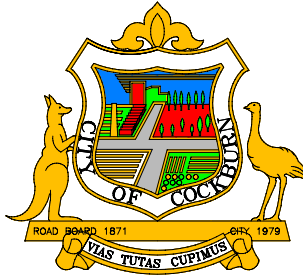


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 11 OCTOBER 2007**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 OCTOBER 2007 AT 7:00 PM

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## **CITY OF COCKBURN**

### **AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 11 OCTOBER 2007 AT 7:00 PM**

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**1. DECLARATION OF MEETING**

**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 AND CONFLICT OF INTEREST (by Presiding Member)**

**5. APOLOGIES AND LEAVE OF ABSENCE**

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

Nil

**7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 11/10/2007) - ORDINARY COUNCIL MEETING - 13/09/2007**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 13 September 2007, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

Nil

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

**13. COUNCIL MATTERS**

Nil

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM 11/10/2007) - AMENDMENT NO. 64 - INSERTION OF VALUATION CRITERIA FOR DEVELOPMENT CONTRIBUTION AREAS (93064) (A BLOOD)**

**RECOMMENDATION**

That Council:

(1) initiate the following amendment:

PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION

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

AMENDMENT NO. 64

Resolved that the Council, in pursuance of Section 75 of the Planning and Development Act 2005:

1. Amend existing Clause 6.3.9 (a)(ii) of Town Planning Scheme No 3 as follows;
  - (a) in sub-paragraph (bb) by deleting the word “and” at the conclusion of the sub-paragraph;
  - (b) in sub-paragraph (cc) by including the word “and” at the conclusion of the sub-paragraph; and
  - (c) by adding after (cc) the following new sub-paragraph:
    - “(dd) on the basis that the value includes injurious affection, severance, acquisition costs and solatium payments as if the value included the additional elements of compensation in sub-sections (7) to (9) inclusive of section 241 of the *Land Administration Act 1997*.”
- (2) sign the amending documents, and advise the WAPC of Council’s decision;
- (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48(A) of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer the Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed under Section 48(A) of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;

- (6) should formal advise be received from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (7) request approval from the Department of Planning and Infrastructure for a reduced advertising period of 28 days.

### COUNCIL DECISION

#### Background

N/A

#### Submission

N/A

#### Report

The City administers developer contributions to common infrastructure in accordance Town Planning Scheme No. 3 Clause 6.3 - Development Contribution Areas (DCA).

Valuations for land required as part of the DCA are undertaken in accordance with clause 6.3.9 (a)(ii) as follows;

“Value” means the capital sum, which an unencumbered estate in fee simple of the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions, as a bona fide seller would require;

- (aa) on the basis that there are no buildings, fences or other improvements of a like nature on the land;
- (bb) on the assumption that any rezoning necessary for the purpose of the development of the land has come into force; and
- (cc) taking into account the added value of all other improvements on or appurtenant to the land;



When preparing land valuations for the DCA's, the City's consultant Valuers have determined that the phrase "might reasonably be expected to realise if offered for sale' should include payment for injurious affection, severance, cost of acquisition and solatium as applicable in addition to the per hectare value of the land (solatium is additional amount of up to but not exceeding 10% of the market value of the land that may be paid to the owner for the taking of the land). This valuation methodology is consistent with that of the state government when dealing with reserved land and is deemed to be appropriate as land owners would expect to be dealt with on the same terms regardless of whether the land was being acquired through the DCA provisions of the scheme or by the state government under the provisions of the Land Administration Act.

Whilst it has been determined that the value of land included in the DCA's should include payment for injurious affection, severance, cost of acquisition and solatium, it is considered that the Scheme provisions should be amended to formalise the practice to ensure greater transparency and clarity.

Accordingly it is proposed to amend clause 6.3.9 (a)(ii) of the scheme to include an additional sub-paragraph (dd) to cover payment for injurious affection, severance, cost of acquisition and solatium as appropriate.

It is recommended that Council initiate Amendment No. 64 to TPS No. 3 as proposed. As the inclusion of proposed sub-paragraph (dd) formalizes existing practice, there are no financial implications for the Developer Contribution Plans administered by the City.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

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

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

### ***Governance Excellence***

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

Will be undertaken as part of the amendment process.

**Attachment(s)**

N/A

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

N/A

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

Nil

**14.2 (OCM 11/10/2007) - RESIDENTIAL DEVELOPMENT COMPRISING SINGLE AND TWO BEDROOM MULTIPLE DWELLINGS AND FIVE SINGLE RESIDENCES (17 DWELLINGS) - LOT 742 HAMMOND ROAD, SUCCESS - OWNER: A & R BOWER - APPLICANT: CAMERON CHISHOLM AND NICOL (6003970) (T WATSON) (ATTACH) [Item 14.2](#)**

**RECOMMENDATION**

That Council:

- (1) grant its approval for a development comprising single and two bedroom multiple dwellings and five single residences on Lot 742 Hammond Road, Success, in accordance with the approved plans subject to the following conditions:
  1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
  2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
  3. The submission of material, finish and colour details for the development to the satisfaction of the City prior to the

issue of building licence.

4. All service areas (clothes drying areas and bin stores) and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened, the details of which (if applicable) are to be provided to the satisfaction of the City prior to the issue of a building licence for the development.
5. The installation of outdoor lighting (if proposed) is to be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of Obtrusive Outdoor Lighting'.
6. The submission of fencing details and a landscaping plan to the City's satisfaction prior to the issue of a building licence for the development.
7. All landscaping is to be undertaken and completed in accordance with the approved landscape plan prior to the occupation any dwellings on the subject property.
8. The landscaping installed in accordance with the approved landscape plan is to be reticulated/irrigated and maintained to the satisfaction of City. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
9. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.
10. All car parking and access complying with the minimum requirements of the applicable Australian Standard and the Building Code of Australia (including disabled parking), the details of which are to be provided to the satisfaction of the City prior to the issue of a building licence for the development.
11. The allocation of car parking bays to specific dwellings is to be provided prior to the issue of a building licence, to be later reflected on any strata plan for the subject property to the satisfaction of the City.
12. The allocation of car parking bays to specific dwellings is to be provided prior to the issue of a building licence, to be later reflected on any strata plan for the subject property to the satisfaction of the City.

13. The visitor parking bays proposed for the single and two bedroom dwellings being suitably sign posted and made available in perpetuity for such purposes.
14. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
15. No building (or related) activities associated with this approval causing noise and/or inconvenience to neighbours being carried out after 7.00 p.m. or before 7.00 a.m., Monday to Saturday, and not at all on Sunday or Public Holidays.

#### FOOTNOTES

1. The application has been determined on the basis of the plans and information provided to the City for assessment.
2. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Planning Services should be consulted.
3. With respect to condition 4, given the prominent location of the subject land, the placement of services and related hardware will require specific attention at working drawings stage. With respect to air conditioning condenser units, a generic approach to screening such units may be necessary (through a consistent element in balustrades for example).
4. With respect to condition 6, the City is particularly concerned to ensure that fencing around the southern part of the site provides a high degree of transparency, where appropriate, to the adjoining public domain. This aspect of the development is to be reviewed in consultation with the City's Planning Services at working drawings stage.
5. The development is to comply with the requirements of the Building Code of Australia.
6. All storm water drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Australian Institute of Engineers (designed on the basis of a 1:10 year storm event).

7. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.
  8. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
- (2) issue a Notice of Determination of Application for Planning Approval under the City of Cockburn Town Planning Scheme No. 3; and
  - (3) advise the applicant and submissioners of Council's decision accordingly.

## COUNCIL DECISION

### Background

ZONING:	MRS:	Urban
	TPS3:	Development Zone (Development Area 8 - Success Lakes)
LAND USE:	Residential	
LOT SIZE:	2574m2	
USE CLASS:	Residential – Permitted (Development Area - <i>To provide for Residential Development</i> )	

The subject land comprises the balance title of an adjoining residential subdivision.

The land is irregular in shape and bound by Brushfoot Boulevard, Hammond Road and Awl Way in Success. The eastern side of Brushfoot Boulevard consists of single residential development, whilst the land adjacent on the southern side Awl Way is vacant. Hammond Road on the western side of the land is reserved under the Metropolitan Region Scheme as an 'Other Regional Road'. The width of the reserve is approximately 40 metres reflective of its classification as a major road.

At present, the land is zoned development. It has been identified by Planning Services as a landmark site suitable for medium density development. Development approval can be granted in respect of land without a Structure Plan or detailed controls where *the local government is satisfied that this will not prejudice the specific purposes and requirements of the development area*. This is considered the case in the subject instance given the different qualities and location of the land.

### **Submission**

Application has been made to develop the following on the subject land:

- Four (4) single bedroom dwellings and eight (8) two bedroom dwellings in two three storey buildings at the southern end of the land;
- 20 parking bays for the use by residents and visitors of/to the above dwellings; and
- five (5) two storey single residential dwellings on the northern part of the land.

In support of the proposal, the applicant states the following: *The development application has been formulated to produce a design that is appropriate in its surroundings, creates housing diversity and contributes positive "place making" objectives. With strong focus on design outcomes the proposal will create a suitable landmark to compliment view corridors created by the adjacent park, Brushfoot Boulevard and the new Hammond Road diversion.*

### **Report**

The following comments deal with the main planning considerations applicable to the assessment and determination of the application.

### **Density**

The density proposed by the development is approximately R60. The density of the single residential dwellings is approximately R40, whilst that of the single and two bedroom dwellings is approximately R80.

From a planning perspective, the density proposed is supported for the following reasons:

- The immediate location is characterised by a mix of densities, including R20, R25, R30 and R40. The proposed development will further contribute to the density mix of the area, and the range of residential dwellings therein.

- Greenfield subdivision areas, similar to that within which the site exists, are typically developed with low density, single residential development. The density proposed by the subject development will contribute to a wider range and form of accommodation types in the locality.
- A wider range of dwelling types provides for a community of greater diversity. The dwelling types proposed will also provide more affordable accommodation, particularly the one and two bedroom dwellings.
- The density proposed is fundamental to the development of the landmark buildings proposed for the site (further addressed under Built form and Building height below).

### **Builtform and Building Height**

The subject land is capable of accommodating the built form proposed, including the three storey building height adjacent to the corners of Hammond Road, Awl Way and Brushfoot Boulevard. The features that contribute to the suitability of the site for this scale of development include: its 'island' nature i.e. it has no immediate neighbours, its location at the top end of the existing open space spine extending away from the site to the south east – providing a termination in the vista at the end of this space; and its location at the southern end of what was formerly the continuation of Hammond Road in a straight alignment.

Importantly, the three-storey component of the proposal is well removed from nearby development. This aspect of the development sits adjacent to the side boundary of the site fronting Caterpillar Road and Brushfoot Boulevard. That is, the single dwellings fronting Brushfoot Boulevard to the north of this component will not be affected. This part of the site also abuts the road reserve of Awl Way. There will be no direct impact, therefore, on any adjoining development by virtue of the building height proposed.

The two storey dwellings proposed for the northern part of the land will present a typical two storey residential streetscape to the adjacent dwellings (on the eastern side of Brushfoot Boulevard). Given the nature of the location, the proposed dwellings should provide in part, a buffer to Hammond Road.

### **Setbacks**

With the exception of corner balcony projections, the three-storey buildings containing the single and two bedroom dwellings will be setback at least 3.0 metres from the lot boundaries adjoining Hammond Road, Awl Way and Brushfoot Boulevard. The proposed setbacks are considered acceptable as one element important to developing a landmark building. Equally, the balconies proposed,

albeit with lesser setbacks, will contribute to the sense of community of the location, providing for a connection between the occupants of the dwellings and the public domain. These elements will also provide for casual surveillance of the surrounding locality.

The setbacks proposed for the single residential dwellings are typical for the type of development proposed. In the case of the subject proposal, they are also performance based and well considered. This approach is necessary given the irregular shape of the lot and number of lot frontages. Whilst the dwelling designs proposed also appear quite uniform, including common parapet walls, the elevations are articulated with varying setbacks (between the ground and upper floors), and the proposed use of a mix of materials and finishes.

### **Parking**

Two (2) parking bays are proposed for each of the single dwellings proposed (2 required).

In total, 20 parking bays are proposed for the single and two bedroom dwellings, including four (4) visitor bays. This amounts to one (1) bay for each of the single bedroom dwellings, and 1.5 bays for each of the two bedroom dwellings. These parking rates are generally consistent with those typically required for the type of dwellings proposed and are supported. To ensure each dwelling is provided with a suitable amount of parking following construction, a condition is recommended requiring the allocation of car parking bays to specific dwellings prior to the issue of a building licence.

### **Open Space (Site and Private)**

Site open space provision complies with the requirements of the R-Codes based on the densities of development proposed. Specifically, the following is proposed:

- for the single and two bedroom medium density development (60% site open space required; 62% proposed); and
- for the single residential dwellings (45% required; 46.5 - 65% proposed).

In terms of private open space (outdoor living), there is no specific requirement for ground floor single bedroom dwellings. Each dwelling, however, is designed with access to a generous courtyard, appurtenant to the internal living space of the dwelling. The upper level dwellings are proposed to have 16 square metre balconies, with a 4 metre dimension. For the type of dwellings proposed, the R-Codes require at least one balcony 10 square metres in size with a minimum dimension of 2 metres. The balconies proposed, therefore, are greater in size and dimension than required, and should afford future occupants a high level of amenity.



In light of the private open space proposed for the single and two bedroom dwellings, communal open space is not considered necessary.

The private open space proposed for the single residential dwellings is required to be 20 square metres in accordance with the R-Codes, with a minimum dimension of 4 metres. Significantly more than this amount is proposed for each of the dwellings.

### Consultation

Nine (9) adjacent property owners were consulted in respect of the application. In response, four (4) submissions have been received. In each instance, the respondent/s object to the proposal. One of the submissions, however, does not offer any comments; the other three refer to a generic response. The main concerns raised in the generic submission are listed as follows:

1. *The development does not blend in with the existing developed dwellings.*
2. *The prominent location of the development in relation to entry from Hammond Road into the residential area.*
3. *The overall height and extent of the building volume within the lot in relation to other R40 developments within this subdivision.*
4. *Privacy issues.*

The following is offered in respect of the points raised.

1. As mentioned previously, the land subject of the application represents a 'stand-alone' site with no immediate neighbours. The southern end of the site, in particular, is seen as capable of accommodating an appropriately designed, alternative form of residential development. It is also reiterated, that the location generally is characterised by a strong mix of residential densities. If approved, the proposal will further contribute to the mix of densities, albeit with two three storey buildings.
2. One of the grounds for supporting the development is the strategic location of the site relative to the subdivision and surrounding development. The site does identify the entry point to the subdivision. It is also strategically located at the end of the public open space spine and is situated at the bottom end of the realigned Hammond Road. Bearing these points in mind, the site – and development proposed, offers a visual reference point within the local context.

3. The additional building height (one storey) proposed for the subject land is not considered excessive. Importantly, it is situated on the southern part of the land, where additional height can be successfully accommodated without impact on adjoining development. Furthermore, it is considered the additional height will contribute to the variety and interest of the location, currently characterised by single and two-storey development.
4. Privacy is not considered an issue. The three-storey component of the development is limited to the southern 23 metres of the site. This sits adjacent to the side, or secondary street boundary of the property on the corner of Caterpillar Road and Brushfoot Boulevard. These two properties, the subject and adjacent, are also separated by the 20 metre Brushfoot Boulevard road reserve. It is also noted, that with the exception of the north eastern corner balconies, the balconies proposed look across Brushfoot Boulevard to the adjacent public open space, or Hammond Road and Awl Way. Instead of compromising privacy, the balconies should contribute to the safety of the locality through casual surveillance of the public domain.

### **Conclusion**

It is recommended that Council, having regard for the above comments, conditionally approve the application. The proposal is seen as an opportunity to contribute to the diversity of accommodation types and built form of the locality. Importantly, the opportunity is considered possible without impacting on the amenity of existing residents and property owners. Matters to be addressed by condition include:

- Material, finish and colour details for the development,
- Service hardware location details i.e. where service hardware such as air conditioning condenser units are to be located etc.
- Fencing and landscaping details.

With respect to the last point above, a review of fencing details for the southern part of the land is recommended. The objective in this regard is to ensure a high degree of transparency, where appropriate, to the adjoining public domain.

All conditions need to be addressed to the City's satisfaction prior to the issue of a building licence for the development.

### **Recommendation**

That Council conditionally approve the application for a residential development comprising single and two bedrooms multiple dwellings and five single residences (17 dwellings) on Lot 742 Hammond Road, Success. It is also recommended the Council resolve to:

- issue a Notice of Determination of Application for Planning Approval; and
- advise the applicant, and submissioners of Council's decision.

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

#### ***Demographic Planning***

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

### **Budget/Financial Implications**

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

### **Legal Implications**

Town Planning Scheme No.3 (R-Codes)  
Planning and Development Act 2005

### **Community Consultation**

Adjoining owners were consulted about the proposal.

### **Attachment(s)**

1. Site plan, floor plans and elevations
2. Location Plan
3. Submissions received

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 11 October 2007 Council Meeting.

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

Nil

**14.3 (OCM 11/10/2007) - FINAL ADOPTION OF SCHEME AMENDMENT NO. 44 - MODIFICATION TO ADDITIONAL USE NO. 1 MASONRY PRODUCTION LOT 77 JANDAKOT ROAD JANDAKOT - OWNER: URBANSTONE PTY LTD - APPLICANT: KOLTASZ SMITH & MGA TOWN PLANNERS (93044) (M CARBONE) (ATTACH) [Item 14.3](#)**

**RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment subject to the modification within point 3 below and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (3) amend the proposed text within Schedule 2 by deleting reference to a staging plan in Part 2 – "Design Requirements";
- (4) advise the proponent and submissioners of the Council's decision;
- (5) the applicant be advised that the amendment only deals with modifying the boundary of Additional Use No. 1 and adding requirements to Schedule 2 of the Scheme Text and should not be construed that development approval to expand or increase the productivity of the facility will be forthcoming; and
- (6) the applicant be advised of the DOW's letter dated 10 September 2007 stating that they will not support any future expansion or increase in production from the facility.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Rural – Water Protection
	TPS3:	Resource with Additional Use No 1 – Masonry Production
LAND USE:	Masonry Production	
LOT SIZE:	57.27ha	

Council at its meeting held on 9 November 2006 resolved to initiate Amendment 44 to Town Planning Scheme No. 3 for the purpose of advertising. The amendment was to modify the boundary of Additional Use No. 1 "Masonry Production" and add provisions to Schedule 2 of the Scheme Text relating to the additional use. The purpose of the Scheme Amendment is to facilitate protection of existing vegetation and regrowth within the southern portion of the site while enabling more efficient future expansion of Urbanstone's operation.

The proposed amendment is contained within the Agenda attachments.

### **Submission**

The amendment was initiated following a request from the owner to modify the boundary of Additional Use No. 1 on Lot 77 Jandakot Road, Jandakot. The modification proposes extensions to the north of approximately 60m and to the east of approximately 75m and an increased setback to the Jandakot Road frontage which results in the net area included in the Additional Use area remaining the same.

### **Report**

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA advised that the overall environmental impact of the amendment would not be severe enough to warrant formal assessment under the Environmental Protection Act. The amendment was subsequently advertised seeking public comment in accordance with the regulations for not less than 42 days. Four submissions were received during the advertising period, two supporting the amendment, one supporting the amendment but raises concerns about future expansion and one objecting to the amendment. It is considered that the submissions do not require explanation over and above that outlined in the schedule of submissions contained within the agenda attachments.

The amendment proposes to modify the boundary of Additional Use No 1 and add provisions within Schedule 2 of the Scheme Text, which deals with environmental, design and site rehabilitation issues. The scheme amendment report mentions that the applicant intends to expand the facility in the future, the reason for the scheme amendment application. The submission from the Department of Water indicates that they would not support any future expansion or increase in production from the facility, although they have no objection to the modification to the boundary alignment of Additional Use 1.

The scheme amendment only refers to a boundary realignment of the additional use and adding extra controls to the scheme. There is no sound reason not to support the Scheme amendment as the proposal

is improving the current situation with greater setbacks to Jandakot Road, allowing existing vegetation to be retained and improving the development controls under the Scheme. Any future change to the facility, including any expansion will be the subject of a separate development application and referred to the relevant government agencies, including the Department of Water for consideration. It will be at this stage that a detailed assessment of the impact of the proposal on the environment will be undertaken.

### Conclusion

As the proposed Scheme Amendment is not increasing production or activity from the site the City can support the Scheme Amendment. However, the City should advise the applicant of the concerns raised by the Department of Water and that an approval to extend the facility and/or production from the facility may not be forthcoming. It is therefore recommended that Amendment No. 44 be adopted by the Council and forwarded to the WA Planning Commission for final approval.

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

#### ***Employment and Economic Development***

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

#### ***Natural Environmental Management***

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

The Planning Policies which apply to this item are:

SPD1	Bushland Conservation Policy
SPD3	Native Fauna Protection Policy

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

## Community Consultation

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Amendment 44 concluded on 28 August 2007. At the close of the advertising period 4 submissions were received.

## Attachment(s)

1. Site Plan
2. Proposed Scheme Amendment map and text changes
3. Schedule of Submissions

## Advice to Proponent(s)/Submissioners

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

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

Nil

- 14.4 (OCM 11/10/2007) - AMENDED DESIGN GUIDELINES, INCLUDING DETAILED AREA PLANS FOR SOUTH BEACH VILLAGE & NORTH COOGEE - PREPARED BY: JONES COULTER YOUNG ARCHITECTS - PROPONENT: STOCKLAND (9022) (T WATSON) (ATTACH) [Item 14.4](#)**

### RECOMMENDATION

That Council:

- (1) approve the amended design guidelines, including detailed area plans, for numerous lots within South Beach Village, North Coogee, prepared by Jones Coulter Young for Stockland, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No. 3, subject to the inclusion of Lots 235, 481 and 482 in the 'Noise and Vibration' section of the Design Guidelines; and
- (2) advise the applicant of Council's decision accordingly

**COUNCIL DECISION****Background**

The lots subject of the amended Design Guidelines and Detailed Area Plans are owned by Landcorp, and represent land soon to be released for sale. It is noted the combined document relates to lots owned by Landcorp within both the City of Cockburn and the City of Fremantle. In general information at the front of the document, the differences in process between the two cities is detailed for the benefit of future purchasers. The remainder of the document consists of generic design guidelines and principles applicable to all development, and site specific Detailed Area Plans.

It is noted that the content and objectives of the Design Guidelines and Detailed Area Plans are similar to the Detailed Area Plans adopted for other parcels of land within South Beach Village. This includes the land owned by Stockland, including Lot 1815 Island Street, for which the Council considered a Detailed Area Plan in April 2007.

**Submission**

The changes to the amended Design Guidelines and Detailed Area Plans are as follows:

- Clarification of the development process within the respective cities of Cockburn and Fremantle;
- Minor editing and changes to the generic Design Guidelines;
- Changes to the Detailed Area Plans for Grouped/Multiple Dwelling Lots 245 and 484 (within the City of Cockburn), including:
  - The deletion of glazing and exposure requirements for building openings;
  - The inclusion of the requirement that service hardware i.e. air conditioning condenser units and solar hot water systems should not be visible from the street/public domain; and
  - The deletion of the requirement for noise and vibration compliance for Lot 245 (as it is more than 50 metres from the Fremantle Port rail line);
- Changes to the requirements for Lots 473-482 Enderby Close, including:
  - The requirement for garages to be setback 4.5 metres from Enderby Close (3.0 metres previously required);
  - The requirement for 40 square metres of private open space to be provided adjacent to the public open space that extends



- through South Beach Village (20 square metres previously required); and
- Greater emphasis on requiring service hardware to be strategically placed on a building and/or suitably screened.

The Detailed Area Plan for Lot 246 at the northern end of South Beach Promenade remains the same in terms of content, and reflects the requirements of adjoining lots to the south (previously owned by Stockland).

## **Report**

The amendments to the Design Guidelines and Detailed Area Plans represent a refinement of the existing controls in place. The main outcomes that will arise from the changes include: the requirement for garages to be set off Enderby Close (in the case of Lots 473-482) 4.5 metres, and the increased private open space required for the same lots. Increasing the garage setback for Lots 473-482 to 4.5 metres will provide for up to an additional two (2) on-site parking bays. In a location characterised by limited street parking, additional on-site parking will assist in accommodating the demand generated by visitors to the Village. The increase in private open space has regard for, and reflects the rear setback requirement for the lots.

## **Conclusion**

It is recommended that Council adopt the amended design guidelines and Detailed Area Plans for the land in question subject to Lots 235, 481 and 482 being included in the 'Noise and Vibration' section of the Design Guidelines (and advise the applicant accordingly).

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

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

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

### ***Governance Excellence***

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

Council Policies that apply are:-

APD 31 Detailed Area Plans

**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning Scheme No. 3.  
Planning and Development Act 2005

**Community Consultation**

The amended Design Guidelines and Detailed Area Plans have not been the subject of consultation. The DAP sits within the framework of the South Beach Village Structure Plan which has been through a comprehensive public consultation program, including workshops.

**Attachment(s)**

Design Guidelines and Detailed Area Plan (Amended)

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 11 October 2007 Council Meeting.

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

Nil.

- 14.5 (OCM 11/10/2007) - HOME BUSINESS - CABINET MAKING - 484 BEENYUP ROAD BANJUP - OWNER: CHRISTEN MICHAEL BURGESS & AMY SUZANNE SHARPE (5519759) (S SHANKAR) (ATTACH) [Item 14.5](#)**

**RECOMMENDATION**

That Council:

- (1) refuse to grant its approval to the proposed Home Business on Lot 18 (No. 484) Beenyup Road, Banjup for the following reasons:

1. The proposed development does not comply with the definition of a home business as stated in the City of

Cockburn's Town Planning Scheme No. 3 and in Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy

2. The proposed home business is inconsistent with the objective of limiting land use and development over public groundwater to achieve an acceptable risk for contamination and where the continuation of existing approved levels of activity is provided as outlined in Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy.
  3. The proposed home business will result in a land use conflict with existing rural lifestyle lots and may adversely impact on the amenity of surrounding landowners through unmanageable noise control.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal.

## COUNCIL DECISION

### Background

ZONING:	MRS:	Water Protection Zone
	TPS3	Resource Zone
LAND USE:	Home Business	
LOT SIZE:	2.0019 Ha	
USE CLASS:	AA – Discretionary (as specified in Statement of Planning Policy No. 2.3 – Jandakot Groundwater Protection Policy)	

### Submission

The owner has submitted an application to conduct a Home Business from the above-mentioned property to construct/build cabinets for kitchen/household fit outs. The applicant has stated that the home business will employ no more than 2 people not currently residing in the occupier's household. No clients will visit the premise as appraisals are done at the client's property. The applicant has also confirmed that commercial vehicle movements to and from the site through delivery of

materials and disposal of waste is limited to once a week for waste disposal and at the most, once a day for delivery of goods.

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

- The proposed home business is small in scale.
- A noise attenuation report dated 3 July 2007 was conducted on site by *Gabriels Environmental Design*, which supports the application subject to specified conditions.

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

## Report

The subject land is zoned Resource under the City of Cockburn Town Planning Scheme No. 3. Council has the discretion to either approve (with or without conditions) or to refuse the application, but after having due regard to the advice from the Water and Rivers Commission (now Department of Water).

Guidelines applying to land included in the Resource zone are based on the provisions of the City of Cockburn's Town Planning Scheme No. 3 and the Western Australian Planning Commission's Statement of Planning Policy No. 2.3 - Jandakot Groundwater Protection. The main purpose of the Statement of Planning Policy is to ensure development over the Jandakot public groundwater supply mound is compatible with the long-term use of the groundwater for human consumption. The Policy ensures that land use changes within the policy area that are likely to cause detrimental effects to the groundwater are brought under planning control and prevented or managed.

The application was referred to the Department of Water (Department) for comment and their advice was received in a letter dated 24 September 2007 as follows:

- The subject site is located within the Jandakot Underground Water Pollution Control area (UWPCA), which has been declared for Priority 2 (P2) source protection.
- The Department described the land use "home business" as acceptable within the P2 area but recommended conditions to the development.
- Their main concern related to the storage of Toxic and Hazardous Substances (THS) in quantities of more than 25 litres.

A copy of the Department's comment is included in the agenda attachments and should be read in conjunction with this report.

The application was referred to adjoining property owners in accordance with clause 9.4 of the Scheme. Three (3) letters of objections and three (3) non-objections were received from adjoining landowners, which raised the following concerns: -

1. The home business will adversely affect the amenity of my property through increased noise caused by machinery used on the premises;
2. The home business will cause increased traffic movements through delivery and pick-up movements to and from the property; and
3. The home business may cause dust and/or odour generating from the premises;

The submitted *Gabriels Environmental Design* noise attenuation report dated 3 July 2007 addresses some of the concerns highlighted by the surrounding landowners, and is presented as follows:-

- The resultant noise levels generally comply with the Daytime 'Assigned Level', which allows the activities to take place between 7am & 7pm, Monday to Saturday.
- However, the noise level at the southern boundary is calculated at 1 dB above the 'Assigned Level'.
- This issue can be overcome through closing the door in a 'half-closed' position, which will reduce the size of the aperture through which noise can break-out of the 'shed'.

The size of the shed used for the home business is 189m<sup>2</sup>. The size permissible for a home business under the City of Cockburn Town Planning Scheme No 3 (TPS3) definition limits the floor space occupied by a home business to an area no greater than 50 square metres. The proposed home business does not comply with the definition listed under the City's TPS3 and is considered to be of a scale suited to an industrial premises.

### Recommendation

Given the scale of the proposed home business and the complaints received from adjoining landowners an approval with no limitation on timeframe is not considered acceptable in this instance. The appropriateness of the use of the home business within the Resource Zone is also questionable given the nature of activity occurring on site and noise generated from use of machinery. Attenuation of noise as suggested by the acoustic consultant through the closure of part of the shed door may create a dubious condition, which may not be enforceable in future. It is recommended that Council does not support the application on this basis.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

### ***Natural Environmental Management***

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

The Planning Policies which apply to this item are:

SPD1            Bushland Conservation Policy.

## **Budget/Financial Implications**

N/A

## **Legal Implications**

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

## **Community Consultation**

In accordance with Clause 9.4 of the Scheme, the application was advertised to nearby owners that were likely to be affected by the proposal. At the conclusion of the advertising period three (3) submissions of objection were received, three (3) submission of no objection was received, and one (1) submission from a Government Agency.

## **Attachment(s)**

1. Location Plan – Identification of Submissions.
2. Site Plan.
3. Noise Attenuation Report – Dated 3 July 2007 *Gabriels Environmental Design*.
4. Department of Water correspondence dated 24 September 2007.

### Advice to Proponent(s)/Submissioners

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 11 October 2007 Council Meeting.

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

Nil.

#### 14.6 (OCM 11/10/2007) - PROPOSED NAMING OF PUBLIC OPEN SPACE - RESERVE 49179 (RESERVE FOR RECREATION) - LOT 858 PEREGRINE CIRCLE BEELIAR - OWNER: STATE OF WESTERN AUSTRALIA (1050) (S DOBNER) (ATTACH) [Item 14.6](#)

##### RECOMMENDATION

That Council:

- (1) support the name "Peregrine Park" for Reserve 4917 Peregrine Circle, Beeliar;
- (2) submit the recommendation to the Geographic Names Committee for its consideration and decision; and
- (3) advise BRAG and PRM Property Group of Council's decision accordingly.

##### COUNCIL DECISION

### Background

The City has received several submissions in support of naming a Reserve for Recreation in the Locality of Beeliar after Mr. Ron Kimber, a well known and recently deceased resident of that suburb. Under Council Policy OLCS11 – "*Naming of Streets and Public Open Space*", the City is required to refer proposed road/park/locality names to the relevant Ward Councillors and if no objections are received within a certain time (usually two weeks), the proposed name(s) is recommended to the Geographic Names Committee for its consideration and decision. If one or more of the Councillors object to the naming proposal, Policy OLCS11 states that the matter must be

brought before Council. In this instance, an objection has been received from Councillor Val Oliver.

Reserve 49179 is located towards the southern edge of the "Meve" development, approximately 1.1 km south-south-west of the intersection of Beeliar Drive and Spearwood Avenue (see Attachment 1 - Location Plan).

### **Submission**

Councillor Sue Limbert wrote to Mayor Stephen Lee in July 2007 (see Attachment 2) proposing that a new Reserve for Recreation (Reserve 49179) within the "Meve" Development (Stage13), be named "The Ron Kimber Park", in honour of the late Mr. Ron Kimber of Beeliar, who died on 29 November 2006. Councillor Limbert followed this letter up with an E-Mail dated 7 September 2007 (see Attachment 3).

The developers of "Meve" (PRM Property Group Pty.Ltd.) have also written to the Mayor in support of the park naming proposal and attached copies of an Estate Plan and an artists impression of the proposed park (See Attachment 4). In addition, the City has received a letter from "BRAG" (Beeliar Residents Advancement Group), lending their support to the proposal (See Attachment 5).

Councillor Val Oliver wrote to the City on 10 September 2007 outlining her objection to the proposed park naming and suggesting an alternative name (see Attachment 6).

### **Report**

In her letter to the Mayor, Councillor Limbert has outlined some details of Mr. Kimber's substantial voluntary contribution(s) to the local community, warmly praising his personal qualities and making plain the high regard in which he was held. The Mayor has added a note indicating that he strongly supports the proposal. Councillor Limbert followed this letter up with an E-Mail dated 7 September 2007 supplying further specific details of Mr. Kimber's community service. Whilst the letters from PRM Property Group Pty. Ltd. and Beeliar Residents Advancement Group are very supportive of the proposal, they did not add any significant information additional to that supplied by Councillor Limbert.

In her written objection to the proposed park naming proposal, Councillor Oliver expressed a belief that Mr. Kimber did not become involved in the (Beeliar) community until it was well established and that he was just one of a number of hard working people involved with the Beeliar Residents Advancement Group (BRAG). Councillor Oliver suggested instead that the park be named "B.R.A.G. Park" after all that Groups hard working members.



By way of background, the Geographic Names Committee (GNC) of Western Australia have the ultimate responsibility for approving road/park/locality/feature names in the State of Western Australia. The City of Cockburn can only make recommendations to the GNC and in so doing, must be guided by their document "*Principles, Guidelines and Procedures*". This document states that priority shall be given to naming parks and reserves after an adjacent street or feature so as to maximise the identification of that park or reserve with the area, but that consideration will still be given to naming a park after a (deceased) individual, providing they have made a direct and significant contribution to the community over a long period of time. This document states that in such cases:

*For personal names, the person being honoured by the naming should have either had a direct long-term association with the area, or have made a significant contribution to the area of the proposed park or reserve, or the State. (Such) association or contribution can include:*

- *Two or more terms of office on Local Government Council.*
- *Twenty or more years association with a local community group or service club.*
- *Action by an individual to protect, restore, enhance, or maintain an area that produces substantial long-term improvements for the community or area.*

Whilst it is clear that Mr Kimber made a substantial contribution of the community over a number of years, unfortunately the nomination does not meet the criteria set by the Geographic Names Committee and accordingly it is recommended that Council not support Reserve 49179 as "Ron Kimber Park".

As an alternative, consideration could be given to naming a street in the area after Mr Kimber. At this time Street Names for the estate have been approved and accordingly agreement would need to be obtained from the developers (PRM Property Group) and Geographic Names Committee.

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

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

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

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

**Governance Excellence**

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

The Planning Policies which apply to this item are:

Policy OLCS11 – “Naming of Streets & Public Open Space”

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

1. Location Plan
2. Letter from Clr Sue Limbert
3. E-Mail from Clr Sue Limbert
4. Letter from PRM Property Group
4. Letter from Beeliar Residents Advancement Group (BRAG)
5. E-Mail from Clr Val Oliver

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

BRAG and the PRM Property Group have been advised that this matter is to be considered at the October 2007 Council Meeting.

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

N/A

**14.7 (OCM 11/10/2007) - FINAL ADOPTION OF PROPOSED SCHEME AMENDMENT NO. 50 TO TOWN PLANNING SCHEME NO. 3 - AUSTRALIAN MARINE COMPLEX SUPPORT INDUSTRY PRECINCT, HENDERSON - OWNER: LANDCORP - APPLICANT: LANDVISION (93050) (R DONG) (ATTACH) [Item 14.7](#)**

**RECOMMENDATION**

That Council:

- (1) adopt the Schedule of Submissions;
- (2) adopt the amendment for final approval subject to the following modifications:
  1. Deleting the Special Use provisions for Precinct 2 in Schedule 4.
  2. Replacing with the following provisions for Precinct 2 in Schedule 4:
    - (a) The following uses are 'P' permitted uses, subject to the uses being related to the objectives of a Support Industry Precinct.
      - boat sales
      - industry – services
    - (b) The following uses are 'D' uses which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a Support Industry Precinct, and sufficient evidence to demonstrate that the proposed uses will not be adversely impacted by the Woodman Point Wastewater Treatment Plant odour buffer.
      - childcare facility
      - bank
      - office
      - lunch bar
      - consulting rooms
      - recreation – private
      - showroom
      - petrol filling station
    - (c) All other uses are 'X' uses, not permitted.
  3. Upon receipt of the revised scheme amendment documents compliant with (2) above, in anticipation of the Hon. Minister's advice that final approval will be granted,

- the documents be signed, sealed and forwarded to the Western Australian Planning Commission.
4. Advise the proponent that the “Henderson Support Industry Precinct Structure Plan” (Figure 5 of Attachment 2 refers) needs to be formally approved in accordance with Clause 6.2 of Town Planning Scheme No. 3 in order to support Scheme Amendment No. 50.
- (3) advise the proponent and persons lodging submissions of Council’s decision accordingly.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Industrial
	TPS3:	Industry (with small portion of unzoned land)
LAND USE:	Industrial	
LOT SIZE:	Various	

Council at its meeting held on 8 February 2007 resolved to initiate Amendment No. 50 to Town Planning Scheme No. 3 for the purpose of public consultation.

The Scheme amendment is to:

1. Remove Pt Lots 2 – 5, 14, 21, and 101, Russell Road, Lots 22 – 26, 102,103, 301, 4291, 4895, 4896 and 4898, Jessie Lee Street, Lots 2, P15, 125, 126, 901, 4618 and 4899, Anderson Road, Lot 2905 Cockburn Road, Henderson and part of the Anderson Road reserve, from the Industry zone and incorporate the land in the Special Use zone No. 22 and Development Area No. 29;
2. Remove Lots 303, 400, 500, 501, 502 and 4620, Cockburn Road; and Pt Lots 21, 2 – 5 and 101, Russell Road, Henderson from the unzoned area and incorporate it in Special Use zone No. 22 and Development Area No. 29.
3. Remove part of Lot P15 and 126, Anderson Road and part of the Anderson Road reserve from the Industry zone and include it in the Local Reserve - Parks and Recreation.

4. Amend the Scheme Map to include Special Use Zone No. 22 and Development Area No. 29 accordingly.

5. Amend Schedule 4 – Special Use zones, by adding:

No.	Description of Land	Special Use	Conditions
<b>SU 22</b>	Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson	<p>Support industry for marine engineering, ship building and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry and marine engineering industries together with other industrial uses in the energy, transport, chemical and mining industries, which need to be located on the coast to enable transport of any of its primary products by sea.</p> <p>Includes land and buildings used for the purpose of the research and development, technological development, training and education of persons involved in ship design, building, repair and engineering.</p> <p>In the western section of the Support Industry Precinct as delineated on the structure plan, the land may be used for showroom/warehouse and light industries related to or in support of the above objectives.</p> <p>Development of the estate is to be in accordance with a purpose built industrial park, planned and developed in accordance with an adopted Structure Plan and in accordance with design and development guidelines which provide for the construction of high quality buildings located within an attractive landscaped setting and where all emissions and hazards are contained on site.</p> <p>The following land uses apply to the precincts identified on the Structure Plan:</p> <p><b>Precinct 1</b></p> <p>(a) The following uses are 'P' <b>permitted uses</b>, subject to the uses being related to the objectives of the Support Industry Precinct:</p> <ul style="list-style-type: none"> <li>• industry - general</li> <li>• industry - light</li> </ul> <p>(b) The following uses are '<b>D</b>' <b>uses</b> which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a Support Industry Precinct:</p> <ul style="list-style-type: none"> <li>• educational establishment (but excludes Primary and Secondary Schools)</li> </ul>	<ul style="list-style-type: none"> <li>• Structure Plan to be adopted to guide subdivision, land use and development – <b>Henderson Marine Support Precinct Park. (DA 29)</b></li> </ul>

No.	Description of Land	Special Use	Conditions
		<ul style="list-style-type: none"> <li>• fuel depot</li> <li>• warehouse</li> <li>• motor vehicle repair (including boats)</li> <li>• transport depot</li> <li>• industry - service</li> <li>• caretakers dwelling</li> <li>• telecommunications infrastructure</li> <li>• other activities/uses which the Council is satisfied are directly related and associated to marine related industries</li> </ul> <p>(c) All other uses are <b>'X' uses</b>, not permitted.</p> <p><b>Precinct 2</b></p> <p>(a) The following uses are <b>'P' permitted uses</b>, subject to the uses being related to the objectives of a Support Industry Precinct:</p> <ul style="list-style-type: none"> <li>• bank</li> <li>• office</li> <li>• showroom</li> <li>• lunch bar</li> <li>• boat sales</li> <li>• consulting rooms</li> <li>• industry - service</li> </ul> <p>(b) The following uses are <b>'D' uses</b> which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a Support Industry Precinct:</p> <ul style="list-style-type: none"> <li>• childcare facility</li> <li>• recreation - private</li> <li>• petrol filling station</li> </ul> <p>(c) All other uses are <b>'X' uses</b>, not permitted.</p>	

6. Amend Schedule 11 by adding:

Ref No.	Area	Provisions
DA 29	Henderson Industrial Area Support Industry Precinct, corner of Russell and Cockburn Roads, Henderson	<ol style="list-style-type: none"> <li>1. Subdivision, land use and development to accord with the adopted Structure Plan.</li> <li>2. The objectives of the Development Area are to:               <ol style="list-style-type: none"> <li>(a) promote the purposes and functions of the Technology Development Act 1983 (as amended);</li> <li>(b) ensure that uses within the Development Area are directly related to or incidental to ship design, ship building, ship repair and marine engineering in accordance with the provisions of Special Use zone No. 22;</li> </ol> </li> </ol>

Ref No.	Area	Provisions
		<p>(c) encourage research and development relative to marine related industry;</p> <p>(d) encourage attractive and efficient facilities;</p> <p>(e) provide for the safe movement of vehicular and pedestrian traffic; and</p> <p>(f) protect the amenity of areas adjacent to the zone.</p> <p>3. Development Standards</p> <p>The following provisions apply to all land included in the SU22 zone and DA29 area in addition to any provisions which are more specifically applicable to that land under the Scheme:</p> <p>(a) Building Setbacks</p> <p>A person shall not erect or cause or permit to be erected any building or any portion of a building nearer to a street alignment than as follows;</p> <p><b>Front boundary</b> Buildings shall be setback a minimum of 15 metres from the front boundary. This area shall be used for landscaping and car parking.</p> <p>The setback shall apply to any structure greater than 1 metre in height other than approved signage, retaining walls or displays.</p> <p><b>Secondary street boundaries</b> For corner lots, buildings shall be setback a minimum of 7.5 metres from the secondary street.</p> <p><b>Side and rear boundaries</b> Setbacks shall comply with Building Code of Australia.</p> <p>(b) Landscaping</p> <p>(i) A minimum of 5% of the total area of each lot must be landscaped between the lot boundary and the boundary line (excluding verge areas) or as varied under the provisions of Clause 5.9.2 of the Scheme;</p> <p>(ii) Notwithstanding sub-clause (i) above, lots with a boundary to Cockburn Road shall set aside a 3 metre wide landscape strip along the road frontage and this area shall be landscaped and maintained to the satisfaction of the local government;</p> <p>(iii) A landscape plan detailing the mix of hard and soft surfaces shall accompany any application for planning consent. Landscaping shall be provided in accordance with the approved plan and maintained to the satisfaction of the local government;</p> <p>(c) Vehicle Parking and Servicing Facilities</p> <p>(i) Vehicle parking shall be provided in accordance with Tables 2, 3 and 4 - Vehicle Parking Provisions;</p> <p>(ii) Vehicle parking and servicing areas shall be screened from the</p>

Ref No.	Area	Provisions
		<p>street and either located behind the building or a landscape strip;</p> <p>(iii) Where vehicle parking and servicing facilities are proposed between the building and street alignment, they shall be designed in such a way as to complement the building and be screened from the street.</p> <p>(d) Building Design</p> <p>Buildings shall be designed to accord with the principles of the Support Industry Precinct Design Guidelines;</p> <p>(e) Signage</p> <p>(i) A plan or description of all signs for the proposed development, including signs painted on a building, shall be submitted to and approved by the local government as a separate application;</p> <p>(ii) Signage is to complement the architectural proportion and scale of the building.</p> <p>(iii) Roof signs will not be permitted.</p> <p>(f) Prohibited Uses</p> <p>No storage, transport, handling, use and disposal of chemicals or toxic and hazardous substances shall occur within 100 metres of the wetland boundary.</p> <p>(g) Sustainability</p> <p>Development is to incorporate energy and water use efficient design, material and products wherever practical.</p> <p>(h) Fencing</p> <p>Security fencing will be permitted along side and rear boundaries; front fencing to any street frontage should be limited to a minimum. Where security fencing is required to a street frontage, the fence line is preferably to be set back to the building line.</p> <p>The minimum standard for fencing is black PVC coated galvanised link mesh with black support members.</p> <p>(i) Stormwater Management</p> <p>All stormwater is to be managed on site to ensure no significant runoff from the lots onto roads will occur with the exception of lots located within the "Groundwater Protection Zone" (see Structure Plan). These lots will drain into a designated drainage swale to avoid direct discharge to the adjacent wetlands.</p>

### Submission

A copy of the proposed amendment document, which includes Scheme Amendment Map and the Structure Plan, is included in Attachment 2 of the Agenda.



As mentioned in the Council Agenda item dated 8 February 2007, the purpose of Amendment No. 50 is to ensure the subject land is developed for marine related support industry, including research and technology development, and in keeping with the development in the existing SU2 and DA 17 area. LandCorp proposes this Scheme amendment to include the subject area into proposed SU22 and DA29. Special Scheme provisions (refer to the above table) for SU22 and DA29 will be inserted in Schedules 4 and 11 of TPS No. 3 to provide land use permissibility and development standards for the subject area.

The proposal has been advertised for a period of 42 days. This report seeks Council support for final adoption of Scheme Amendment No. 50.

## Report

The scheme amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

The EPA considers that the proposed scheme amendment should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and that it is not necessary to provide any advice or recommendations.

Following clearance from the EPA, the amendment was advertised for public comment for a period of 42 days, concluding on 30 July 2007. The advertising procedure included an advertisement being placed in the Cockburn Gazette newspaper, government agencies and affected landowners being invited to comment on the proposal, a sign being erected on site, and information made available at Council's Administration Office and on Council's website.

Advertising of the amendment has resulted in the receipt of two submissions of no objection including one from the Water Corporation and the other from a landowner within the subject site.

The submission received from the Water Corporation indicates that it principally supports the proposal with suggestions of some minor changes to the Special Use provisions. The Water Corporation believes that some of those "P" uses (Permitted Uses) fall within Precinct 2 of the Structure Plan (Figure 5 of Attachment 2 refers) such as bank, office, lunch bar and consulting rooms should be listed as "D" uses (Discretionary Uses), since the Corporation believes that these uses are incompatible within the Woodman Point Waste Water Treatment Plant (WPWWTP) Odour Buffer.

The issues raised in the two submissions are suitably addressed in the Schedule of Submissions (Attachment 3 refers).

## Discussion

The Structure Plan shows that the WPWWTP Odour Buffer covers more than 50% of the lots within the site and almost every lot within Precinct 2 area (in grey colour). The Western Australian Planning Commission (WAPC) *Statement of Planning Policy 4.1 – State Industrial Buffer* states that sensitive land uses are prohibited or special measures are necessary to ameliorate the impacts of industry or infrastructure.

Accordingly to the EPA's Guidance for the Assessment of Environmental Factors No. 3, sensitive land use is land use sensitive to emissions from industry and infrastructure including residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings. Some commercial, institutional and industrial land uses, which require high levels of amenity, may also, be considered "sensitive land uses". Examples include some retail outlets, offices and training centres.

Uses such as bank, office, showroom, lunch bar and consulting rooms (listed as "P" uses) in the provisions for Precinct 2 should be classified as sensitive land uses, and therefore should not be listed as "Permitted Uses" within the WPWWTP Odour Buffer area. These uses should instead be listed as "Discretionary Uses" within Precinct 2 area. Modifications are therefore required to the Scheme Amendment document to change these uses from "Permitted Uses" to "Discretionary Uses" as shown in Clause (2) of the "Recommendation" section of this report.

## Structure Plan

As mentioned in the Council Agenda item dated 8 February 2007 (for initiation of proposed Scheme Amendment No. 50), the Structure Plan (Figure 5 of Attachment 2 refers) has been prepared for the subject land, which conforms with the approved subdivision layouts for the area. Under normal practice, a structure plan is usually prepared prior to the subdivision stage to guide subdivision. Nevertheless, the purpose of this proposed Structure Plan is more of a requirement of proposed Scheme Amendment No. 50, which provides two precincts of Precincts 1 and 2 (depicted on Structure Plan). The proposed SU 22 provisions (vary slightly between Precincts 1 and 2) stipulate land use permissibility in the two precincts.

A separate application is therefore required for the Structure Plan to be adopted by the Council and endorsed by the WAPC in order to support the proposed SU 22 provisions.

## Conclusion

Proposed Amendment No. 50 is to ensure the subject area to be developed for marine related industry in keeping with the rest of the

Support Industry Precinct (DA17 area). The proposed SU22 and DA 29 Scheme provisions will facilitate development control within the area and streamline the development approval process. It is therefore recommended that Council adopt the amendment for final approval subject to the recommended modifications.

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

#### ***Demographic Planning***

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

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

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Metropolitan Region Scheme  
Planning and Development Act 2005  
Town Planning Regulations 1967 (as amended)

### **Community Consultation**

Following receipt of advice from the EPA, the amendment was advertised for a 42 day period. The 42 day public consultation period for Scheme Amendment No. 50 concluded on 30 July 2007. At the close of advertising, 2 submissions were received.

Refer to Schedule of Submissions in Attachment 3.

### **Attachment(s)**

- (1) Locality Plan
- (2) Scheme Amendment Document
- (3) Schedule of Submissions

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

The Proponent and those who lodged a submission on the proposal have been advised that the matter is to be considered at the 11 October 2007 Council meeting.

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

Nil

**14.8 (OCM 11/10/2007) - MULTIPLE DWELLING DEVELOPMENT (15 DWELLINGS) - LOT 118 O'CONNOR CLOSE, NORTH COOGEE - OWNER: GRACEVALE PTY LTD - APPLICANT: PRISM DESIGN AND MANAGEMENT (2213447) (T WATSON) (ATTACH) [Item 14.8](#)**

**RECOMMENDATION**

That Council:

- (1) grant its approval for the erection of a six (6) storey building containing 15 multiple dwellings on Lot 118 O'Connor Close, North Coogee, in accordance with the approved plans subject to the following conditions:
  1. Development can only be undertaken in accordance with the details of the application as approved herein and any approved plans.
  2. Nothing in the approval or these conditions shall excuse compliance with all other relevant written laws in the commencement and carrying out of the development.
  3. The 15 metre 'Public Open Space' reserve requirement shown on the South Beach Village Structure Plan being subdivided from the rear of the lot, and shown on a Diagram or Plan of Survey as "Reserve for Recreation" and vested in the Crown under section 152 of the Planning and Development Act, such land to be ceded free of cost and without payment of compensation by the Crown, the details in respect of which are to be provided to the satisfaction of the City prior to the issue of a building licence for the development. This condition must be satisfied prior to the occupation of the development.
  4. The development being designed in consultation with a qualified acoustic consultant and/or engineer who must certify in an accompanying report that the development proposed complies with the requirements of MRS Amendment No.1008/33 relating to the South Beach location, to the satisfaction of City prior to the issue of a building licence for the development.
  5. The development incorporating 'Quiet House' design principles, details of which are to be submitted to the satisfaction of the City prior to the issue of a building

licence for the development.

6. Notification in the form of a memorial to be lodged against the Title and incorporated into the strata management plan advising of the potential impacts of noise and vibration associated with the 24 hour operation of the freight rail line adjacent to the site. Details of the memorial are to be provided to the satisfaction of the City prior to the issue of a building licence for the development. The memorial(s) are to be lodged against the Title prior to any subdivision or strata titling of the subject property.
7. The submission of material, finish and colour details for the development to the satisfaction of the City prior to the issue of building licence for the development.
8. The ground floor wall in the rear elevation being suitably detailed for the purposes of ensuring the appearance of such is aesthetically acceptable to the adjoining Public Open Space reserve the details in respect of which need to be provided to the satisfaction of the City prior to the issue of a building licence for the development.
9. All service areas (clothes drying areas and bin stores) and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located from public view and/or screened, the details of which (if applicable) are to be provided to the satisfaction of the City prior to the issue of a building licence for the development.
10. The installation of outdoor lighting (if proposed) is to be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of Obtrusive Outdoor Lighting'.
11. The submission of a landscaping plan, the details of which are to be provided to the City's satisfaction prior to the issue of a building licence for the development.
12. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
13. Any retaining wall(s) are to be constructed in accordance with a qualified Structural Engineer's design.
14. All car parking and access complying with the minimum

requirements of the applicable Australian Standard and the Building Code of Australia (including disabled parking), the details of which are to be provided to the satisfaction of the City prior to the issue of a building licence for the development.

15. The allocation of car parking bays to specific dwellings is to be provided prior to the issue of a building licence, to be later reflected on any strata plan for the subject property to the satisfaction of the City.
16. The visitor parking bays being suitably sign posted and made available in perpetuity for such purposes.
17. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
18. The development must not cause a sand drift or airborne dust nuisance to neighbours. The developer must prepare and implement a Dust Management Plan in accordance with the City's Policy on the Preparation of Dust Management Plans for development sites within the City of Cockburn. The plan is to be submitted and approved by the City's Health Services prior to the issue of a building licence for the development and complied with during all phases of the construction of the development.
19. The submission of a construction management plan, to the satisfaction of the City prior to the issue of a building licence for the development, detailing how it is proposed to manage:
  - (a) access to and from the site;
  - (b) the delivery of materials and equipment to the site;
  - (c) the storage of materials and equipment on the site;
  - (d) the parking arrangements for contractors and subcontractors; and
  - (e) other matters likely to impact on the surrounding properties.
20. No building (or related) activities associated with this approval causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.

FOOTNOTES

The application has been determined on the basis of the plans and information provided to the City for assessment.

1. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Planning Services should be consulted.
2. In relation to condition 4, the Public Transport Authority and Fremantle Ports have both expressed concern about the development, specifically due to the proximity of the site to the Fremantle Port rail line. To assist in addressing the condition, copies of the submissions received by the City are attached for consideration. It should also be noted, for assessment purposes, that the number of train movements on the line have increased since the testing associated with MRS Amendment No.1008/33 was undertaken.
3. With respect to condition 6, the Memorial should state as follows: This dwelling is in the vicinity of an operating freight line servicing the Port of Fremantle and associated industrial areas. The line operates 24 hours a day, 7 days a week. Residential amenity, therefore, may be affected by noise, vibration and other impacts from freight traffic using the rail line.
4. With respect to condition 9, given the prominent location of the subject land, the placement of services and related hardware will require specific attention at working drawings stage. With respect to air conditioning condenser units, a generic approach to screening such units may be necessary (through a consistent element in balustrades for example).
5. With respect to condition 19, the Council's objective is to ensure the construction of the development is undertaken in a manner that has minimal impact on adjoining and adjacent landowners, and the local community generally.
6. The development is to comply with the requirements of the Building Code of Australia.
7. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.

8. Where an approval has so lapsed, no development shall be carried out without the further approval of the Council having first been sought and obtained.
- (2) issue a Notice of Determination of Application for Planning Approval under the City of Cockburn Town Planning Scheme No.3; and
- 3) advise the applicant, submissioner, Western Australian Planning Commission, Public Transport Authority and Fremantle Ports of Council's decision accordingly.

### COUNCIL DECISION

### Background

ZONING:	MRS:	Urban
	TPS3:	Development Area 16 (South Beach Development Zone)
LAND USE:	Residential (Multiple Dwellings)	
LOT SIZE:	2252m <sup>2</sup>	
USE CLASS:	Multiple Dwelling 'P' (Permitted)	

The subject land is situated between O'Connor Close and the rail line servicing Fremantle Port in South Beach Village (North Coogee). To date, approval has been granted for the development of two buildings similar to that proposed, one of which is nearing completion (on the corner of Rollinson Road and O'Connor Close). Another similar proposal has also been presented to the City for determination (for Lot 117, adjoining the subject lot to the south), the plans for which are currently being amended by the applicant.

Adjacent to the subject land, on the western side of the port rail line, the City has approved the 'Islands' development on the former ANI site. This application comprised four (4) buildings, each six (6) storeys in height.

### Submission

In accordance with the identification of the lot for high density residential development (in the South Beach Structure Plan),



application has been made to develop 15 multiple dwellings on the land. In detail, the following is proposed:

- A ground floor level containing: access ramps serving a porte cochure, 34 parking bays (30 resident; 4 visitor) and dwelling storerooms.
- Three levels (1-3) containing four (4) dwellings per level (12 in total).
- Two levels (4-5) containing three (3) penthouse apartments.

In accordance with the requirements of the Structure Plan for South Beach, the rear 15 metres of the site have been delineated on the ground floor plan as Public Open Space.

It is also noted, that by virtue of the building comprising a structure greater than five (5) storeys in height, the application has been referred to the Western Australian Planning Commission (WAPC) for determination under the Metropolitan Region Scheme (MRS). Any building or structure greater than five (5) storeys and/or 21 metres in height (within 300 metres of the coastline) is subject to determination by the WAPC due to the requirements of the MRS Clause 32 resolution relating to 'Coastal Buildings Above Specified Heights'.

The resolution states that local governments, including the City of Cockburn, *refer for determination by the Commission all applications for approval to commence development ... exceeding five storeys or 21 metres in height (or both)*. Bearing this in mind, Council's responsibility relates to the determination of the application under Town Planning Scheme No.3 (and all related and/or relevant controls). Following determination under the City Planning Scheme, it is recommended the City refer its determination to the WAPC for consideration.

## Report

The following matrix provides an account of compliance with the planning controls (Structure Plan and R-Codes) applicable to the land. Elements that do not specifically comply are covered in more detail in the report.

<b>Standard</b>	<b>1. Provision</b>	<b>Compliance</b>
Use	Mixed Business/Residential	Yes (residential)
Density	R60-80	Yes (with R80 standard: 18 dwellings permissible; 15 proposed)
Plot Ratio	1.0:1.0 (or 2,252m <sup>2</sup> )	No (1.09:1.0 or ~ 2,473m <sup>2</sup> )
Setbacks	As per RD-Codes	Yes/No – see report
Open Space	60%	No (~56%)
Car Parking	Tenant: Max. 2 bays/dwelling	Yes (30 proposed) Four (4) visitor bays also proposed

### Plot Ratio

The plot ratio proposed for the site exceeds that permitted by approximately 221 square metres, reflecting primarily, the nature of the development proposed for the land – a lesser number (than that permitted) of larger dwellings.

From a planning perspective, the use of plot ratio to control the extent of development on a property is often considered a somewhat rudimentary, arbitrary measure. In redevelopment locations like South Beach, greater emphasis is placed on desired builtform outcomes, which contribute to the character envisaged for a particular location. In South Beach, importance is placed on the siting and height of development for the purpose of achieving appropriate relationships between adjoining lots, and the private and public domain.

Bearing the above in mind, as the proposal doesn't involve excess density and is generally compliant with the majority of planning controls applicable to the land (including parking provision), the additional plot ratio proposed is supported.

### Building Setbacks

The front and rear building setbacks are considered acceptable.

The R-Codes require the front of the building to be setback 4.0 metres from O'Connor Close. With the exception of the porte cochure, the building is setback 7.5 metres. The porte cochure is supported as a feature that will address the street, providing a clearly defined entry point. It will also be a small element and is not inconsistent with similar development approved at the front of other lots in O'Connor Close. The rear setback essentially consists of the 15-metre Public Open Space strip between the proposed building and rail line. Similarly, this is supported in the knowledge that a range of setbacks have been approved adjacent to this space.

The side setbacks proposed are generally non-compliant with the R-Codes. The plans originally submitted with the application included a substantive six (6) storey parapet wall on the southern side boundary. This has subsequently been changed following a review of the subject application, and that proposed for adjoining Lot 117 – which proposed parapet walls on both side boundaries. For the purpose of achieving a degree of separation between buildings (breaking building bulk), and visual corridors between the builtform ultimately erected, both applicants' were encouraged to set off their respective side boundaries.

As proposed, therefore, there will be a clear break between the upper levels of the buildings proposed for both the subject lot and Lot 117 adjoining to the south. On the subject lot, a minimum 1.5 metre

setback is proposed to southern side boundary. The balance of the building will be setback ~ 4.5 - 6.15 metres. Adjacent to the north side boundary, levels 1-5 will be setback 2.05 metres, and approximately 4.8 and 6.7 metres. Recognising that all property owners are seeking to maximise their building frontage adjacent to the coast, and as the City has already approved a number of 'broad fronted' buildings with minimal side setbacks in O'Connor Close, the setbacks proposed are considered acceptable.

In accordance with the requirements of the R-Codes, adjoining property owners were consulted in respect of the side setbacks proposed. In response, one (1) submission was received. The adjoining owners to the north made the following comments:

- *... we recently undertook a redesign of stage three to create a view corridor through the estate to the ocean. Upon review of the adjoining development, we do not believe the design adversely affects the corridor ... ; and*
- *Our only concern relates to the height of the parapet wall. Should Council approve the plan we respectfully request the extent of the wall is lessened with the inclusion of the timber sections ... .*

The parapet wall referred to consists of a solid masonry component, approximately 3.25 metres high, with transparent timber panelling above this to a height of 5 metres. The wall encloses the ground floor courtyard and pool deck area. The parapet is supported as presented. It is situated on the southern boundary of the adjoining lot to the north, will not result in overshadowing, and is currently shown to include the timber infill (as requested).

### Privacy

South Beach Village is a developing 'urban' area, characterised by medium to high density residential development incorporating a range of dwelling types. One of the objectives for the location is the design of buildings that clearly address public spaces, providing for a strong connection between the public and private domain and an enhanced sense of community. Additionally, and particularly in the case of lots in O'Connor Close, there is the opportunity to achieve vast coastal views. Whilst privacy, therefore, is recognised as important, levels typically associated with suburban development is neither anticipated nor expected. Noting this and the form of development proposed, compliance with the Privacy requirements of the R-Codes does not occur.

### Open Space

The R-Codes require development at an R80 density to provide 60% site open space (~56% proposed). In this instance, the amount

proposed is considered acceptable and is supported. On other similar sites in South Beach Village i.e. those identified for high density grouped and multiple dwelling development, the open space requirement is 55%. Additionally, in the case of the subject proposal, each dwelling will be provided with large, functional balconies. In addition to supplementing the open space requirement for the site, balconies similar to those proposed soften the appearance of a building.

### Other

Other matters typically addressed by conditions of approval on applications similar to that proposed include:

- The submission of material, finish and colour details;
- Service hardware details i.e. where service hardware such as air conditioning condenser units are to be located on-site and/or screened (if necessary);
- Landscaping details;
- Parking details (and compliance with the relevant Australian Standard/s); and
- Acoustic and vibration details. In this regard, compliance with the requirements of MRS Amendment No.1008/33 need to be satisfied.

The above matters need to be addressed to the City's satisfaction prior to the issue of a building licence for the development.

### Consultation

Fremantle Port Authority and the Public Transport Authority were consulted in respect of the application (given the proximity of the subject land to the Fremantle Port rail line). In response, the following comments were made.

#### Fremantle Port Authority (FPA)

The FPA advised that it's aware the applicant understands the need to satisfy the environmental criteria applicable to the land required by MRS Amendment No.1008/33. The FPA also suggests the applicant consider the requirements of the WAPC's draft statements on 'Road and Rail Transport Noise', and the 'Metropolitan Freight Network' *to provide an optimised outcome*. To assist the applicant, it is proposed to provide a copy of the FPA's response with the City's determination.

The FPA has also requested that title notification, advising of the proximity of the site to then Port rail line, occur. This is recommended by condition.

Public Transport Authority (PTA)

The PTA's advice is similar to that of the FPA. It is also proposed to provide a copy of the PTA's response to the applicant.

Conclusion

The subject proposal will contribute to the emerging development of O'Connor Close as a medium-high density precinct within South Beach Village.

The proposed building will be similar in height to new development in the street, and that recently approved by the City or anticipated by future development proposals. To this end, the proposal is considered to satisfy the requirements of State Planning Policy 2.6 – 'State Coastal Planning Policy', dealing with the suitability of building heights in coastal locations. In terms of design, the building will provide for a strong connection with the public domain. Large, transparent balconies in the front and rear elevation will reinforce the design objectives for the location.

Bearing these points in mind and the comments above, it is recommended that Council under Town Planning Scheme No.3 conditionally approve the application.

Recommendation

That Council conditionally approve the application for the erection of a six (6) building containing 15 multiple dwellings on Lot 118 O'Connor Close, North Coogee. It is also recommended the Council resolve to:

- issue a Notice of Determination of Application for Planning Approval; and
- advise the applicant, the submissioner, Western Australian Planning Commission, Fremantle Ports and the Public Transport Authority of Council's decision.

**Strategic Plan/Policy Implications*****Demographic Planning***

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

**Budget/Financial Implications**

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

### **Legal Implications**

Town Planning Scheme No.3 (R-Codes)  
South Beach Village Structure Plan  
Planning and Development Act 2005

### **Community Consultation**

Adjoining owners were consulted about the proposal.

### **Attachment(s)**

1. Location Plan
2. Site plan, floor plans and elevations
3. Submissions received.

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at 11 October 2007 Council Meeting.

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

Nil.

#### **14.9 (OCM 11/10/2007) - DETAILED AREA PLAN FOR LOT 484 COOGEE, NORTH COOGEE - PROPONENT: AUSTRALAND (T WATSON) (9662) (ATTACH) [Item 14.9](#)**

#### **RECOMMENDATION**

That Council:

- (1) approve the Detailed Area Plan presented for Lot 484 Port Coogee, North Coogee, prepared by Taylor Burrell Barnett for Australand, pursuant to the provisions contained under Clause 6.2.15 of the City of Cockburn Town Planning Scheme No 3; and
- (2) advise the applicant of Council's decision accordingly.

#### **COUNCIL DECISION**

## **Background**

The subject land is within the Port Coogee development area. It consists of a lot owned by Australand and is situated in the north eastern part of the project area. Under the Structure Plan, the land is identified for high density residential development (R80). Public open space flanks the site to the east and north. The southern and western sides of the lot sit adjacent to land identified for single residential development at densities of R20 and R25.

## **Submission**

The attached DAP addresses amongst matters:

- the relationship of future development on the land to the lot frontages and adjoining Public Open Space;
- development potential (in part) i.e. building height, plot ratio etc;
- building design considerations, including elevation requirements adjacent to the public open space, and the location of service areas and related hardware;
- the need for consideration to be given to sound attenuation; and
- vehicular access details.

Where the DAP does not refer to an alternate standard, the applicable standard/s are those prescribed in the Residential Planning Codes (R-Codes) and Town Planning Scheme No. 3 where the R-Codes do not apply. For instance, the parking standards for residential development on the subject land are those detailed in the R-Codes, to be considered in conjunction with the access requirements of the DAP.

## **Report**

The DAP proposed for Lot 484 provides a site-specific layer of planning information to be considered in the design and development of the land in question. The information is to be considered within the framework of the Structure Plan adopted by Council for Port Coogee, as well as the City's Planning Scheme and the R-Codes. The DAP addresses amongst matters: building setbacks, height, vehicular access and private open space requirements. Given the prominence of the site, the DAP also addresses the need for attention to be given to the screening of service areas and related hardware, and sound attenuation.

## **Conclusion**

The DAP for Lot 484 reflects the content of the Structure Plan for the site and location. It also incorporates those matters typically addressed in DAP's as required by Town Planning Scheme No. 3 - in a manner that reflects the objectives for, and context of the site. Bearing

these points in mind, it is recommended that Council adopt the DAP for the purposes of guiding future development on the land (and advise the applicant accordingly).

The approval of a DAP is in accordance with the provisions of 6.2.15 of the Scheme. The provisions identify planning considerations to be included in DAP's and the process for adopting such. Where a DAP may affect landowners other than the owner of the land subject of the Plan, the City may undertake consultation. As Australand is the owner of surrounding land, this has not occurred. Clause 6.2.15.8 provides scope for a DAP to be amended.

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

#### ***Demographic Planning***

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

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

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

#### ***Governance Excellence***

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

Council Policies that apply are:-

APD 31      Detailed Area Plans

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Planning and Development Act 2005

### **Community Consultation**

The DAP has not been the subject of consultation. The DAP sits within the framework of the Port Coogee Structure Plan which has been through a comprehensive public consultation program, including workshops.



**Attachment(s)**

1. Location Plan
2. Detailed Area Plan

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

The Proponent has been advised that this matter is to be considered at the 11 October 2007 Council Meeting.

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

Nil

**14.10 (OCM 11/10/2007) - CLOSURE OF PORTION OF COCKBURN ROAD & OCEAN ROAD NORTH COOGEE - PROPONENT: MCMULLEN NOLAN CONSULTING SURVEYORS (450002) (K SIM) (ATTACH)**  
[Item 14.10](#)

**RECOMMENDATION**

That Council:

- (1) request the Minister for Planning and Infrastructure close portion of Cockburn Road and Ocean Road, North Coogee pursuant to Section 58 of the Land Administration Act 1997; and
- (2) advise the owners and representative of the adjoining land.

**COUNCIL DECISION****Background**

Structure Planning of the Port Coogee Development, recommended that Cockburn Road be aligned around and to the east of the proposed development.

**Submission**

McMullen Nolan Consulting Surveyors acting for the developer has submitted a written request for the proposal.

## **Report**

The Structure Plan for the Port Coogee Development indicates closure of the current Cockburn Road running through the project in favour of an alternative Cockburn Road east of the current alignment. The alternative road reserve and the Ocean Road link road are due to be opened to the public in November 2007. This will allow the current Cockburn Road to be closed and the land made available for construction associated with the residential subdivision.

The proposal was advertised in the Gazette newspaper and at the conclusion of the statutory period there were no objections.

## **Strategic Plan/Policy Implications**

### ***Transport Optimisation***

- *To ensure the City develops a transport network that provides maximum utility for its users, while minimizing environmental and social impacts.*

## **Budget/Financial Implications**

N/A

## **Legal Implications**

Section 58 of the Land Administration Act 1997 refers.

## **Community Consultation**

The proposal was advertised in the Gazette Newspaper.

## **Attachment(s)**

Site maps.

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

The Proponent(s) has been advised that this matter is to be considered at the 11 October 2007 Council Meeting.

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

Nil

**14.11 (OCM 11/10/2007) - AQUISION OF NORTHERN PORTION OF RESERVE 46894, WENTWORTH PARADE, SUCCESS - OWNER: STATE OF WESTERN AUSTRALIA (5518347) (K SIM) (ATTACH)**  
[Item 14.11](#)

**RECOMMENDATION**

That Council:

- (1) make application to the Western Australian Planning Commission to subdivide Lot 885 on Deposited Plan 29059 being Reserve 46894 into two (2) equal area portions of 1 hectare;
- (2) following approval of proposal in (1) above prepare a Deposited Plan to create lots 1 and 2;
- (3) purchase Lot 1 as a freehold parcel from the State of Western Australia for a purchase price of \$159,090 plus \$15,909 GST;
- (4) agree to meet all costs associated with the subdivision of the land; and
- (5) transfer \$190,000 from the Land Development Reserve fund to cover the purchase price and anticipated headworks/servicing costs and that the budget be amended accordingly.

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

**COUNCIL DECISION**

**Background**

Council at its meeting held on 9 November 2006 resolved to:

- (1) adopt the Amendment No. 49 to Town Planning Scheme No. 3 without modifications and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the WAPC; and
- (2) advise the sub-missioners of Council's decision accordingly.

## **Submission**

State Land Services have written to the City with an offer to sell 1 hectare of Reserve 46894 for a purchase price of \$159,090 exclusive of GST, subject to the City meeting all associated costs.

## **Report**

Amendment No. 49 received final endorsement by the Minister for Planning & Infrastructure in September 2007. State Land Services were sent a copy of a proposed subdivision and asked to supply a purchase price for the subject land.

State Land Services have responded to a request for a purchase price for the land shown as Lot 1 on the attached plan. The purchase price is set at 5% of the value as determined by the Valuer General's Office. The full value of the land as determined by the Value General's Office is \$3,500,000 inclusive of GST.

The valuation provided compares favourably with recent sales of commercial land in the area and accordingly it is recommended that Council proceed on the basis of the offer from State Land Services.

It is also recommended that the City initiate the subdivision of Lot 885 into two equal portions of 1 hectare. As required by State Land Services, the City will be responsible for all costs associated with the subdivision of the land including payment for the provision of services to the new lot, headworks costs, survey, transfer of the lease with Gold Estates of Australia to the new lot (lease covers the advertising rights on the corner of Beeliar Drive and Wentworth Parade and expires July 2010), legal and settlement fees. The cost of the above is estimated at \$30,000.

Approval of the subdivision will take approximately 3 months, following which a Deposited Plan will be prepared and lodged with the relevant authorities for clearance. It is considered that all formalities should be completed and new titles issued in approximately 6 months.

## **Strategic Plan/Policy Implications**

### ***Demographic Planning***

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

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

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

**Governance Excellence**

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

**Budget/Financial Implications**

Funds will need to be transferred from the Land Reserve Development Fund. There are sufficient funds available.

**Legal Implications**

The consideration is less than the amount prescribed in regulation pursuant to Section 3.59 of the Local Government Act so a Business Plan is not required.

**Community Consultation**

N/A

**Attachment(s)**

Plan of proposed subdivision.

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

The State Land Services has been advised that this matter is to be considered at 11 October 2007 Council Meeting.

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

Nil.

**14.12 (OCM 11/10/2007) - CONSTRUCTION OF TWO ADDITIONAL BOAT BUILDING SHEDS, AN OFFICE BUILDING AND CARPARK LOT 5 CLARENCE BEACH ROAD MUNSTER - OWNER: EVERPOINT PTY LTD, THE ANDERSON PROPERTY TRUST, THE FITZHARDINGE PROPERTY TRUST, KEE PROPERTY TRUST, - APPLICANT: STRATEGIC MARINE (3412029) (V LUMMER) (ATTACH) [Item 14.12](#)**

**RECOMMENDATION**

That Council:

- (1) grant its approval to construct two shipbuilding sheds, offices and carpark on Lot 5 Clarence Beach Road, Munster in accordance with the approved plans subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the City as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the City prior to the erection of any signage on the site/building. Signs painted on the proposed buildings are not exempt from this requirement.
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City.
6. The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located, and shall use non reflective materials and colours.
7. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the City prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
8. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
9. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
10. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the City.

11. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.
12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
13. All stormwater being contained and disposed of on-site.
14. Works depicted on the approved parking plan shall be maintained to the satisfaction of the City.
15. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
16. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car parking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
17. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
18. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the City's satisfaction.
19. A landscape plan must be submitted to the City and approved, prior to applying for building licence and shall include the following:-
  - (1) the location, number and type of existing and proposed trees and shrubs,
  - (2) any lawns to be established;

- (3) any natural landscape areas to be retained;
- (4) those areas to be reticulated or irrigated; and verge treatments.

### SPECIAL CONDITIONS

1. Security fencing around the site to be 1.8 metre high black P.V.C. coated or galvanised link mesh plus 3 strands of barbed wire and all gate posts and associated fittings to be painted black.
2. All abrasive blasting and spray painting activities must be carried out within an approved booth/enclosure. Either confirm that no abrasive blasting and/or spray painting activities will be carried out on the premises or provide detailed plans of the booth/enclosure. No abrasive blasting or spraypainting activities which are undertaken in the open area to the rear of the sheds is permitted.
3. Industrial liquid wastes, including washdown wastes, are not permitted to enter any stormwater system, the boat slipway or Jervoise Bay. The disposal of industrial liquid waste is to comply with the City of Cockburn(Health) Local Laws 2000 and meet one of the following requirements:
  - discharge to sewer as approved by the Water Corporation;
  - discharge to on-site effluent disposal as approved by the Executive Director, Public Health or the Manager, Environmental Health;
  - collection and disposal in an approved manner at an approved liquid waste disposal site.
4. Discharge of industrial liquid wastes directly to soak or ground is also not permitted. All hardstand areas which may be subject to liquid spillage (including but not limited to Hydrocarbons, oils, chemicals; paint etc) must be sealed with bitumen or a similar material.
5. Storage methods and storage facilities for all hazardous materials must comply with the *Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992*. Consultation regarding the use, storage, disposal and special ventilation requirements for hazardous, toxic, ionising or non-ionising material or equipment shall be directed to the relevant State Authority.
  - To control stormwater and to minimise amenity issues relating to dust nuisance, all hardstand areas are to be



sealed and adequately drained to comply with the City's specifications.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The SU2 classification describe under Schedule 4 of the Town Planning Scheme means *“that the land may be used for marine Engineering and general industries which are directly related to, or in support of marine engineering together with other general industrial uses restricted to the carrying out of any process for and incidental to the fabrication, manufacture and repair of structures for large scale industrial uses in the energy, transport, chemical and mining industries which need to be located on the coast to enable transport of any of its primary products by sea.”*
3. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
4. The approval of the Environmental Protection Authority may be required prior to development under the provisions of the Environmental Protection Act 1986.
5. Any washdown of plant, vehicles or equipment must be carried out over a wash down pad with waste water treated to remove solids and hydrocarbons prior to discharge to the environment. Please note that any petrol and oil arrestor such as a Vertical gravity separator must be able to consistently produce a discharge having less than 15ppm hydrocarbons. Detailed plans and specifications of the facility must be submitted together with building plans prior to the issue of a building licence. The following items must be addressed:
  - the facility should include a bunded area, draining to a petrol and oil arrestor system, and is to be protected by a roof and a spray barrier.
  - petrol and oil arrestor are to be registered with the Department of Environment and Conservation
6. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise limits exceed the prescribed by the *Environmental Protection (Noise) Regulations 1997*.

7. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, is to be submitted in conjunction with the Building Licence application. Written approval from the City's Health Services for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
8. Bin storage facilities to be provided to the satisfaction of the City's Health Service. Such facilities are to be enclosed, graded to a central drain, connected to the sewer and provided with a hose cock.
9. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, and designed on the basis of a 1:10 year storm event.
10. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.
11. Covered car parking bays shall be a minimum of 5.5 x 3.0 metres, served by a 6 metre wide paved accessway.
12. This approval is issued by the City under Town Planning Scheme No. 3, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice is provided to the City.
13. Until the City has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development

shall be carried out without the further approval of the City having first been sought and obtained;

- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval; and
- (3) advise the Western Australian Planning Commission of Council's decision.

## COUNCIL DECISION

### Background

ZONING:	MRS:	Industrial and Waterways Reserve
	TPS3	Special Use 2 – DA 17 Marine Engineering and Ship Building
LAND USE:	Shipbuilding Yard and Associated Structures	
LOT SIZE:	1.3516 ha	
USE CLASS:	P	

*December 2004 – Approval was issued under delegated authority for additions to the shipyard, demolition of existing buildings. This application proposed a smaller scale redevelopment of the property than that which is currently proposed. The application complied with the car parking and landscaping requirements of the Town Planning Scheme. The approval was not acted upon and has now lapsed.*

As the lot is partially reserved under the Metropolitan Region Scheme (MRS) for Waterways, the application has been forwarded to the Western Australian Planning Commission for determination under the MRS. The Council still needs to determine the application under the City's Town Planning Scheme for the portion of land that is zoned under its Scheme. As the waterways reserve portion of the lot is in fact the water, the City needs to determine the application for all of the land component of the lot.

### Submission

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

- We already have 498m<sup>2</sup> of landscaping in place which will be retained, not including the verge.
- In addition we are planning to landscape another 59m<sup>2</sup>. This will provide just over 4%
- I ask you to consider that the block is quite narrow frontage and therefore the visual amenity when viewed from the street will be very good, especially when compared to other existing sites within the shipbuilding precinct
- There will not be a decrease in the number of bays currently provided on site nor will the development lead to an increase in staff on site.
- Clarence Beach Road has a number of large car parking areas already existing, which are not fully utilised, the one immediately opposite the site typically has 30 to 40 empty spaces. Other parking sites along Clarence Beach Road are typically completely empty.
- Strategic Marine actively encourages car pooling among the workforce, and provide 2 people mover type vehicles specifically for the expatriate workforce. This will be increased soon to 3 vehicles

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

## Report

The subject land is zoned Special Use 2 – DA 17 Marine Engineering and Ship Building under the City of Cockburn Town Planning Scheme No 3. Council has the discretion to either approve (with or without conditions) or to refuse the application.

*The subject site is located on the coast in the Australian Marine Complex. The zoning of the land requires the use to be marine engineering, shipbuilding and the manufacture, fabrication and assembly of components for use by the offshore petroleum industry and marine engineering. The proposed use by Strategic Marine is considered to comply with this requirement.*

The proposed development complies with the standards and provisions of the City's Town Planning Scheme No 3 with the exception of the following:-

- The provision of on site car parking bays. 56 Bays are required and 34 Bays are provided
- The provision of landscaping. 5% of the lot area is required and 4.12% is provided.

The proposed development complies with the relevant policies other than *ADP10 – Discretion to Modify Development Standards*. Under the provisions of APD 10, a 20% variation of development standards may be granted. The car parking variation proposed is a 39% variation of standards and hence Council's determination is required.

The applicant's justification for a variation of 22 bays has been examined and a site inspection has revealed that, as claimed by the applicant, the parking area in the Clarence Beach Road reserve opposite the subject site is underutilised and has numerous vacant bays. The City's Ranger Services have received no complaints in regard to parking in the vicinity.

The variation in landscaped area is minor and considered acceptable considering the applications justification regarding the narrow width of the lot in relation to its depth and the quality of the development, as viewed from the street.

### Recommendation

It is recommended that the application for the construction of two additional boat building sheds, an office building and carpark be approved. The variations requested for the provision of on site carbays and landscaping are considered acceptable given the applicant's justification and operation of the business.

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

#### ***Demographic Planning***

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

The Planning Policies which apply to this item are:-

APD1	Clause 32 Approvals
APD10	Discretion to Modify Development Standards
APD19	North Coogee, Robb Jetty and Henderson Industrial Area - Development Control

### **Budget/Financial Implications**

The defence of any application to State Administrative Tribunal will be paid for from the operational budget.

### **Legal Implications**

Town Planning Scheme No 3  
Planning and Development Act 2005

### **Community Consultation**

N/A

**Attachment(s)**

- (1) Location Plan
- (2) Site Plan and Elevations
- (3) Applicant's justification

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

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

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

N/A

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

**15.1 (OCM 11/10/2007) - LIST OF CREDITORS PAID - AUGUST 2007 (5605) (KL) (ATTACH) [Item 15.1](#)**

**RECOMMENDATION**

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

**COUNCIL DECISION**

**Background**

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

**Submission**

N/A

**Report**

The list of Accounts for August 2007 is attached to the Agenda for consideration. The list contains details of payments made by the City in relation to goods and services received by the City.

**Strategic Plan/Policy Implications**

***Governance Excellence***

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

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid - August 2007.

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

N/A

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

Nil.

**15.2 (OCM 11/10/2007) - STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2007 (5505) (NM) (ATTACH) [Item 15.2](#)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated reports for the period ending 31 August 2007, as attached to the Agenda.

**COUNCIL DECISION**

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## **Background**

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

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

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

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

## **Submission**

N/A

## **Report**

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

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

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

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

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



### Material Variance Threshold

For the purpose of identifying material variances in Statements of Financial Activity, Financial Management Regulation 34(5) requires Council to adopt each financial year, a percentage or value calculated in accordance with Australian Accounting Standard AAS5 - Materiality. This standard defines materiality in financial reporting and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material.

The materiality threshold set by Council for the 2007/08 financial year \$50,000 or 10% (whichever is the greater). This was increased from \$10,000 from previous years to better focus reporting and management's attention to variances considered more material in view of Council's budget size.

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

#### ***Governance Excellence***

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

### **Budget/Financial Implications**

Where variances reported are of a permanent nature, they will impact upon Council's end of year surplus/deficit position.

### **Legal Implications**

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

### **Community Consultation**

N/A

### **Attachment(s)**

Statement of Financial Activity and associated reports - August 2007.

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

N/A

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

Nil.

**15.3 (OCM 11/10/2007) - 2007/08 BUDGET AMENDMENTS - CARRIED FORWARD WORKS AND PROJECTS (5402) (S DOWNING) (ATTACH) [Item 15.3](#)**

**RECOMMENDATION**

That Council amend the 2007/08 Municipal Budget to reflect adjusted figures for Carried Forward Works and Projects, as set out in the Schedule attached to the Agenda, totalling \$552,873 Income and \$552,873 Expenditure.

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

**COUNCIL DECISION**

**Background**

When Council adopted its Budget for 2007/08, estimates were used for Carried Forward Projects and Works. Final figures are now available (subject to audit).

**Submission**

N/A

**Report**

Now that final figures have been calculated for Works and Projects Carried Forward from 2006/07 to 2007/08 it is appropriate for the Budget to be amended to reflect the actual amounts rather than the estimates used where there are sufficient variations. A Schedule of the proposed amendments is attached to the Agenda. The final surplus amount is \$552,873 above that projected when preparing the 2007/08 adopted Budget. The attached schedule proposes that the majority of this surplus be transferred to the Community Infrastructure Reserve Fund. Additional funds are also provided for the extra cost of carried

forwards works, which have slightly increased against their original budget, relocating the Staff from Civic Centre to the Administration Centre, including removal of dongas (which was not provided in the 2007/08 budget) and appointment of a new Asset Manager not included in the original budget submission.

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

#### ***Governance Excellence***

- *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*
- *To develop and maintain a financially sustainable City.*

### **Budget/Financial Implications**

The Budget requires amendments to reflect actual Carried Forward Works and Projects amounts rather than the estimates used when adopting the Budget.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Schedule showing 2007/08 Budget Carried Forward Reconciliation.

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

N/A

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

Nil.

## **16. ENGINEERING AND WORKS DIVISION ISSUES**

### **16.1 (OCM 11/10/2007) - TWO TRUCK MOUNTED ROAD SWEEPERS (RFT26/2007) (J RADAICH) (ATTACH) [Item 16.1](#)**

<b>RECOMMENDATION</b>
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That Council:

- (1) accept the tender submitted by MacDonald Johnston, for Tender No. RFT26/2007 – Two Truck Mounted Road Sweepers, for the purchase of two (2) MacDonald Johnston VT605 sweepers mounted on Hino Pro 9 cab chassis', for a net changeover cost to Council of \$385,720 (excluding GST) with the trade-in of Plant Nos. 7201 and 7221;
- (2) include the options of the Supawash high pressure washing system (hand lance and hose reel) at a cost of \$5,124 each for the 2 sweepers (excluding GST) and the screen vibrator cleaning system at a cost of \$1,696 each for the 2 sweepers (excluding GST);
- (3) draw additional funds of \$150,760, to facilitate the changeover purchase of two road sweepers, from the Plant Replacement Reserve, and the Budget be amended accordingly; and
- (4) remove Plant Nos. 7201 and 7221 from the Assets Register.

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

#### **COUNCIL DECISION**

#### **Background**

There is a changeover allocation of \$248,600 excluding GST in the current Major Plant Replacement Budget for the purchase of a truck mounted road sweeper for the City's Roads Services Department, to replace the Hino 605 Road Sweeper, Plant No 7201.

With fabrication periods in the current market taking so long and the programming to replace the City's second Hino 605 Road Sweeper, Plant No. 7221, very early in 2008/09, the second road sweeper would need to be ordered during 2007/08 to avoid delays.

Accordingly, tenders were called for the supply and delivery of two replacement road sweepers with staggered delivery times:

- Delivery of the first road sweeper in January 2008 and funded in the current budget.

- Delivery of the second road sweeper in July 2008, which was earmarked to be funded in the 2008/09 Budget, but will need to be committed in the current Budget.

## Submission

Tenders closed at 2:30pm (AWST) on Thursday 14 August 2007 and ten (10) submissions were received from four (4) tenderers:

1. MacDonald Johnston – 4 submissions
2. Rosmech – 2 submissions
3. Schwarze – 3 submissions
4. PVT Sales – 1 submission for outright purchase of the trade-ins only.

## Report

### Compliant Tenderers

All tenderers were deemed compliant with the conditions of tendering and compliance criteria with the exception of the Schwarze A6500XL submission, which did not meet the minimum 144kw power requested in the tender. Consequently, it was excluded from further evaluation.

### Evaluation Criteria

Evaluation Criteria	Weighting Percentage
Technical Specifications	10%
Workshop Serviceability	15%
Backup Services	10%
Operators/Operations Suitability	15%
References	10%
Tendered Price/Evaluated (Whole of Life) Cost	40%
Total	<b>100%</b>

### Tender Intent/Requirements

The Roads Department requires plant to be reliable and cost effective with minimum down time. This is achieved by having a changeover of their Road sweepers every five years.

### Evaluating Officers

The tender submissions were evaluated by the:

1. Acting Works Manager – Colin MacMillan
2. Workshop Coordinator – Brian Farmer
3. Project Officer – Glen Williamson
4. Roads Sweeper Operator – Rodney Godonovich

## 5. Roads Sweeper Operator – Graeme Markham

Scoring Table

<b>Tenderer's Name</b>	<b>Make/Model</b>	<b>Non-Cost Evaluation Score</b> <b>60% max</b>	<b>Cost Criteria Evaluation Score</b> <b>40% max</b>	<b>Total Score</b> <b>100% max</b>
Rosmech	Merlin UD MK240 Nissan	51.4%	40.0%	91.4%
Rosmech	Mistral UD MK240 Nissan	53.4%	38.1%	92.4%
Schwarze	A7500 Hino Pro 7	53.7%	37.8%	91.5%
Schwarze	A8500 Hino Pro 9	53.0%	35.9%	88.9%
Macdonald Johnston	VT 605 Hino Pro 9	59.0%	36.1%	95.1%
Macdonald Johnston	VT 605 Hino Pro 7	58.2%	36.1%	94.3%
Macdonald Johnston	RT 570 Hino Pro 9	48.1%	38.4%	86.5%
Macdonald Johnston	RT 570 Hino Pro 7	48.1%	38.5%	86.6%

Evaluation Criteria Assessment

The eight submissions considered all showed they have the capacity to meet the City's requirements as detailed in the Specification as well as comply with the General and Special Conditions of Contract as stated in the tender document.

The MacDonald Johnston VT 605 sweeper on the Hino Pro 9 cab chassis provided the best assessment against the selection criteria. They are a proven product range that the City has successfully used in the past. Consequently, this tender submission should be supported.

MacDonald Johnson also offers an optional on-board high pressure cleaning system at \$5,124 each (excluding GST) that would be of extreme benefit in cleaning spillages on roads and footpaths and in cleaning drainage blockages. Another beneficial option is a screen vibrator at \$1,696 each (excluding GST) that keeps the sweeper screens clean and reduces blockages, thus reducing maintenance downtime. These additional options should be included in the purchase.

Relevant Experience

All considered tenderers have historically a high level of relevant experience in the manufacture of quality road sweepers.

Delivery Response Times

All tenderers delivery response times are of a satisfactory level when considering the long fabrication lead time.

### Strategic Plan/Policy Implications

The Strategic Plan 2006 - 2016 has a commitment to:

#### ***“Transport Optimisation”***

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

Street sweeping is an integral requirement in maintaining roads.

### Budget/Financial Implications

The purchase transaction details (excluding GST) are as follows:

	<u>Trade-In</u>	<u>Changeover</u>	<u>Total</u>
Budget provision (cw7720)	\$22,700	\$248,600	\$271,300
Replacement Plant No 7201 with options (as per budget).	\$85,000	\$204,680	\$289,680
Replacement Plant No 7221 with options (not on budget)	<u>\$95,000</u>	<u>\$194,680</u>	<u>\$289,680</u>
	\$180,000	\$399,360	\$579,360
<b>Changeover shortfall</b>		<b>\$150,760</b>	

The additional changeover cost of \$150,760 can be drawn from the Plant Replacement Reserve when the replacement for Plant No 7221 is delivered in July 2008, which would be into the new financial year and Budget.

The previous similar road sweeper was purchased in September 2001 at a price of \$231,090, so the price has increased over 5 years by 25%.

### Legal Implications

Section 3.57 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations 1996 refers.

### Community Consultation

Tender No RFT 26/2007- Two Truck Mounted Road Sweepers was advertised on Saturday 4 August 2007 in the Local Government Tenders section of “The West Australian” newspaper.

### Attachment(s)

1. Tendered Prices – “Confidential.”
2. Tender Evaluation Sheet – “Confidential.”

3. Compliance Criteria Checklist

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

Tenderers were advised that the matter of the tender for the supply of Two (2) Truck Mounted Road Sweepers will be considered at the Council meeting to be held 11 October 2007.

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

Nil

**16.2 (OCM 11/10/2007) - APPOINTMENT OF A WASTE MANAGER (4909)  
(M LITTLETON)**

**RECOMMENDATION**

That Council:

- (1) endorse the appointment of a Waste Manager on a 5 year contract,
- (2) reallocate \$85,000 from OP 8304/6200 to GL 485-6000 to cover the wages and overheads of the position for the remainder of the financial year; and
- (3) reallocate \$30,000 from OP 8304/6200 to the light vehicle Capital Works Program for the purchase of a suitable vehicle.

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

**COUNCIL DECISION**

**Background**

The City has been trying to secure the services of a Manager Waste and Assets since September 2006. As a result of advertng the position on 3 occasions and conducting several interviews, it is now apparent that whilst applicants demonstrated knowledge of specific aspects of the portfolio, no applicant interviewed possessed the broad skills required of the position. This has necessitated a change to the structure to create the position of Waste Manager.



**Submission**

This report seeks Council's endorsement to budget changes required to fund the position of Waste Manager and to purchase a vehicle for the position.

**Report**

The City has been keen to change the emphasis of the Henderson facility from a landfill to a process, which seeks to optimise resource recovery. Officers have developed a comprehensive strategy to facilitate this, which has been endorsed by Council. It was envisaged that the Manager Waste & Assets position would provide broad operational oversight of the waste management program whilst assisting with the implementation of the strategic initiatives required bringing about the long term outcomes.

Despite repeated attempts to secure a professional with broad skills in both waste management and asset management, it has become necessary to restructure to provide for an employee that can look at the waste business specifically. There are many facets to the waste management program and the City will benefit by having a better structure in place to address all of them.

**Strategic Plan/Policy Implications**

The position has not been identified in the plan for the district, as officers believed that the Manager Waste & Assets position would provide the operational and strategic guidance for the waste management program.

**Budget/Financial Implications**

Whilst the position was not specified in the annual budget, sufficient funds were allocated in the operating budget to enable a position to be created if deemed necessary. The item seeks to allocate these funds to the correct codes.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 11/10/2007) - SPEARWOOD DALMATINAC CLUB (INC.) - RENEWAL OF LEASE AND BORE REPLACEMENT ON LOT 101 HAMILTON ROAD, SPEARWOOD (8026; 2206991) (A. LACQUIERE) (ATTACH) [Item 17.1](#)**

**RECOMMENDATION**

That Council:

- (1) enter into two lease agreements with the Spearwood Dalmatinac Club (Inc) for use of Lot 101 Hamilton Hill, Spearwood treating the bowling green and soccer pitch areas as separate leases, as shown on the attached site plan;
- (2) install a new bore and irrigation system to service the bowling green and soccer pitch located on Lot 101 Hamilton Road, Spearwood subject to the Spearwood Dalmatinac Club (Inc) agreeing to repay the City its 50% contribution for the bore and irrigation with an annual payment calculated with the total cost amortised over a 20 year period at a fixed interest rate of 6.5%;
- (3) place an amount of \$90,000 at the Budget review meeting held in February 2008 to replace the bore and reticulation on Lot 101 Hamilton Road, Spearwood;
- (4) enter a lease with the Spearwood Dalmatinac Club (Inc) for the soccer pitch area to include:
  1. A lease period of 5 years with an option to extend for a further 5 years.
  2. An annual rental charge equivalent to 50% of the rates chargeable (as if the property were held in private ownership).
  3. An annual ground maintenance fee of \$10,000 per year

- be escalated to the CPI (Perth index);
4. Provisions within the lease which allows the Cockburn City Soccer Club access to the soccer pitch for the purpose of playing Premier League home games as fixtured by the State Sporting Association (Football West).
- (5) enter a lease with the Spearwood Dalmatinac Club (Inc) for the Bowling green area to include:
1. A lease period of 10 years with in option to extend for a further 5 years.
  2. An annual rental charge equivalent to 50% of the rates chargeable (as if the property were held in private ownership).
  3. A repayment schedule for the cost of replacement of the bore and reticulation system in accordance with (2) above.
- (6) all other terms and conditions within the leases to be agreed to the satisfaction of the Chief Executive Officer; and
- (7) require the Cockburn City Soccer Club (Inc) to pay the City \$2,000 pa to be escalated to the CPI (Perth index) towards the cost of ground maintenance for the soccer pitch leased area;

## COUNCIL DECISION

### Background

The City of Cockburn owns Lot 101 Hamilton Road, Spearwood which consists of four bowling greens, two hard courts on the western portion and a soccer pitch located on the eastern portion. In 1977 the Spearwood Dalmatinac Club entered into a 30 year lease agreement with the City for Lot 101 Hamilton Road, Spearwood. The soccer pitch on the site was constructed by the City at a cost of \$58,000 and under the previous lease the annual rental was set so this amount was repaid to the City over the lease term, with interest payable.

In late 2006 the City of Cockburn wrote to the Spearwood Dalmatinac Club advising the need to renew the current leasing arrangements of Lot 101 Hamilton Road, Spearwood. A draft agreement was attached to this letter and sent to the Club for comment.

### **Submission**

In March 2007 the City received a letter from the Spearwood Dalmatinac Club raising some issues relating to conditions within the draft lease agreement.

### **Report**

The previous lease on Lot 101 Hamilton Road, Spearwood included both the bowling greens, hard courts and the soccer pitch areas as outlined on the attached plan. Due to the different nature of the activities undertaken and conditions associated with both areas, it is recommended that two separate leases be established, one being the bowling greens and court area (1.13Ha) and the second being the soccer pitch area (1.12Ha).

It is proposed that the bowling greens and hard courts lease area will be maintained and managed by the Spearwood Dalmatinac Club much as the current arrangement that now applies.

At a meeting between the Spearwood Dalmatinac Club, Cockburn City Soccer Club and the City held in July 2007, three main issues were discussed; bore replacement costs; access to the soccer pitch by Cockburn City Soccer Club and the annual ground maintenance contributions for the soccer pitch area.

Cockburn City Soccer Club currently hold a lease for clubrooms located on Beale Park, Spearwood, however during the football season they require access to the Dalmatinac soccer pitch for fixtured games, due to guidelines set by Football West requiring all Premier League and First Division sides to play on grounds that are fenced.

It is proposed that the soccer pitch will also be managed by the Spearwood Dalmatinac Club with the City undertaking the ground maintenance, the cost of which to be met by the Spearwood Dalmatinac Club.

A condition is required within this lease which will ensure that the Cockburn City Soccer Club or any other Premier League or First Division Team as determined by the City, is provided access to the soccer pitch for competition purposes only, as scheduled by Football West.

### **Bore Replacement**

It is proposed that the City be responsible for 50% of the costs associated with the bore and irrigation replacement. This negotiated position is based on the fact that the Spearwood Dalmatinac Club requires the bore for their bowling greens and the bore is also required for the soccer pitch which is used by both the Spearwood Dalmatinac Club and the Cockburn City Soccer Club.

The current bore and irrigation servicing the bowling greens and soccer pitch is approximately 30 years old and a recent inspection of the bore has shown it is in need of replacement.

The total cost to replace the bore and reticulation system is estimated at \$90,000 which could initially be funded by Council in the 2008/09 budget. In recognition that the bore is used to service the bowling greens (which is used solely by the Spearwood Dalmatinac Club) and the soccer pitch which is shared, it is proposed that the Spearwood Dalmatinac Club should contribute a 50% share in the costs for the new bore and irrigation. In addition to this, the Spearwood Dalmatinac Club has access to the soccer pitch with only limited use by the Cockburn City Soccer Club and therefore would normally pay 100% of the costs. If the Spearwood Dalmatinac Club was not to contribute in any way to the bore it is proposed that all fences be removed and the soccer pitch would be opened up to the general public for use.

It is proposed that the \$45,000 (50% share) as the Spearwood Dalmatinac Club contribution will be repaid to the City over a 20-year period and based on a fixed rate of 6.5% interest which equates to an annual payment of \$4,084. The proposed repayment program will be included in the lease for the bowling green area..

#### Annual Maintenance and Access

Currently the annual ground maintenance of the soccer pitch area is undertaken by the City which is contracted by the Spearwood Dalmatinac Club. An exchange of letters between the Club and the City saw an agreement reached whereby the Club contributed approximately \$12,000 per annum, in addition to the annual rental fee for the City to maintain the grounds. Council has funded the difference if maintenance exceeded \$12,000 in the past.

Cockburn City Soccer Club has also had access to the soccer pitch for competition games due to a requirement from Football West to play all premier league games at venues that have fenced fields. Cockburn City Soccer Club has not contributed to the maintenance of the soccer pitch in the past, however, as a user of the pitch it is only fair that the Club contribute a portion to the annual maintenance costs.

It is proposed that the annual maintenance fee paid by the Spearwood Dalmatinac Club for the soccer pitch be reduced to \$10,000 per year in lieu of Cockburn City Soccer Club utilising the ground during the

football season. A new proposal would see the Cockburn City Soccer Club pay \$2,000 per year as their contribution towards the maintenance. Given that the Spearwood Dalmatinac Club has exclusive access to the soccer pitch that was purpose built for the Club, a \$10,000 annual maintenance fee would seem a fair and reasonable contribution from the Club.

The City of Cockburn will continue to contribute any shortfall in maintenance costs of the soccer pitch, however the annual costs will increase by the CPI for Perth.

There will be no shared maintenance arrangements between the City of Cockburn and the Spearwood Dalmatinac Club for the bowling greens which will be fully maintained by the Club in accordance with the proposed new lease.

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

#### ***Infrastructure Development***

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

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

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

### **Budget/Financial Implications**

To have the bore replacement and reticulation replacement proceed in 2007/08 there will need to be a \$90,000 allocation made in the February 2008 budget review. The following is a breakdown of costs incurred by each club that will be paid to the City on an annual basis.

#### **Spearwood Dalmatinac Club**

##### ***Leased area - Bowling Green***

Bore replace amortised over 20 years	\$ 4,084
Bowling green annual rental fee	\$ 1,776

##### ***Leased area – Soccer Pitch***

Soccer pitch annual rental fee	\$ 1,761
Annual Maintenance on Soccer Pitch	\$ 10,000
<b>TOTAL</b>	<b>\$ 17,621pa</b>

#### **Cockburn City Soccer Club**

Annual Maintenance on Soccer Pitch	\$ 2,000
<b>TOTAL</b>	<b>\$ 2,000pa</b>

### **Legal Implications**

Disposal of Local Government property must be in accordance with Section 3.58 of the *Local Government Act 1995* and its associated regulations. The *Local Government (Functions and General) Regulations 1996*, Part 6, Clause 30 (2) states that a disposition of land (which includes a lease) is exempt from the normal public advertising and public auction/tender/sale requirements of Section 3.58 of the *Local Government Act 1995* if the land is disposed of to a body (whether incorporated or not), “*the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature*” and “*the members of which are not entitled or permitted to receive any pecuniary profit from the body’s transactions*”. As potential lessee, the Spearwood Dalmatinac Club clearly meets this criteria and is therefore exempt from the normal Section 3.58 requirements.

### **Community Consultation**

A meeting was held to discuss the above issues with both Clubs in July 2007. After the meeting the City wrote to both Clubs outlining the proposed changes and conditions expected to be implemented and asked for written comments to be provided to the City in before 24 August 2007. To date, there has been no comment by either party relating to the proposed changes and therefore it is assumed that all parties are in support of these changes.

### **Attachment(s)**

Site Plan - Bowling Greens & Soccer Pitch.

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

The Proponent(s) have been advised that this matter is to be considered at the 11 October 2007 Council Meeting.

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

Nil

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

Nil

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

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

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

**23. CONFIDENTIAL BUSINESS**

**24. (OCM 11/10/2007) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

**25. CLOSURE OF MEETING**