the existing vegetation along Coolbellup Avenue that fronts the shopping centre is to be removed.
  7. The Fini Group is to establish and contribute to an Environmental Community Fund to be managed by the local community and aimed at achieving community awareness towards parklands and planting of native seedlings in designated areas;

8. Establish more distinctive woodlands in designated areas and enhance these with assistance of the community.
- (5) advise the Fini Group that:-
1. The Fini Group is required to maintain the redeveloped parks and sump areas for a minimum of 2 years after construction and street trees for 3 years after planting at their cost.
  2. After 2 years Council will assume responsibility for maintenance (street trees 3 years) at a standard equivalent to \$12,000 per hectare per year.
  3. Expenditure on slab footpath replacement will continue in the Coolbellup area.
  4. Annual community events that the Fini Group plan to be held in the facilities established as part of the upgrade will be actively supported.
  5. Whilst the proposed uses to be incorporated into Hargreaves Park are acceptable, they should be reviewed by the Manager for Parks at completion of the consultation process and when seeking final approval the Fini Group should document and submit the outcome of the public consultation process.
- (6) agree to contribute to public works within Coolbellup in accordance with Table 1 and Table 2 attached to the Agenda, and payment will be authorised by the relevant officer following certification from the Ministry of Housing that the scheduled works have been completed;
- (7) amend the Budget to transfer funds totalling \$322,843 from Account Nos. 695970, 695839, 695844, 695873, 695971, 695973, 695972, 695517, 575912, 695514, 695946, 695525 and 695512 as detailed in the report to the Coolbellup Redevelopment Contribution Account;
- (8) advise the Fini Group and the Coolbellup Community Association of its decision accordingly.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY**

**COUNCIL DECISION**

## **Background**

In March 1997 Homeswest (now Ministry of Housing) and the City of Cockburn signed a Memorandum of Understanding (MOU) which set out the objectives and overall principles which apply to the redevelopment of Coolbellup.

Clause 9 (i) of the MOU provides that Council will co-operate with Homeswest in matters like (as may be necessary), fast tracking rezoning applications, closing or realigning roads, developing , relocating or selling reserves, improving streetscapes, implementing traffic management schemes, issuing demolition licences and linking its works programmes to Homeswest projects in accordance with the priority list agreed between them. Council will match funds contributed by Homeswest for infrastructure works, in all Council owned land, Public Open Space, or vested land as agreed between the parties and such contribution may be in cash or kind.

In late 1998 The Fini Group was appointed by Homeswest to project manage the Coolbellup New Living Program.

## **Submission**

Since their appointment the Fini Group have prepared a Master Plan for Coolbellup, undertaken extensive community consultation, facilitated the early commencement of the in-fill sewer program and prepared detailed plans for the upgrading of De Marchi Park and Hargreaves Park. Work on the major entry treatments has commenced as has refurbishment of Ministry of Housing houses. Redevelopment of the Yaralla flats is due to commence within the week.

There is a program of ongoing community consultation through various mediums. There are some ongoing studies including traffic management and an assessment of development opportunities.

In order for further works to proceed and the project vision to be achieved, the Fini Group now seek endorsement of the Master Plan and Community Plan by the City of Cockburn. These documents have already been endorsed by Ministry of Housing.

## **Report**

### **The Master Plan**

Following initial discussion with various interest groups the Fini Group prepared a draft Master Plan for the whole of Coolbellup. The draft Master Plan dated January 1999 identified the proposed scope of works to be undertaken on items such as entry statements,

streetscapes, parks and upgrading of apartments and showed photos to demonstrate the desired outcomes.

The draft Master Plan formed the basis of a community consultation process which included a manned display held on 29,30 January and 1 February 1999 in the Centenary Hall in Coolbellup and meetings with the Coolbellup Community Association (CCA). Residents were advised of the consultation by letter drop and adverts in local papers. The display included the draft Master Plan, staging plan and artists impressions of entry and boulevard treatments and remodelling of existing apartments.

Of the 317 individuals or groups that attended the display, over 95% were in support of the draft Master Plan and associated works. The areas of general concern raised were that there was too much money being spent on the redevelopment of flats, and that a good number of the flats should be demolished and the upgrade work could be cosmetic, as evidenced in Lockridge and Kwinana and buildings will fall rapidly into disrepair. Other points raised by people supporting the draft plan included the need for a traffic management plan, that Council and Ministry of Housing had neglected the area for years and should now spend more time and money on the area, the need for housing options for the aged, shopping centre needs attention, social issues relating to relocation of Ministry of Housing tenants, rationalisation of parks as most are not used and the desire by some members of the community to be involved in their planning, the excessive width of road reserves, asbestos roofs should be removed and the cost of underground power was not acceptable given that sewerage is happening at the same time.

In response to the feed back and after further consultation with the CCA the following action has occurred

- The staging of works has been amended and Fini has agreed to delete Jacarandas and Flame trees as Boulevard trees.
- CCA representatives met with the Minister of Housing who gave a commitment to review some of the flats at a later date.
- Consultants have been appointed to prepare a traffic study and to examine the development/redevelopment potential of Ministry of Housing sites to meet specific requirements including aged and disabled.
- A process has been implemented for consultation on proposals for the development of individual parks.
- Ongoing discussions are occurring with the managers of the shopping centre.

- The provision of primary schools within Coolbellup is being reviewed by the Education Department in consultation with the school community.
- A Coolbellup New Living Group comprising a wide range of interests in the redevelopment of Coolbellup has been established to broaden and improve the level of consultation.
- Coordination of works by Fini and the Water Corporation as far as practicable to minimise disturbance of new works.

Council Officers have attended several CCA meetings and one of the displays. The matters covered in the Fini consultation were the main issues raised. There were several additional matters such as the need for Council to maintain verges, weed control, the need for an improved footpath in Leece street, substandard footpaths being provided by Council in Coolbellup compared to elsewhere, lack of POS maintenance, the need for bus shelters and the need for a slip lane in Stock Road at its intersection with Counsel Avenue.

The need for footpaths and bus shelters within the municipality was the subject of a recent community survey in the Cockburn Soundings by the Engineering Department and information on Coolbellup will be provided to the Fini Group for consideration as part of the redevelopment program.

The submitted Master Plan includes the following works;

- Entry statements at Waverley Road, Counsel Road, and Coolbellup Avenue to create a sense of arrival to the new Coolbellup. Works are to include verge planting, entrance walls, feature paving, new footpaths and new lighting (these works have already commenced).
- Provision of traffic calming features, island and verge planting within Waverley Road, Counsel Road, Coolbellup Avenue and Cordelia Avenue to create quality tree lined boulevards and to break up the long distances of straight roads that traverse the suburb.
- Works to improve the appearance of minor entrances to Coolbellup from Winterfold Road.
- Possible feature pavement treatments to low key intersections.
- Enhance and upgrade major parks with new facilities and planting a mix of native and non-native vegetation to ensure a greater diversity of park use and more structure to the hierarchy to open spaces throughout the suburb. Parks to be upgraded include Doherty, De Marchi, Tempest, Hargreaves, Jarvis, Rinaldo and Len Packham Reserve.

- Enhance existing verge to North Lake Road and Stock Road with predominantly native planting to improve the external appearance and create effective screening.
- Improve the visual appearance of all sumps throughout the suburb by the use of new fencing, plantings and earthworks.
- Refurbish and transform all existing Ministry of Housing dwellings, including all apartment complexes with particular attention to the streetscape appeal (8 houses have been completed, 20 will be completed within 2-3 weeks and work on the Yaralla apartments is about to commence).

A copy of the Master Plan is included in the Agenda attachments.

The submitted Master Plan provides a strong basis for the rejuvenation of Coolbellup with the improvement of public places, streetscapes and 30% of the building stock which was owned by Ministry of Housing. Parallel programs to assist and encourage private property owners to undertake improvements to their property as well as community activities provide the opportunity for the entire suburb to benefit from the program.

The redevelopment of Coolbellup is a 5 year project with significant elements to be completed within the first 2 years to ensure an immediate and observable improvement. Notwithstanding that there are still detailed studies being undertaken and there is an ongoing program of public consultation, it is considered that the submitted Master Plan is acceptable. The plan should be regularly reviewed in light of ongoing market research, community consultation and detailed studies.

### **The Coolbellup Community Plan**

Ministry of Housing and the Fini Group are committed to work in cooperation with the City of Cockburn, relevant service providers and the community to make Coolbellup a high quality residential suburb which incorporates contemporary design principles to create a more vibrant community, resulting in increased community pride and property values for all. The stated purpose of the Community Plan is to outline an overall framework to achieve these objectives.

The Community Plan details the local and district sport, recreational, education, entertainment, shopping, clubs and community organisations, principles of the new living program and community participation processes. Whilst there are a wide range of facilities and services, some are in need of upgrading. The Manager of Social Services has advised that there is a need to replace the temporary child care facilities at the rear of the Community Centre with a permanent sessional child care and group activity space. Also as part

of the upgrading of Len Packham reserve, consideration will need to be given to accommodate indigenous groups who use the existing change rooms as their base.

Section 3.4 of the Community Plan details a comprehensive ongoing community consultation program including Community information and open days, regular meetings with key parties, Bi-monthly meeting of the Coolbellup New Living Group, quarterly production of the Coolbellup Messenger, direct mail for important issues, sales and community information office, Coolbellup Community directory (trade services) and specific meetings as required. The community participation program is full of easy to run simple low cost activities. These are an in for us if we want to join in and interact or relate to the activities. Events organised to date include walking sessions, Easter hunt, multicultural lunch, meet the sports stars and story telling in the library. Future events include a community car park sale, homestyle workshops, and mini Christmas concert.

A public art project is being organised for Hargreaves Park which is in part fulfilling the commitment to "community art". The art program needs to be guided by the City once this is adopted by Council and is completed.

The community consultation processes and community participation program detailed in the Community Development Plan are supported. Close liaison needs to be maintained with Councils Community Services department to coordinate the Fini and Council activities.

### **Park Development And Street Planting**

Community consultation regarding park upgrades has been extensive. In March 99 Fini invited residents to nominate what parks they wanted to have input into during the design stage. This request was in the Coolbellup Messenger delivered to every property in Coolbellup. Four nominations were received.

The consultation strategy involves;

1. Speaking to local neighbours about their needs wishes and concerns and requesting input for designs:
2. Preparing a plan based on local responses:
3. Presenting the new plan to neighbours in a one on one forum:
4. Presenting the plan to the CCA and other groups:
5. Distributing the plan to every household in Coolbellup Via the Coolbellup Messenger with an invitation for people to make comments.

This process was followed with the plans for De Marchi Park works. No comments were received from the public at Stage 5. The same process is being followed for Hargreaves Park which is currently at Stage 4 of the process.

A recent issue that has emerged is the type of vegetation to be used in the park redevelopment and streets. The Fini Group have recommended a balance of native and non native trees (exotic) in designated areas. However based on a survey of residents conducted in June 99, the CCA is strongly of the view that landscaping should be Australian natives with a preference for Western Australian native trees and opposes the exotic species chosen for parks and verges. A copy of the CCA survey and letter dated 9<sup>th</sup> August is included in the Agenda attachments.

Whilst the CCA survey shows a preference for native trees to exotics, it is pertinent to note that there are opposing views eg both support and rejection of Jacarandas, support and rejection of Eucalypts. The divergence of opinion is evident on the ground with gardens containing a mix of Palms, exotic trees including Jacarandas, Flame trees and Conifers and natives including Eucalypts, Grevilleas and Callistemons.

In summarising the survey, the CCA concluded that as with any project it will not be possible to accommodate everybody's viewpoint and therefore to ensure maximum satisfaction it was recommended that there be wide street by street based consultation.

The tree planting strategy proposed by Fini is as follows;

- 1 Create tree lined boulevards along Waverley Road, Counsel Road, Cordelia Avenue and Coolbellup Avenue using a mix of Plane and Elm trees. Other trees such as Olive, Jacaranda and Norfolk pine to be used in selected areas throughout parklands.
- 2 Tree planting in Coolbellup Avenue except at the entrance and roundabouts be deferred until a review of the street tree planting strategy is completed following works in Waverley Road, Counsel Road, Cordelia Avenue and Stock Road.
- 3 To plant non native trees at a height of 2-4 metres to give an instant marketing effect to these visually important boulevards that link at the town centre of the suburb.
- 4 Fini to maintain all trees for up to three years and hand over to Council. This includes watering and pruning.
- 5 A mix of native and non-native vegetation to be used in the following areas;



- Parklands throughout Coolbellup (60% native, 40% non-native)
  - Screening to North Lake Road (80% native, 20% non-native )
  - Screening to Stock Road (80% native, 20% non-native)
- 6 None of the existing vegetation along Coolbellup Avenue that fronts the shopping centre is to be removed.
  - 7 Fini is to establish and contribute to an Environmental Community Fund to be managed by the local community and aimed at achieving community awareness towards parklands and planting of native seedlings in designated areas.
  - 8 Establish more distinctive woodlands in designated areas and enhance these with assistance from community involvement.

Tree planting strategy items 1-8 are supported subject to the fulfilment of the public consultation requirements previously detailed.

### ***De Marchi Park***

Detailed proposals for De Marchi Park have been prepared and have been through the 5 stage public consultation process. Enhancements to the park include the provision of shade to the playground area, repairing and painting fences and seats and an extensive non-native tree planting program. The Parks Department has supported the proposed works In principle subject to modifications to the irrigation system, verification of the mix of native/exotic vegetation and that maintenance will not exceed \$12,000 per Ha per annum.

### ***Hargreaves Park***

Detailed proposals for Hargreaves Park have been prepared and are the subject of community consultation ( currently in stage 4). Enhancements to the park include the construction of a gazebo, walkways, lighting, barbecues, entry points, community art, and transformation of the existing sump into an amphitheatre. It also provides a reticulated kick about area in the centre of the park and improved amenities.

Any grass trees that need to be removed to implement the plan will be transplanted into parkland cleared woodlands that surround the perimeter of the site. These areas will not be reticulated.

Some existing trees of varying species will need to be removed to transform the sump area and for the creation of the amphitheatre. However over 100 mature trees will be planted with in the park.

Plans for the park including the incorporation of barbecues, gazebo, kick about area and the amphitheatre were suggested by residents surrounding the park in stage 1 of the consultation process. In stage 3

of the consultation process the 49 residents surrounding the park were surveyed. Twenty one responses were received which included one objection.

The CCA has expressed concerns about potential vandalism, anti social behaviour relating to the provision of the amphitheatre, gazebo and barbecues, questions the need for these facilities in this park (suggesting that this may be more appropriately located in Len Packham Reserve), how such facilities will be used with out the provision of toilets (which CCA would oppose), the relocation of grass trees and the use of exotics.

The facilities to be provided in Hargreaves Park are intended to provide a diversity of low key activities for local use. Accordingly toilet facilities will not be required. If in the future an event is planned for this park which required toilets these would be brought in by the organisers as part of the necessary infrastructure. The Gazebo is to be a robust structure constructed from steel to minimise potential vandalism. Fini are of the view that the design of the landscaping, lighting of the pathway/gazebo area, increased usage and increased ownership of the park by the neighbours will minimise the potential for anti social behaviour.

Plans for the redevelopment of Hargreaves Park have been supported in principle by the Parks Department subject to modifications to the reticulation system, to verification of the mix of native/exotic vegetation and that maintenance will not exceed \$12,000 per Ha per annum. The outcome of the public consultation process should be documented and submitted to Council by the Fini Group when seeking final approval to the plans for the park.

It is recommended that Council should advise the Fini Group and CCA that whilst the proposed uses to be incorporated in Hargreaves are acceptable to Council, they will be reviewed upon completion of the consultation process and that a mix of native and exotic vegetation is supported.

### **Schedule Of Works And Cost Sharing**

Based on proposals outlined in the Master Plan and discussions with the Director of Engineering, the Fini Group have prepared a schedule of works and contributions for Councils consideration. The schedule is included in the Agenda attachments as Table 1. Councils liabilities on the basis of financial years has been prepared and is included as Table 2.

Council has been requested to consider payment by way of a once a year contribution at the end of 1999/2000 and at the commencement of each financial year thereafter following confirmation of programmed works for that year.

In addition to the cost sharing the Fini Group have proposed the following;

- Councils landscape maintenance on all refurbished parks and gardens be set at a budgeted amount of \$12,000 per ha annually immediately following the capital investment of park upgrades from the Fini Group;
- Councils landscape maintenance is to include all running costs to irrigation systems installed to parks and open areas;
- Expenditure on footpath upgrades from existing slab continues to be allocated to Coolbellup with a higher priority than previously; and
- Council will actively support development of annual community events to be held in facilities provided as part of the upgrade.

The Manager of Engineering has advised the proposed schedule of works is acceptable with much of the works proposed for 1999/00 already on the budget. Footpath works in Coolbellup accounts for 30% of the total municipal expenditure and 46% of the slab replacement program allowed for in the 1999/00 budget. The desirability of increasing the proportion of the footpath budget spent in Coolbellup or increasing the amount of allocated funds will need to be considered by Council as part of the 2000/01 budget process.

The Manager of Community Services has advised that monies for the upgrading of community facilities on Len Packham reserve has been included in the Principal Activities Plan recently adopted by Council and that annual community events to be held in facilities provided by the upgrade will be supported.

The Manager of Parks has advised that Council's maintenance budget for parks in the Coolbellup area is not set at \$12,000 per hectare per year, for the 1999/2000 year.

The figure of \$12,000 per hectare per year is the estimated annual maintenance cost for the standard of landscape development indicated on the landscape concept plans and in the specification and contract documents - Coolbellup Refurbishment Stage One Landscape & Irrigation Works Contract (Contract No. FIN9845A) - presented to the City on 19<sup>th</sup> July 1999, by Tract (WA) Pty Ltd.

\$12,000 per hectare per year is based on the assumption that the objective is to ensure that the landscape works:

- are developed and maintained to their full design and horticultural potential;
- have plants that are at all times healthy and vigorous;

- provide optimum aesthetic appeal; and
- at no time appear unkempt.

Irrigation maintenance and running costs are included in the \$12,000 per hectare per year cost.

Council's Policy E5.5 Maintenance of Public Open Space in Residential Subdivisions, states:

*The developers of residential subdivisions in the City of Cockburn be required to maintain the landscaping and reticulation systems being installed on public open space for the duration of their subdivision works in the area, but not less than two years.*

This policy was established on the understanding that high quality public open space was being provided for display and marketing purposes. This is considered to be the primary purpose for the level of landscaping being proposed for the Coolbellup redevelopment. Therefore, it is recommended that Homeswest should maintain the redeveloped public open space for a minimum of two years after construction. Council should budget for the full amount of \$12,000 per hectare per year in 2001/02 Budget as Council starts to assume full responsibility for the maintenance of redeveloped parks.

The Director of Finance has advised that in regard to tendering regulations for the works the Local Government (Functions and General) Regulations 1996 paragraph 11 (2) state that tenders do not have to be publicly invited if "(e) the goods or services are supplied by or obtained through the government of the State or the Commonwealth or any of its agencies....." As the works are being tendered in accordance with requirements of the Ministry of Housing then it is not necessary for Council to be part of any tendering process. Council is safeguarded by the Ministry of Housing processes.

Notwithstanding that Council does not need to be part of the tendering process, there is a need for accountability for funds contributed by Council. Accordingly Council will require certification from the Ministry of Housing that the scheduled works have been completed prior to payment being made. All payments are to be authorised by the relevant officer ie Manager of Engineering, Manager for Parks or Manager of Community Services. Within any particular financial year, funds will not be available before September unless the funds are carried forward from the previous budget.

Overall the contributions requested by the Fini Group and Ministry of Housing are less than the 50% maximum set out in the MOU. The value of Councils contribution to works for 1999/00 as per Table 1 is \$322,843.

Funds available in the 1999/00 budget are as follows;

Account No	Description	Budget	Available for Transfer
695970	Coolbellup – contribution to upgrade	71,000	71,000
695839	Coolbellup Avenue/Waverley Rd roundabout	49,757	49,757
695844	Counsel Rd – traffic management device	48,993	48,993
695873	Coolbellup Shopping precinct	4,915	4,915
695971	Cordelia Ave streetscape	2,000	2,000
695973	Elinor St –upgrade of sump	8,000	6,738
695972	Cordelia Avenue – upgrade of sump	15,000	13,694
695517	Mamilius Park (Archidamus Rd) – modify sump	35,670	13,641
575912	Jarvis Park - grass and landscape sump	24,605	9,605
695514	Coolbellup redevelopment road works	50,000	50,000
695946	Forrest Rd/Sudlow Rd/Coolbellup Ave works	56,000	20,000
695525	Stormwater sumps improvement programme	33,200	25,000
695512	Bus shelter program	30,000	7,500
		Total	\$322,843

It is recommended that the Schedule and value of works submitted by the Fini Group be accepted. Sufficient funds are available to meet Councils contributions to the redevelopment of Coolbellup for 1999/00 as outlined above. It is recommended that Council resolve that the amounts shown in the nominated accounts be made available for payment to the Ministry of Housing upon certification of completion of the scheduled works.

If there is any change in the timing of future works which have budget implications, the Fini Group should notify Council accordingly no later than February of each year to enable officers to make the required changes to the budget requests.

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

Policy E5.5 Maintenance of Public Open Space in Residential Subdivisions applies.

### **Budget/Financial Implications**

Reallocation of 1999/00 budget items as outlined. Specific allocations for the redevelopment of Coolbellup will be required in future budgets. Additional ongoing funds will be required to maintain POS in Coolbellup.

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

Nil

## **14. FINANCE AND CORPORATE SERVICES DIVISION ISSUES**

**14.1 (OCM1\_9\_1999) - INTERNAL AUDIT COMPLIANCE QUOTATION (5017) (KL) (ATTACHMENT SENT UNDER SEPARATE COVER)**

**RECOMMENDATION**

That Council accept the quotation submitted by Barrett and Partners for \$36,000 to conduct the Internal Audit Compliance process over a 4 year period, to be completed by 30 June 2003.

**COUNCIL DECISION**

**Background**

The item was deferred from the last Meeting as Cmr Donaldson was away at a conference. Council felt that his input on the matter would be beneficial as he was on the Internal Audit Committee.

At its meeting held on 20 April 1999, Council adopted an Internal Audit Charter. Under the Local Government (Financial Management) Regulations 1996, the Chief Executive Officer is required to undertake reviews of the appropriateness and effectiveness of the Financial Management Systems and procedures of the local authority.

Council resolution to appoint delegates to the Audit Committee was adopted at its meeting held on Tuesday, 11 May 1999.

**Submission**

N/A

**Report**

Quotations were requested from 3 firms to undertake the process of compliance audit over a 4 year period, commencing 1 July 1999 and ceasing on 30 June 2003.

Based on an overall assessment of the quotes submitted, the most advantageous quotation submitted to Council, is that by Barrett and Partners.

Barrett and Partners are currently Council's external auditors, however this does not present a conflict of interest, as the external and internal audits are conducted by separate departments.

This possible conflict of interest was raised by Council at its April Meeting when the issue of the Audit Charter was being discussed.

The Department of Local Government's view is, it is common practice in the business environment to have the same organisation do both internal and external audits, provided the organisation has two separate divisions. Barrett and Partners meet this criteria.

The quotations submitted by the accounting firms contain an implementation strategy which will be pursued by the Audit Committee. A part of the Audit Committee's brief is to review and/or initiate any other act necessary to ensure compliance with other policies, plans, procedures, laws and regulations.

Quotations submitted also provided an hourly rate to cover any compliance work the Audit Committee may require to be undertaken for specific issues which require investigation. Barrett and Partners have quoted the lowest rate to provide any compliance work which may be necessary.

Although their quotation to undertake the Financial Management Review was not the lowest, combining the two tasks together, means that the package provided by Barrett and Partners provides the most cost effective solution for Council.

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

N/A

#### **Budget/Financial Implications**

Council has provided \$25,000 in Account No.110477 to conduct the first stage of the audit during 1999/00.

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

N/A

#### **14.2 (OCM1\_9\_1999) - PURCHASE OF LOT 146 HAMMOND ROAD, JANDAĀKŌT - CONSTRUCTION OF BEELIAR DRIVE (4413888) (KJS)**

#### **RECOMMENDATION**

That Council:

- (1) offer A. Scolaro \$64,000 for the purchase of Lot 146 Hammond Road, Jandakot; and
- (2) draw funds from the Land Development Reserve Fund for the purchase of the above land.

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

## **COUNCIL DECISION**

### **Background**

Lot 146 is a lot created as a result of the purchase of land for the construction of Beeliar Drive. Lot 146 has an area of 987 sq.m. and was formerly part of Lot 9 Hammond Road, it was severed from the balance portion of Lot 9 with the creation of the Beeliar Road Reserve. The Ministry for Planning imposed a condition of subdivision, whereby a notation was made on the Diagram of Survey 91759 that "Lot 146 to be transferred to the Crown for municipal purposes". The Ministry for Planning has recently agreed for the notation to be removed.

### **Submission**

Mr. A. Scolaro has written to the City with an offer to sell the land for \$70,000.

### **Report**

It is usual practice of Council to acquire small parcels of land created as a result of purchase of land required for road construction.

In 1993 Council purchased part of Lot 9 Hammond Road for the construction of Beeliar Drive. Purchase of the land required created what is now Lot 146 Hammond Road, an area 987 sq.m.. Council did not purchase Lot 146 at that time because of the Ministry for Planning condition of subdivision that it was to be transferred to the Crown for municipal purposes. The Ministry for Planning has recently agreed for the notation to be removed and the owner, Mr. Scolaro, has offered to sell the block to Council for \$70,000.

As Council would have purchased the land in 1993 if it was able to it is considered appropriate for Council to now purchase the land.



Separate discussions are taking place in regard to acquiring the adjoining Lot 147 (665 sq.m.) created as a result of Hammond Road construction with the intention of amalgamating the two lots. The resultant lot of 1,652 sq.m. would be in keeping with the size of blocks in the area.

A valuation report obtained from Licensed Valuer, Brian Handcock gives a value of \$64,000 for Lot 146 Hammond Road.

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

N/A

### **Budget/Financial Implications**

There are funds available in the Land Development Reserve Fund.

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

Nil

## **14.3 (OCM1\_9\_1999) - REPORT ON THE FINANCIAL STATEMENTS - FORM OF FINANCIAL REPORTING (5505) (KL)**

### **RECOMMENDATION**

That Council:

- (1) adopt the tri-annual option of financial reporting, in a form that sets out:
  1. Annual Budget Estimates;
  2. Operating Revenue, Operating Income, and all other income and expenses in accordance with the Local Government (Financial Management); and
  3. Details of significant variations.
- (2) in accordance with Regulation 34 (as Amended) of the Local Government Financial Management Regulations, does not produce a financial report for the period ending 30 June.

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

**COUNCIL DECISION****Background**

Section 6.4 of the Local Government Act 1995 requires Council to prepare financial reports. Section 34(1) of the Local Government (Financial Management) Regulations 1996, prescribes that a Local Government is to prepare either:

1. quarterly financial reports for the periods ending 30 September, 31 December, 31 March and 30 June; or
2. tri-annual financial reports for the period ending 31 October, 28 February and 30 June respectively.

**Submission**

N/A

**Report**

Council has in the past received Option (1) - Quarterly Financial Reports for the periods ending 30 September, 31 December, 31 March and 30 June. It is now proposed that Council move to tri-annual financial reporting for the periods ending 31 October, 28 February and 30 June.

The reason behind this change is linked to Council's Auditors request, that the quarterly reports previously presented to Council did not fully comply with the Financial Regulations, in that more disclosure was required in regards to significant budget variations. Regulation 35(1)(c) states that a quarterly or tri-annual report is to be in a form that sets out from 1 July to the end of the relevant period which:

1. identifies any significant variations between the year-to-date income and expenditure totals and the relevant annual budget provisions for those totals from 1 July to the end of the quarter;
2. identifies any significant areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget for that year;
3. in relation to a matter the subject of an identification made under paragraph (1) and (2) provides financial projections to the next 30 June advising the likely effect of the identification of that

matter on the end-of-year results when compared to the projected result set forth in the annual budget for that matter in that year.

As Council's Budget is not adopted until late July, and works contained in the Budget do not commence until at least September, there is little activity to report other than operational expenditure. By presenting tri-annual reports, a more meaningful report can be prepared for consideration.

With the move to tri-annual reporting, the traditionally prepared January Budget Review would now be presented in both November and March. This pattern fits better into the Director, Finance and Corporate Services' schedule, in regards to forecasting the overall picture of how the Budget is performing. By re-scheduling the January Budget Review to March, this will provide a more indicative figure on possible Budget Deficits/Surpluses in June and for the following year's Budget.

Council has a choice under the Financial Management Regulations to prepare a June Tri-annual Report or not. This option must be resolved by absolute majority. As the Director, Finance and Corporate Services incorporates details of how the Council concluded the end of the financial period in his Budget reports to Council in July, it is felt that there is little benefit in preparing the June Report.

A significant variation is one which is of up to either 5% or \$2,000 (whichever is the greater) under or over the budgeted amount.

The Final Year End Statements are not confirmed until audited and presented to Council in the Annual Report, which is required to be produced to Council prior to 31 December each year.

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

N/A

### **Budget/Financial Implications**

N/A

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

Nil

**14.4 (OCM1\_9\_1999) - OFFER TO LEASE RESERVE 31607  
SPEARWOOD AVENUE, BIBRA LAKE - BUNNINGS BUILDING  
SUPPLIES (1117498) (KJS)**

**RECOMMENDATION**

That Council:

- (1) lease to Bunnings Building Supplies 1,132 sq.m. of Cockburn Sound Location 4527 for the purpose of car parking for a period of 10 years with two 5 year options with the lease to provide for:
  1. an initial annual rent of \$6,792 with annual increases in accordance with CPI, Perth Metropolitan Area.
  2. a 3 year review of the annual rental, reflecting the market rate at the time of review.
  3. the lease to commence as soon as practical with the annual rent to be paid in advance by the anniversary each year
- (2) seek final endorsement by the Department of Land Administration.

**COUNCIL DECISION**

**Background**

Council at its Meeting held on 20 April 1999 resolved to:

- (1) *request the Department of Land Administration to relocate Drainage Reserve 31607 from its current position to a location north of its current location and abutting Spearwood Avenue;*
- (2) *issue a management order (vesting) for the purpose of drainage and parking for the City of Cockburn with a power to lease;*
- (3) *on completion of (2) and (3) above, enter into negotiations with Bunnings to lease portion of the reserve for parking purposes associated with the development on Lot 301 Spearwood Avenue; and*
- (4) *that Bunnings pay all costs associated with (1), (2) and (3) including legal and construction costs.*

**Submission**

Bunnings has written to the City with an offer to lease portion (1,132 sq.m.) of Reserve 31607 for the purpose of car parking for a rental payment of \$6,792 per annum for 10 years with two 5 year options.

**Report**

The Department of Land Administration has had the new boundary surveyed and is currently attending to the legal aspects of the land transactions. The Reserve will be for the purpose of Drainage and car parking with a power to lease.

The offer by Bunnings is a typical commercial lease, being 10% of the land value in dollars per sq.m., multiplied by the area of the lease. Council's Property System shows that Bunnings recently purchased the adjoining site for \$60 per sq.m.. A report has been obtained from Licensed Valuer, Brian Handcock which determines the market value of the annual rent to be \$6,792 which is exactly the same as the offer by Bunnings.

The proposal as advertised in the West Australian newspaper allows a fourteen(14) day period for any objections to be received, with the submission period closing on 11 September 1999.

**Strategic Plan/Policy Implications**

N/A

**Budget/Financial Implications**

Council's Municipal Funds will benefit from the lease amount received.

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

Nil

**15. ENGINEERING AND WORKS DIVISION ISSUES****15.1 (OCM1\_9\_1999) - BRIDGE OVER KWINANA FREEWAY - BARTRAM ROAD (450052)(9703) (APS)****RECOMMENDATION**

That Council:

- (a) write to Main Roads Western Australia to request construction of the Bartram Road bridge in conjunction with the five (5) interchange improvements along the Kwinana Freeway; and
- (b) write to local member, Monica Holmes, to request her support for the Bartram Road bridge to be included with the five (5) interchanges proposed for the Kwinana Freeway.

## COUNCIL DECISION

### Background

There has been conjecture whether the bridge over the Kwinana Freeway at Bartram Road was required in the near future. The requirements tended to rest on access to the High School site on Bartram Road, Atwell, access to the Gateways Shopping Centre and general traffic movements between subdivisions.

The bridge in question will not have direct access to the Kwinana Freeway which means it will be a designated fly-over linking development areas. It would be envisaged that the bridge would help to alleviate traffic congestion on Beeliar Drive.

The past 12 months have seen an increased rate of development within Atwell and Success and with the pending works on the Kwinana Freeway it seems an opportune time to construct this bridge along with the proposed upgrades to the existing five (5) signalised intersections.

### Submission

N/A

### Report

Currently the development area in Atwell north of Bartram Road is close to capacity. It is envisaged that by early next year the availability of land under the control of Landcorp and Gold Estates will be exhausted. The only area yet to be resolved is at the north-west corner of Bartram Road/Tapper Roads intersection which is under City of Cockburn ownership. It is understood that subdivision plans have been lodged for this land with no firm timetable for the works.

The Suburb of Success is largely under the ownership of Gold Estates and again will be constructed to Bartram Road potentially within 12 to 18 months. No timetable can be confirmed for the minor landowners in the Success area. Main Roads WA have advised that contracts for the Kwinana Freeway works will be awarded in November/December 1999 with the subsequent interchange works being completed in late 2000 early 2001. These time lines are virtually mirroring the development adjacent to the freeway and the bridge at Bartram Road over the Kwinana Freeway will be very relevant when contracts are finalised.

If Council decides to wait and request construction of this bridge in 18 to 24 months the chances of Main Roads WA undertaking the works will be doubtful. Main Roads WA have designated the bridge to be constructed in the 2006/2007 financial year. The disruption to the traffic system when bridges are constructed is extensive, therefore if the works can be amalgamated with the proposed interchanges the traffic management can also be incorporated in these works.

Development to the south of Bartram Road is in the structure planning stage and Consultants working for Landcorp have indicated that work will start in Atwell south of Bartram Road by April 2000. In Success earthworks have already started south of Bartram Road with final earthworks to be carried out in mid 2000.

It all works in well with the proposed works to be carried out on the Kwinana Freeway and it is essential that Council instigate discussions with Main Roads WA to include the Bartram Road bridge as part of the proposed works to be carried out on the Kwinana Freeway.

It would be appropriate for Council to contact the Local Member, Monica Holmes, Member for Southern River to seek her support.

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

The construction of the Bartram Road fly-over is on Council's Corporate Plan and will be an integral and essential part of the structure of the Atwell/Success urban areas.

Main Roads WA have advised previously that their planning for the overpass be for the financial year 2006/2007.

### **Budget/Financial Implications**

N/A

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

Nil

**16. COMMUNITY SERVICES DIVISION ISSUES**

**16.1 (OCM1\_9\_1999) - SOUTH LAKE OTTEY CENTRE (RA) (8501)**

**RECOMMENDATION**

That Council:

- (1) increase its donation to the South Lake Ottey Family Centre Association for the extension to its premises by the provision of an additional \$5,000 to be drawn from the Community Recreation Facilities Reserve Fund; and
- (2) amend the Budget accordingly.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY**

**COUNCIL DECISION**

**Background**

Council placed on its 1998/99 budget \$75,000 for the South Lake Ottey Family Centre Management Committee (Inc) to upgrade its premises located at 2 South Lake Drive. These funds were to cover all costs associated with these works including fees. The committee tendered out the works and received prices which would result in the overall project cost blowing out some \$25,000 from that budgeted. The committee met with Commissioners on the 27<sup>th</sup> of July 1999, and they subsequently visited the centre to gain a clear view on the services and facilities available. Since the original tender the Committee sought an additional quotation which was only slightly above that estimated by the Architect.

**Submission**

The South Lake Ottey Family Centre Management Committee has written to Council seeking an additional sum of \$5,000. They advise that they will put in an additional \$2,571 to make up the shortfall in funding available from the City to see the project completed as originally envisaged and agreed by Council.

**Report**

Council has already committed funds to the project, a review of the work to be carried out and costing demonstrate that any significant



reduction to the scope of the project would severely compromise the improved usefulness of the facility. It is recommended that Council provide the additional funds requested. The arrangement put in place is for Council to pay the association progress payments on receipt of evidence from the Architect that the work has been completed to their satisfaction.

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

N/A

### **Budget/Financial Implications**

Funds are available within the Community Recreation Facilities Reserve Fund.

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

Nil

## **16.2 (OCM1\_9\_1999) - COOLBELLUP LIBRARY EXTENSION (RA) (4604) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) expand the Coolbellup Library in accordance with Layout option one (1) as prepared by Vernon Drafting and Design and advise the Cockburn Vocation Centre (Inc) accordingly that their area can be set out in accordance with either layout 1 or layout 2 with the work to start as soon as practical.
- (2) the rent for the Cockburn Vocation Centre (Inc) remains at \$8,585 for an area of 179m<sup>2</sup> with the lease of the building to be extended to the 30<sup>th</sup> June 2001.
- (3) donate \$12,895 as a subsidy toward the rental of the Cockburn Vocation Centre are with the budget to be adjusted accordingly.

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

### **COUNCIL DECISION**

## **Background**

Council at its meeting of the 16<sup>th</sup> of March 1998 resolved to lease the area previously occupied by Cockburn Skillshare to the Cockburn Vocation Centre (Inc) This area is included within the complex, which includes the Coolbellup Library and Centenary Hall. Council's decision and advice to the Cockburn Vocation Centre (CVC) was based on the understanding that the Cockburn Vocation Centre would be given access to the total area of 214m<sup>2</sup> until such time as Council took up the option of extending the Coolbellup Library. The advice to the Cockburn Vocation Centre at the time was that Council would take up to 48m<sup>2</sup> of the area. In the meantime the Cockburn Vocation Centre would have the use of this area at no charge. The rent for the balance of the area of 166m<sup>2</sup> was set at \$67m<sup>2</sup> pa (\$11,122pa) which was considered to be at approximately 50% of the market value.

Subsequently, following a request from the Cockburn Vocation Centre Council, resolved at its meeting of the 16 March 1999 to reduce the rent to \$51.72m<sup>2</sup> pa (\$8,585) for the 166m<sup>2</sup> and the lease to expire on the 30<sup>th</sup> June 2000. At this time the Cockburn Vocation Centre were again advised that Council administration would be seeking a budget allocation for 1999/2000 to extend the library into the Cockburn Vocation Centre area in accordance with the previous advice.

Council placed on its 1999/2000 budget the sum of \$35,000 to carry out the necessary alteration to the building to expand the Library. The work will be totally funded by Council with no financial contribution required from the Cockburn Vocation Centre. This work was deemed necessary on the advice of Council's Occupational, Health and Safety Officer as the cramped conditions presented the possibility of staff injury particularly in the placement and recovered of stored equipment and material. The minimum area deemed necessary was 35m<sup>2</sup>.

In the design of the new Coolbellup Library allowance was made for the future expansion of the library into the total area now occupied by Cockburn Vocation Centre (Inc.). The required additional library area to meet all current requirements is estimated by the library staff as 48m<sup>2</sup>. The reduction of the actual area to 35m<sup>2</sup> has been a compromise to allow for the entry into the Vocation Centre to remain from Cordelia Avenue.

## **Submission**

The Cockburn Vocation Centre has written to Council in response to the layout options prepared by Vernon Drafting and Design. Firstly the centre preference is for no changes to be made to their portion of the building and have requested that instead the library review its layout to accommodate the additional space requirements. They are concerned about the ability of the centre to be able to accommodate the anticipated future growth in the centre services. If required to choose

the preferred layout option is 4. The suggestion is also made for the courtyard area to be expanded in the future when the area is deep sewered in approximately 2001 and the septic tanks under the courtyard can be moved. A copy of the letter from the Cockburn Vocation Centre is attached for information.

## **Report**

The St Vincent de Paul Society and Cockburn Rotary Club as the previous sponsors of Cockburn Skillshare have allowed the Cockburn Vocation Centre to utilise the equipment previously the property of Cockburn Skillshare. The Cockburn Rotary Club has continued to provide management expertise and advice to the Cockburn Vocation Centre, the core staff having previously been staff of the Cockburn Skillshare. The Cockburn Vocation Centre provide a valuable service to the local community through the provision of computer training, advice and assistance on seeking employment and resources for preparation of resumes. Income is generated through Government training contracts, fees from agencies dealing with workers compensation matters and fees from individuals using the facilities. Council has clearly indicated its previous support for this service.

On a number of occasions over the past several months officers of Council have met with representatives of Cockburn Vocation Centre seeking to reach a compromise on the means by which the previous decisions of Council could be implemented. Various options have been put to the Cockburn Vocation Centre including floating the idea of the group taking over the larger area of the Coolbellup Community Centre which is on the same site. A number of areas of concern expressed by the Cockburn Vocation Centre have been addressed including reducing the area required by the library from 48m<sup>2</sup> to 35m<sup>2</sup> and the retention of the entry to the Cockburn Vocation Centre area remaining at its current location.

It became evident that the Administration and Cockburn Vocation Centre would not be able to reach mutual agreement on the issue of space allocation. The decision was made to contract Vernon Design and Drafting who are experienced in office requirements and design to provide impartial advice to Council and the Cockburn Vocation Centre on the options available. The brief given to Vernon was to initially seek in discussion with Cockburn Vocation Centre means by which the library could expand its area by 35m<sup>2</sup> and meet the needs of the Cockburn Vocation Centre. If an Agreement could not be reached to achieve this requirement then a design would be developed which maximised the area available to the library while still satisfying the needs of the Cockburn Vocation Centre. A copy of Council's letter of appointment of Vernon Drafting and Design was provided to the Cockburn Vocation Centre for information. Vernon met with the Cockburn Vocation Centre on four separate occasions to discuss the issue. As a result of these meetings four layout options were developed

by Vernon and copies sent to Cockburn Vocation Centre and Council. Layout options 1 and 2 allowed for a library allocation of 35m<sup>2</sup> and layout option 3 with 20m<sup>2</sup> and layout option 4 of 30m<sup>2</sup>. Administration has requested that Cockburn Vocation Centre write to Council identifying its preferred layout options. Their response is included within the submission section of this report.

The expansion of the library into the courtyard area has been considered. The cost of this work is likely to be in excess of \$100,000 as a complete new area will need to be constructed not a modification to existing areas. Further, the expansion to the library area is seen as pressing due to the cramped nature of the existing library work area.

In conclusion, Council made it clear that it always intended to expand the Coolbellup Library by up to 48m<sup>2</sup> and the Cockburn Vocation Centre has been given ample notice of Council's intention. Administration has made a concerted effort to seek mutual agreement on the matter and has made significant compromises to date. Council administration could quiet legitimately progress this matter without reference to Council but has referred it to ensure the views of the Cockburn Vocation Centre are heard and that the process can be seen to be impartial.

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

N/A

#### **Budget/Financial Implications**

Funds have been budgeted for 1999/2000.

As is Council's current practice to accurately reflect the cost of service provision, it is necessary to make a book entry donation to the Cockburn Vocation Centre of \$12,895. This is calculated on an opportunity rental of \$120 per sq.m. p.a. for 179 sq.m. which equates to \$21,480 p.a.. A rental of \$8,585 is paid leaving a balance of \$12,895.

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

Nil

### **16.3 (OCM1\_9\_1999) - COCKBURN BOWLING AND RECREATION CLUB (INC.) (RA) (80030)**

#### **RECOMMENDATION**

That Council Allocate from the Community Facilities Reserve Fund the sum of \$10,000 to treat and paint as recommended by MPL

Occupational and Environment Solutions the roof and other requisite roof hardware of the building occupied by the Cockburn Bowling and Recreation (Inc) with the budget adjusted accordingly.

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

## **COUNCIL DECISION**

### **Background**

At the Council meeting of the 10<sup>th</sup> August 1999 Mr Ron Collis, Chairman of the Cockburn Bowling and Recreation Club read aloud a letter regarding the Clubs past requests for funds to assist in the modernisation of the building facilities and surrounds. The letter expressed the clubs disappointment at not having the necessary funds allocated given that the Council was 'debt free' and requested that Council reconsider the matter. The letter was tabled.

The Cockburn Bowling and Recreation Club has for several years been seeking from Council a Grant to extend and modernise its club premises. A report was prepared and considered by Council addressing the issue and considered during the 1999/2000 budget deliberations. Council's decision was not to place funds on its budget for these works.

### **Submission**

N/A

### **Report**

The club put historical matters as justification and a rational for a Council to make a grant to the club. A number of these matters have been questioned by administration with a response being provided directly to the club. These matters are not substantive in the context of the current considerations. Council administration has considered specific matters in the letter and address them as follows.

- (1) The club had the view that it must provide facilities for disability access (toilet access etc)  
The club has no legal requirement to provide disability access to an existing building. It would however be required to provide this access if it were to modify or upgrade an area which would require this requirement to be met.

- (2) The asbestos roof must be replaced (hazard to Members and the Nearby Primary school)

Administration has had a report commissioned from the reputable firm MPL Occupational and Environmental Solutions to carry out an investigation as to the state of the asbestos roof, ceiling space, and associated roof hardware. A report was then required which identified any areas of concern and identified possible solutions.

The findings of the report are summarised as follows:

*"Fibre Cement Roof*

*The corrugated fibre cement roof to the Cockburn Bowling Club, contains asbestos. The external surface of the roof sheeting is in poor condition, unsealed and friable. The underside of the roof sheeting (accessed from the roof space) is lined with synthetic mineral fibre insulation. Refer Sample No. BD731.*

*Gutter Deposits*

*The deposits accumulated in the roof gutters contain asbestos. Storm water runoff is transported via down pipes to covered ground sumps. Refer Sample No. BD732.*

*Dust*

*The dust accumulated in the ceiling space was sampled for asbestos contamination. No asbestos fibre was found in this sample, however, synthetic mineral fibre from the insulation to the underside of the roof was detected. Refer Sample No. BD733."*

The options identified in the report were:

- Roof treatment- the encapsulation of the cement roof with crystal promoting silicates followed by a conventional exterior decorative topcoat. Approx cost \$8500.
  - Asbestos roof removal, disposal and replacement with corrugated zincalume without insulation. Approx cost \$28,000. For the provision synthetic mineral fibre insulation the estimated total cost is \$36,000.
- (3) Electrical and airconditioning system requires extensive repair or maintenance.

If this is the case it is clear within the lease that these matters are the responsibility of the lessee. The relevant section is quoted below:

**Section 4(d)**

*"To keep every part of the demised premises and all additions thereto and all lighting and electrical installations and all fences, gates, reticulation, drainage and septic systems and all other fixtures and fittings in good and substantial repair order and conditions".*

- (4) Car Park Lighting (some sense of security for members)

The car park area was re-surfaced, kerbed, and landscaped approximately 4 years ago by Council at its expense. At the time of the resurfacing work the area had conduit put in place to allow for future lighting. This is a matter that can be provided by the club if it deems necessary.

- (5) Age-condition of the building has made fire control and the general security of the building a significant risk factor.

This is an issue with all older buildings and not unique to these facilities. If the club see this as a concern they can address the issue from there own resources.

In conclusion it is both appropriate and an obligation as lessor under the terms of the lease for Council to address the poor condition of the asbestos roof. The first option is cost effective and will provide a serviceable roof finish.

**Strategic Plan/Policy Implications**

Administration is currently reviewing policies on financial assistance to local community and sporting associations.

**Budget/Financial Implications**

There are funds available within the Community Facilities Reserve Fund and given the potential risks of exposed asbestos it is proposed that the matter be progressed promptly. Funds of up to \$10,000 may be required

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

Nil

**17. EXECUTIVE DIVISION ISSUES**

Nil

**18. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**19. NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING**

Nil

**20. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil

**21. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

Nil

**22. CONFIDENTIAL BUSINESS**

Nil

**23. RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)**

Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

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



(c) managed efficiently and effectively.

**24. CLOSURE OF MEETING**