

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 OCTOBER 2005 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 13 OCTOBER 2005 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

Mr D. Green	-	Acting Chief Executive Officer
Mr R. Avard	-	Acting Director, Administration & Community Services (until 8.05pm)
Mr K. Lapham	-	Acting Director, Finance & Corporate Services (until 8.05pm)
Mr S. Hiller	-	Director, Engineering & Works (until 8.05pm)
Mr M. Ross	-	Acting, Director, Planning & Development (until 8.05pm)
Mr A. Jones	-	Communications Manager (until 8.05pm)
Ms V. Viljoen	-	Personal Assistant to the CEO

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00pm.

Deputy Mayor Graham advised that he had a cheque for \$10,000 to be presented to Mr Len Hitchen, Chairman of the Fremantle Hospital Medical Research Foundation, being a donation to the Foundation. Mr Hitchen accepted the cheque and thanked the City of Cockburn for its donation.

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

Nil



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

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

**4 (OCM 13/10/2005) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised the meeting that he had received a written declaration of interest from Clr Oliver in relation to Item 14.5, which would be read at the appropriate time.

**5 (OCM 13/10/2005) - APOLOGIES & LEAVE OF ABSENCE**

Mayor S. Lee	-	Apology
Clr K. Allen	-	Apology
Clr L. Goncalves	-	Apology
Mr S Cain	-	Apology

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

Nil

**7 (OCM 13/10/2005) - PUBLIC QUESTION TIME**

**Libby Hocking, 11 Nancy Way, Coogee**

Agenda Item 16.1 – Comments on Draft Metropolitan Freight Network Policy and draft Road and Rail transport Noise Policy

Q. In this item reference is made to Cockburn Road (South of Russell Rd) and Russell Road as designated Freight Roads in connection with the draft report. It is difficult to comprehend that freight would be carried along that section of Cockburn Road without having first travelled along the coastal strip of Cockburn Road that goes past Coogee.

Local residents are totally opposed to heavy haulage traffic along Cockburn Rd, which basically adjoins the beach for most of its path.

Can you outline the comments Council is making in relation to this concern in its response to this report? Will Council strongly reflect the concern of Coogee ratepayers in its response?



- A. According to Appendix 1 of the draft "Primary Freight Roads and Freight Rail Routes" Policy, published in May 2005, Cockburn Road, between Russell Road, Munster and Hampton Road, Fremantle, is not shown as either a primary freight road or a future primary freight road. Public submissions on the draft policy are to be lodged with the Department of Planning & Infrastructure by 31 October 2005.

**Glen Diggins, 11 Nancy Way, Coogee**

Agenda Item 14.6 – Legal Action Reconsideration – Newmarket Hotel – Lot 21; 1 Rockingham Road, Hamilton Hill – Owner: Kee Vee Properties Pty Ltd

- Q1. I raised the Newmarket Hotel matter at the September Council meeting. I am extremely disappointed to learn that the proposed sale and redevelopment has fallen through following Council's decision. Legal action might send a message to future developers but it also brings with it the risk that the message is that Council does not take into account the reality of a situation when taking such a decision.

In making a recommendation for legal action did Council consider the likely ability of the current owner to pay any penalty that might be imposed? Has Council considered that its action might result in the Newmarket Hotel remaining in its current deplorable condition for many years to come? It is well known that historic buildings are extremely expensive to do anything with. Will Council give greater consideration to this fact in its future deliberations?

- A1. Kee-Vee are in breach of their approval and therefore it is a matter of law and order for Council rather than whether or not they have the ability to pay any penalty imposed in a Court of competent jurisdiction. City Officer's have reason to believe given Kee-Vee's nearby land development projects that they have the resources to undertake the conservation works.

Legal action could be brought to bear to force the issue that conservation works must be carried out.

It is not Council's intention for the Newmarket Hotel to remain in its present degraded state for a longer time period than is deemed necessary. Council has worked for several years with Kee-Vee to ensure that the building is restored to its former glory and is keen to ensure that in the not to distant future that this is achieved.

- Q2. Recently the Liberal Party has reaffirmed its commitment to build the Fremantle Eastern Bypass and Roe Highway Stage 8 should they return to Government after the next State election. The next election is over 3 years away and the Liberals clearly have a lot of work to do in order to win Government. Nevertheless, would such an eventuality create problems for Council if the road reservation is included in the



Park and Recreation Reserve? Can you comment on what possible future considerations were taken into account by Council when this question was being discussed?

A2. Deputy Mayor Graham advised Mr Diggins that his time had elapsed and that the response would be provided in writing.

**John McCance, 7 Magpie Court, Yangebup**

Agenda Item 17.3 – Permanent Skate Park Locations

Q. Will the Council look at another site other than the proposed skate board site at the corner of Osprey Drive and Dottrell Way?

A. It is open for Council to set funds aside within the allocated budget for Yangebup and seek to fund a skate park at an alternative site.

**Ron Kimber, 104 Fanstone Avenue, Beelias**

Agenda Item 16.3 – Request for Fending / Barrier Between Conigrave Road and Spearwood Avenue, Yangebup – Haskins

Q1. In relation to this item on barriers at Spearwood Ave, which it would appear are mainly slanted at preventing motorcycles traversing what would normally be considered a no go area for such vehicles. Please confirm that these vehicles are acting illegally?

Is the council aware of:

Q2. - the recent fatality of a motorcyclist on an off road track on which they should not have been?

Q3. - the recent press reports of illegal activities (break-ins/theft) using trail bikes?

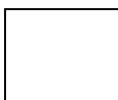
Q4. - the growing community concern with the number of illegal trail bike incidents in Cockburn and the annoyance this is causing?

Q5. Would council please consider a whole of Cockburn approach to this problem, rather than just this one off band-aid solution at Spearwood Ave?

Q6. Will council please consider a zero tolerance to these illegal trail bike users and enforce laws accordingly?

Q7. Will council please lobby our enforcement agencies to do the same?

A1. Vehicles crossing from one road to another across the verge is unlawful.





2. The City is not aware of any fatality relating to a motor cyclist on an off road track within the district.
3. The City is aware of the article in the Cockburn Gazette dated 11 October 2005 about break-ins using trail bikes.
4. The City is aware of community concern about the illegal use of trail bikes, and has already commenced discussions with adjoining local governments about the issue.
5. The City is endeavouring to formulate an approach to this problem for the whole of the district.
6. The City always strives to enforce the laws within the district, within the limitations of its resources and legal responsibilities.
7. The City always works with the local Police, where possible.

**Ken Hynes, 194 Yangebup Road, Yangebup**

Agenda Item 17.3 – Permanent Skate Park Locations

- Q. Will the Council Members give due consideration for the Yangebup Community to find a more suitable location? This is a strong request from the Yangebup youth and also residents.
- A. Deputy Mayor Graham assured Mr Hynes that Council considered a wide range of features and would take into account the matters he had raised when making its decision, and that it was open for Council to set funds aside within the allocated budget for Yangebup and seek to fund a skate park at an alternative site.

**Lyndsey Jackson, 14 Rinaldo Place, Coolbellup**

Agenda Item 17.3 – Permanent Skate Park Locations

- Q. The Coolbellup Community Association is currently in the process of actively engaging young people of Coolbellup to assist in the implementation of the proposed skate facility. This will include; increasing ownership, fundraising for additional apparatus, art work, signage etc, as well as working with young people to make the park a community inclusive asset. With such dedication from local residents, lack of objection and the overwhelming need for young people to have access to facilities in the Coolbellup area, will council please support the implementation of a skate park in the Coolbellup area?
- A. Consideration will be given to this matter on tonight's Agenda.



**Lyndsey Jackson and Miquel Tovar, 14 Rinaldo Place and Cordelia Avenue, Coolbellup**

Agenda Item 14.5 – Roe Highway Stage 8 Reserve

Q. The local Coolbellup community have been actively protecting and preserving the bushland that has been set aside for the Roe Highway for many years. Currently the community is involved with various activities to preserve and protect the bushland for future generations. Does the council concede that the area is of environmental significance, especially as the inclusion of the area under Roe Highway has allowed the bushland to be preserved as an important corridor for wildlife accessing local lakes? Would the 'cementing' of this bushland for monetary profit upset the ecological balance and rob future generations of this important environmental asset?

A. Council at its March 2003 meeting (minute number 9701) resolved amongst other things, to advise the Minister for Planning and Infrastructure that in the event that the Roe Highway Stage 8 reservation is deleted from the Metropolitan Region Scheme, that the reserve be included in the Parks and Recreation Reserve to protect the regionally important upland vegetation as described in the Environmental values associated with the alignment of Roe Highway (Stage 8) advice on pages 10, 11, 13 and 16 of EPA Bulletin 1088 dated February 2003. Council has therefore already recognised the environmental qualities of this land.

Deputy Mayor Graham advised Ms Jackson and Mr Tovar that this matter will be the subject of Council's deliberations at tonight's meeting and Council will take into consideration their comments.

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 2966) (OCM 13/10/2005) - ORDINARY COUNCIL MEETING - 08/09/2005**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 8 September 2005, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**CARRIED 7/0**



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

Nil

**10 (OCM 13/10/2005) - DEPUTATIONS AND PETITIONS**

Deputy Mayor Graham advised that he was in receipt of a petition in relation to the allocation of a reserve for a dog park in Leeming. Once the petition is provided to staff, a report will be prepared by Council Staff and the outcome advised.

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

Nil

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

Nil

**13. COUNCIL MATTERS**

Nil

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (MINUTE NO 2967) (OCM 13/10/2005) - ACQUISITION OF LOT 29 ON DIAGRAM 42435 LOMAX COURT, BEELIAR (3316149) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) purchase CSL 4678 Lomax Court, Beeliar for \$250,165 GST inclusive from the State of Western Australia;
- (2) increase account CW 1503, Purchase of Lot 29 Adjacent Council Part Lot 621, by \$27,423 to \$227,423 and increase the transfer from Land Development Reserve Fund by \$27,423 to \$227,423; and
- (3) amend the Budget accordingly.

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



**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**

**Background**

Council at its meeting held on 15 March 2005 resolved to purchase CSL 4678 Lomax Court for \$220,000 GST inclusive from the State of Western Australia.

**Submission**

The Department of Planning and Infrastructure Midland have forwarded an updated purchase offer.

**Report**

The former offer to purchase Lot 29 now CSL 4678 Lomax Court received from Department for Planning and Infrastructure, Land Asset Management Services, (DPI LAMS) was based on a valuation dated 27 October 2004.

The offer to sell received from DPI Midland was conditional on the land being amalgamated with the City's Lot Pt 621. The Education Department and the City were still finalising details of the sale of portion of Lot 621 for the primary school site. The October 2004 valuation for Lot 29 expired in April 2005. There was insufficient time between the completion of the sale of the primary school site and the expiry date to prepare a new survey plan and complete the transfer of Lot 29.

The survey plans have now been prepared and a new purchase price provided. Although the purchase price has risen some \$30,000 it is considered that the acquisition of CSL 4678 and its amalgamation with Lot 621 is a sound commercial decision that will result in sound profits in the future.

The purchase by the Education Department of portion of Lot 621 for the primary school has been completed and the first instalment of \$1.2 million paid.

**Strategic Plan/Policy Implications**

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



1. Managing Your City
  - *“To deliver services and to manage resources in a way that is cost effective without compromising quality”.*
  - *To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.*
2. Planning Your City
  - *“To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens.”*

**Budget/Financial Implications**

Council provided \$200,000 in the 2005/06 Budget funded from the Land Development Reserve Fund for the purchase of this lot. This amount now needs to be increased to \$227,423.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachments**

(1) Location Plan

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

N/A

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

Nil.

**14.2 (MINUTE NO 2968) (OCM 13/10/2005) - DEDICATION OF LAND AS ROAD RESERVE PURSUANT TO SECTION 56(1) OF THE LAND ADMINISTRATION ACT 1997 - PORTION OF JAA LOT 258 BEING RESERVE 2054 (5514362) (KJS) (ATTACH)**

<p><b>RECOMMENDATION</b> That Council:</p> <p>(1) request that the Minister for Planning and Infrastructure dedicate a portion of JAA Lot 258 being Reserve 2054 Road Reserve</p>
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- pursuant to Section 56(1) of the Land Administration Act; and
- (2) indemnify the Minister for Planning and Infrastructure against reasonable costs incurred in considering and granting this request.

**COUNCIL DECISION**

MOVED Cllr T Romano SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED 7/0**

**Background**

Reserve 2054 is managed by the City for the purpose of Drainage. Survey instructions have been issued by the Department of Planning and Infrastructure, Midland to mark out Metropolitan Region Scheme Other Regional Road Hammond Road.

The dedication of land as a road reserve will facilitate the continuation of Charmley Bend in accordance with the adopted structure plan.

**Submission**

Department of Planning and Infrastructure Midland has noted that in the course of the field survey portion of Reserve 2054 will be required for Charmley Road. Accordingly they have written to the City with a request that the land be dedicated as road reserve.

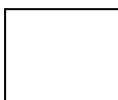
**Report**

Reserve 2054 has been surveyed in order to identify the continuation of Hammond Road, Other Regional Road in the Metropolitan Region Scheme (MRS). Charmley Bend was created with a recent residential subdivision. The alignment of Charmley Bend continues across a small area of Reserve 2054 approximately 105 square metres. The area has been identified on the survey plan prepared to create Hammond Road MRS Road Reserve.

**Strategic Plan/Policy Implications**

2. Planning Your City

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



- *“To ensure that the development will enhance the levels of amenity currently enjoyed by the community.”*
- *To foster a sense of community within the district generally and neighbourhoods in particular.”*

**Budget/Financial Implications**

Road construction is programmed to commence in the 2005-2006 budget.

**Legal Implications**

N/A

**Community Consultation**

N/A.

**Attachments**

(1) Location Plan

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

N/A

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

Nil.

**14.3 (MINUTE NO 2969) (OCM 13/10/2005) - PROPOSED HOME OCCUPATION - NATURAL THERAPIES CLINIC - LOT 434; 22 SIMONS STREET, COOLBELLUP - OWNER: HOMESWEST, JAMES MCINTYRE & XIMENA MIRANDA - APPLICANT: JAMES MACINTYRE (1100508) (JB) (ATTACH)**

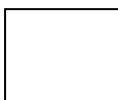
<p><b>RECOMMENDATION</b> That Council:</p> <p>(1) Grant approval for a Home Occupation at Lot 434 (No. 22) Simons Street, Coolbellup, for the purpose of a Natural Therapies Clinic, subject to the following conditions:</p> <p><u>STANDARD CONDITIONS</u></p> <p>1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.</p>
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2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The development complying with the Home Occupation provisions and definition set out in the Town Planning Scheme.
4. All materials and/or equipment used in relation to the Home Occupation shall be stored within the residence or an approved outbuilding.
5. The Home Occupation Approval may be withdrawn by the Council upon receipt of substantiated complaints.
6. The Home Occupation can only be undertaken by the owner of the land and is not transferable pursuant to clause 5.8.5 (a) (ii) of Town Planning Scheme No 3.
7. On the sale of the property or change in ownership of the land the home occupation entitlement ceases pursuant to clause 5.8.5 (a) (iii) of Town Planning Scheme No 3.
8. No skin penetration practices are to be conducted at the premises.
9. A maximum of 3 clients per day in accordance with the applicant's submission with an interval of at least 10 minutes between clients.
10. Hours of operation are limited to 9am to 5pm Monday to Friday and 9am to 1pm Saturday, and not at all on Sunday and Public Holidays.

#### FOOTNOTES

1. "Home Occupation" means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-
  - (a) does not employ any person not a member of the occupier's household;
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - (c) does not occupy an area greater than 20 square metres;
  - (d) does not display a sign exceeding 0.2 square metres;
  - (e) does not involve the retail sale, display or hire of





- (f) goods of any nature;  
in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
  - (g) does not involve the use of an essential service of greater capacity than normally required in the zone.”
2. In regard to Condition No. 8, should the Applicant desire to conduct skin penetration or contact procedures in the future an application must be made to the City’s Health Services.
  3. Please contact the City’s Health Service on 9411 3589 to arrange for an assessment, prior to commencing operation.
  4. 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.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval.

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 7/0**

**Background**

ZONING:	MRS:	URBAN
	TPS:	RESIDENTIAL R20
LAND USE:	PROPOSED HOME OCCUPATION – NATURAL THERAPIES CLINIC	
LOT SIZE:	764m <sup>2</sup>	
CONSULTING ROOM AREA:	9m <sup>2</sup>	
USE CLASS:	Home Occupation “D” Use (Discretionary Use)	



## Submission

The applicant seeks approval from Council to operate a home occupation for a natural therapies clinic. A maximum of 3 clients will attend the Home Occupation per day for three days a week, with adequate intervals between clients to ensure that no clients are waiting for the previous consultation to finish. The applicant has stated that there is sufficient parking for the clients off street.

## Report

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

Surrounding landowners were invited to comment on the proposal with 1 objection being received at the completion of the consultation period. The main concern raised in this submission is based on the neighbour being a shift worker and the increased traffic during the day, and would not be acceptable. The Objector stated that the business should also be located at the Coolbellup Shopping Centre.

The proposed home occupation complies with the standards and provisions of the City's Town Planning Scheme No 3. The proposal is acceptable from a planning point of view, as the home occupation will not add to the traffic congestion, the clinic can only operate with one customer at a time and there will be adequate intervals between customers. There are ample parking spaces available on-site. It is concluded that the impact of the home occupation in general will be minimal and the application is supported subject to compliance with the recommended conditions.

## Strategic Plan/Policy Implications

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

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



2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
  
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

The Council Policies which apply to this item are:-

APD17      STANDARD DEVELOPMENT CONDITIONS AND FOOTNOTES

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

### **Community Consultation**

Application was advertised to adjoining properties for comment for a period of 14 days in accordance with the City's Town Planning Scheme No. 3. At the close of the submission only one submission was received.

### **Attachment(s)**

- (1) Location Plan
- (2) Site Plans
- (3) Submissions

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

The Proponent and Submissioner have been advised that this matter is to be considered at the October 2005 Council Meeting.

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

Nil.



**14.4 (MINUTE NO 2970) (OCM 13/10/2005) - CASH-IN-LIEU - SANTICH PARK, MUNSTER AND MARKET GARDEN SWAMP, COOGEE (9477) (MD)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) amend the 2005/06 Municipal Budget for project CW 5072 Santich Park – Additional Lighting Playing Fields as follows:-
  1. Increase the total cost of the project from \$20,000 to \$154,153.
  2. Increase the funding from Munster POS Cash in Lieu Restricted Funds from \$20,000 to \$62,844.
  3. Budget for a contribution from the South Coogee Junior Football Club of \$41,515 (GST excl.).
  4. Budget for Community Sporting and Recreation Facilities Fund (CSRFF) income from the Ministry for Sport & Recreation of \$49,794 (GST excl.)
- (3) amend the 2005/06 Municipal Budget by deleting project OP 8086 Market Garden Swamp – Landscaping, solar lighting etc and its associated funding from Coogee POS Cash in Lieu Restricted Funds of \$121,740.

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

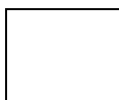
**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**

**Background**

The Minister for Planning and Infrastructure approved the expenditure of a total amount of \$62,844 cash-in-lieu funds that Council has previously allocated for the purpose of providing additional lighting and upgrading of power at Santich Park, Munster on the 16 April 2005.



Council at its meeting held on 8 September 2005 resolved to transfer funds from the Public Open Space Development Restricted Funds for the expenditure of cash-in-lieu on Public Open Space (POS) areas within the City, which included the expenditure of \$20 000 towards the provision of lighting at Santich Park and \$121,740 for the provision of landscaping, earthworks, solar power lighting, signage, sail over playground and construction of paths at Market Garden Swamp.

### **Submission**

This report proposes to make modifications to the Council's 2005/06 Municipal Budget relating to the following projects:

#### CW 5072 Santich Park Project

The proposal involves four additional lights and the upgrading of power at Santich Park in Munster.

#### OP 8086 Market Garden Swamp Project

The proposal involves landscaping, earthworks, solar power lighting, signage, sail over playground and construction of paths at Market Garden Swamp.

### **Report**

#### Santich Park Project

The total funds generated by cash-in-lieu in the Munster area available for the project is \$62 844. Council at its meeting held 8 September 2005 previously resolved to transfer \$20 000 from this amount towards the upgrading of power at Santich Park in Munster.

However, the project actually requires the full \$62 844 in order to provide the lighting and as such there is a need to transfer the additional \$42 844 towards the project.

The total cost for the project is \$154,153 (GST excl.) with funding comprising:

1. Council's contribution of \$62,844 (funded from POS cash in lieu funds);
2. CSRFF Grant of \$49,794; and
3. South Coogee Junior Football Club contribution of \$41,515

#### Market Garden Swamp Project

Council at its September 2005 meeting resolved to transfer \$121,740 towards landscaping, earthworks, solar power lighting, signage, sail



over playground and construction of paths at Market Garden Swamp to be spent in the 2005/06 budget.

The timeframe for undertaking the works at Market Garden Swamp was previously adopted by Council at its meeting held 18 January 2005.

It has been identified that the City's Environmental Services do not have the capacity to undertake the works at Market Garden Swamp this financial year and it is requested that the Project OP 8086 (Market Garden Swamp) be removed from the 2005/06 budget. This project will be re-budgeted in 2006/07 along with other projects in accordance with the Public Open Space Cash-in-Lieu Expenditure Strategy.

It should be noted that the Minister for Planning and Infrastructure has specifically approved the expenditure of \$121 740 cash-in-lieu for the Market Garden Swamp project and this money cannot be transferred to another project without further approval from the Minister.

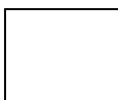
#### Conclusion

It is recommended that the Council receive the report and amend the 2005/06 Budget to reflect the project funding.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*



**Budget/Financial Implications**

The cost of project CW 5072 Santich Park – Additional Lighting Playing Fields will be increased by \$134,153 with additional funding of \$42,844 coming from the Munster POS Cash in Lieu Restricted Funds. The balance will be funded by contributions from the South Coogee Junior Football Club and a CSRFF grant.

The budget for Project OP 8086 Market Garden Swamp - \$121,740 (funded from Coogee POS Cash-in-Lieu Restricted Funds) will be removed from the 2005/06 Budget and re-listed in the 2006/07 Budget.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

N/A

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

Nil.

**DECLARATION OF FINANCIAL INTEREST**

Clr Oliver declared a financial interest in Item 14.4 – Roe Highway Stage 8 Reserve. The nature of the interest being due to the proximity of her property to the proposal.

Clr Oliver left the meeting at 7.26pm.



**14.5 (MINUTE NO 2971) (OCM 13/10/2005) - ROE HIGHWAY STAGE 8 RESERVE (9701) (4350009) (SMH)**

**RECOMMENDATION**

That Council:

- (1) receive the report; and
- (2) re-confirm its previous decision made at its meeting held on 18 March 2003, Minute #1947 as follows:

*“advise the Minister for Planning and Infrastructure that in the event that the Roe Highway Stage 8 reservation is deleted from the Metropolitan Region Scheme, that the reserve be included in the Parks and Recreation Reserve to protect the regionally important upland vegetation as described in the Environmental values associated with the alignment of Roe Highway (Stage 8) advice on pages 10, 11, 13 and 16 of EPA Bulletin 1088 dated February 2003.”*

**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council:

- (1) receive the report;
- (2) request that the Western Australian Planning Commission include an amendment to the Metropolitan Region Scheme to reclassify the Roe Highway Stage 8 from a Primary Regional Road Reserve to a Parks and Recreation Reserve, in the next Omnibus Amendment to the South-West Corridor; and
- (3) advise the Coolbellup Community Association of Council's decision.

**CARRIED 6/0**

**Reason for Decision**

The amendment, if agreed by the Western Australian Planning Commission, should be included in the next round of Omnibus amendments to the Metropolitan Region Scheme for the South West Corridor. This will ensure that the new Parks and Recreation Reservation is included in the City's Town Planning Scheme 3 by a resolution of Council.





## Background

The future of Roe Highway Stage 8 has been uncertain for some years. The Roe Highway Stage 8 reservation is included in the Metropolitan Region Scheme as a Primary Regional Road. The State Government has stated that it does not intend to complete Stage 8 of the metropolitan ring road system.

## Submission

At the Council Meeting on 8 September 2005, Cr Sue Limbert requested under "Matters to be noted for Investigation Without Debate" that a report be prepared in relation to:-

*"The inclusion of the existing Roe Highway Reserve in Coolbellup as depicted in the Metropolitan Region Scheme Map Reserved for Parks and Recreation, and that Council seek to include in the proposal on the next round of MRS amendments."*

## Report

Council at its meeting held on 18 March 2003 (Minute No. 1947) resolved as part of a matter relating to the possible closure of Hope Road and Dixon Road between Progress Drive and the entrance to the Wetlands Education Centre that Council:-

*"advise the Minister for Planning and Infrastructure that in the event that the Roe Highway Stage 8 reservation is deleted from the Metropolitan Region Scheme, that the reserve be included in the Parks and Recreation Reserve to protect the regionally important upland vegetation as described in the Environmental values associated with the alignment of Roe Highway (Stage 8) advice on pages 10, 11, 13 and 16 of EPA Bulletin 1088 dated February 2003."*

It is clear from this resolution that the Council has already established its position and the Hon. Minister for Planning and Infrastructure has been advised accordingly.

Given this, the Council could request that the Roe Highway Stage 8 reservation be reclassified from Primary Regional Road to the Parks and Recreation Reserve under the Metropolitan Region Scheme in accordance with its resolution of March 2003.

## Strategic Plan/Policy Implications

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



3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

**Budget/Financial Implications**

N/A

**Legal Implications**

If the Metropolitan Region Scheme is amended from Primary Regional Road Reservation to the Parks and Recreation Reservation, this change is automatically included in the City's Town Planning Scheme No. 3.

It is likely that such an amendment, if agreed to by the Western Australian Planning Commission, would be included in the next round of omnibus amendments to the Metropolitan Region Scheme for the South-West Corridor.

Such a significant amendment to the MRS would be likely to be dealt with as a Major Amendment under Section 33 of the Metropolitan Region Town Planning Scheme Act.

**Community Consultation**

Community consultation would be undertaken as part of the statutory amendment process for the Metropolitan Region Scheme.

**Attachment(s)**

N/A

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

N/A

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

Nil.

Clr Oliver returned to the Meeting at 7.29pm, at which time Deputy Mayor Graham advised her of Council's decision.



**14.6 (MINUTE NO 2972) (OCM 13/10/2005) - LEGAL ACTION RECONSIDERATION - NEWMARKET HOTEL - LOT 21; 1 ROCKINGHAM ROAD, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD (2212274) (MR)**

**RECOMMENDATION**

That Council instruct its Solicitors to recommence legal proceedings against Kee-Vee Properties Pty Ltd (ACN 009 292 237), being the owners of Lot 21 (1) Rockingham Road, Hamilton Hill, for a breach of Special Conditions 13 and 14 of the planning approval dated 21 May 2003, in contravention of the City of Cockburn's Town Planning Scheme No.3 and the Town Planning and Development Act 1928.

**COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 7/0**

**Background**

Council at its Ordinary Meeting on 8 September 2005 resolved as follows:-

- “(1) *note the officers report;*
- (2) *subject to the sale of land proceeding to the Purchaser:*
1. *not proceed with legal action against Kee-Vee Properties for a breach of their planning approval and deed of agreement in respect to not completing the conservation work to the Newmarket Hotel on Lot 21 Rockingham Road, Hamilton Hill;*
  2. *take no action in respect of its decision to prosecute Kee-Vee Properties on Minute No 2538 being Item 14.18 from the Ordinary Meeting of Council on 17 August 2004;*
  3. *instruct its solicitors to temporary lift Council's caveatable interest in Lot 21 Rockingham Road to enable the sale of land to proceed subject to item (3), (4) and (5) below;*
- (3) *appoint a licensed surveyor to cost the conservation works for the Newmarket Hotel (at Kee-Vee's Properties cost);*



- (4) *require Kee-Vee Properties to lodge a bond or bank guarantee with the City based on the total cost of carrying out the conservation works from (3) above to be held as security until satisfactory completion of the conservation works. If conservation works are not satisfactorily completed the bond is to be unconditionally forfeited to the City to enable the completion of any outstanding conservation works;*
- (5) *enter into a new deed of agreement with Kee-Vee Properties and the Purchaser (at the cost of Kee-Vee Properties) for conservation works to the Newmarket Hotel being commenced by 31 January 2006 and completed by no later than the 31 July 2006;*
- (6) *instruct Council's solicitor to initiate legal proceedings against Kee-Vee Properties and the Purchaser for a breach of deed if conservation works are not commenced or completed in accordance with (5) above;*
- (7) *instruct Kee-Vee Properties to pay the City \$2,891.12 for the preparation of the Heritage Agreement by Council's solicitors dated 26 September 2003. If payment of this amount is not received authorise its solicitors to recover costs; and*
- (8) *require Kee-Vee to pay the outstanding amount of rates owing."*

Despite assertions to the contrary Kee-Vee were aware of the Court Case outcome with their former tenant of the Newmarket Hotel prior to giving Council a commitment last year to carry out the conservation works subject to the sale of the tavern/bottle shop proceeding. The sale of the tavern/bottle shop has occurred and yet Kee-Vee still intend to sell the Newmarket Hotel and avoid their obligation to carry out the conservation works.

### **Submission**

N/A.

### **Report**

Kee-Vee Properties and the purchaser have both recently confirmed that the sale of the Newmarket Hotel is not proceeding. Kee-Vee claim the offer was subject to approval of 7 apartments. Only 6 apartments would be considered acceptable to Council and therefore the offer and acceptance cannot be satisfied. Further direction is therefore required from Council on this matter.

The actions required from the Ordinary Meeting on 8 September 2005 relating to agreements and a bond cannot be completed because the sale of land will not be proceeding to settlement. There are no clear



directions to Kee-Vee and to City Officers in the event that the sale of land to the purchaser doesn't proceed. It is unreasonable to leave this matter open ended to the extent that Kee-Vee directs the terms of when the property is sold as this could potentially delay conservation works. It could be months away before any other purchaser signs a contract to purchase the property. It is also implied that if the sale of land doesn't proceed Council's previous resolution of 17 August 2004 would still stand to prosecute Kee-Vee.

There have been protracted negotiations over the years between Kee-Vee and Council regarding the undertaking of conservation works on the former Newmarket Hotel. Council during these negotiations granted significant concessions of development approval to Kee-Vee to allow the site to be developed. These concessions included reductions in car parking requirements for the tavern on the basis that the former Newmarket Hotel would be retained and restored.

It is recommended that Council commence the prosecution of Kee-Vee for their failure to carry out the conservation works and force Kee-Vee to carry out the conservation works to the Newmarket Hotel.

Kee-Vee in this instance would be prevented from proceeding with the sale of land because Council's caveatable interest in the land is not lifted to enable the land transaction to be completed. The caveat is linked to the deed of agreement signed by Kee-Vee that required conservation works to be carried out to the external areas of the building.

If Council proceeds to prosecute Kee-Vee, they are required to attend a Local Court for a local magistrate to determine the basis of a complaint for a breach of the Town Planning and Development Act. The Act contains a maximum fine of \$50,000 and on-going penalties of a maximum of \$5,000 for each day the offence continues.

If Council choose not to proceed with the prosecution of Kee-Vee this would send the wrong message to other developers that they might be able to void agreements under similar circumstances.

It is recommended that Council proceed with the prosecution of Kee-Vee to demonstrate that it is serious that the lawful approvals it has issued must be fully complied with. The conservation works is a matter that has been outstanding for at least 7 years and has taken a considerable amount of staff and Council time.

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

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



1. Managing Your City
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
  - *"To provide effective monitoring and regulatory services that administer relevant legislation and local laws in a fair and impartial way."*
2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Council Policies which apply to this item are:-

APD29 DEVELOPMENT COMPLIANCE PROCESS

Council resolved at its meeting on 20 April 2004, to waive the Development Compliance Process and proceed immediately with legal action. This waiver still applies.

### **Budget/Financial Implications**

Legal expenses will be incurred and should be recovered upon a successful prosecution.

### **Legal Implications**

Town Planning and Development Act 1928  
City of Cockburn Town Planning Scheme No. 3

### **Community Consultation**

N/A

### **Attachment(s)**

N/A

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

Kee-Vee Properties Pty Ltd has been advised that this matter is to be considered at the 13 October 2005 Council Meeting.



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

Nil.

**14.7 (MINUTE NO 2973) (OCM 13/10/2005) - SINGLE (R-CODE) HOUSE CODES APPROVAL - OVERHEIGHT SHED AND FRONT BOUNDARY WALL SIGHTLINES - LOT 5; 10 SINAGRA WAY, YANGETUP - OWNER/APPLICANT JB AURIEMMA & J SARDINHA (6000071) (ACB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant its approval to the over height shed and front wall on Lot 5 10 Sinagra Way, Yangetup in accordance with the approved plan subject to the following conditions:

Standard Conditions

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. The shed shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
6. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
7. Fencing nominated on the approved plan must be 50% visually permeable above 750mm to ensure adequate surveillance of the adjoining street or public open space.



Footnotes

1. The development is to comply with the requirements of the Building Code of Australia.
  2. Separate planning approval from Council is required prior to parking a commercial vehicle on the property. Such an application will be assessed by Council on its merits in consultation with adjoining and nearby landowners.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval (inclusive of MRS Form 2 Notice of Approval).

**COUNCIL DECISION**

MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that the recommendation be adopted.

**CARRIED 7/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20, Development (DA4)
LAND USE:	Residential	
LOT SIZE:	600m <sup>2</sup>	
AREA:	Outbuilding 22.5m <sup>2</sup>	
USE CLASS:	Single (R-Code) House – Permitted 'P'	

The background relevant to this proposal is:

An application for an over height outbuilding (2.8m in lieu of 2.4m) and front fence within the 1.5m visual truncation was submitted to the City. The application was referred to both adjoining neighbours for comment. The owner of No. 8 Sinagra Way objected to the application.

**Submission**

The proposal is to erect a front fence and outbuilding on the subject site. The applicant provides the following information in support of the application.

Front Fence

- Added security.
- Truncation will not facilitate the automatic gates proposed in the future.





- Permeable fencing is proposed within the piers which will ensure visual permeability.

### Outbuilding

Added height will facilitate extra storage for bulky equipment associated with Lawn Mowing and Gardening Business.

### **Report**

The proposal is acceptable from a planning point of view however the application must be considered by Council as a result of an objection from the neighbouring owner:

The owner of No. 8 Sinagra Way, Yangebup has objected on the following grounds:

- The owner of No. 10 increased the level of the property by 300mm without knowledge and approval.
- Adjoining property is further forward by 1.5 metres.
- Both factors result in a "*claustrophobic feeling, like we live in a hole.*"
- An additional wall on the fence line will obstruct views and worsen the situation.

Instead of removing the extra fill (300mm) the owners of No. 10 installed their own twin side retaining wall without a building licence issued by the City. This problem could have been avoided if a combined retaining wall was constructed between neighbours which is what the City tried in vain to facilitate.

The garage at No. 10 Sinagra Way was approved at the 4.5 metre line which is an 'Acceptable Development' requirement under the Residential Design Codes.

The front wall is proposed at a height of 750mm with brick piers no greater than 1700mm. Visually permeable infill is proposed in between the piers which will break up the visual bulk of the wall and allow adequate sight lines through the fencing.

It is considered that the wall can be supported on this basis.

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

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



2. Planning Your City

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

The Planning Policies which apply to this item are:

APD17	Standard Development Conditions and Footnotes
APD18	Outbuildings
APD29	Development Compliance Process

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

Adjoining neighbours were notified of the proposal. An objection was received from the owner of No. 8 Sinagra Way, Yangebup.

**Attachment(s)**

- (1) Applicant's submission
- (2) Site Plan
- (3) Front Wall Elevation
- (4) Outbuilding Elevation

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

The Proponents and Submissioners have been advised that this matter is to be considered at the October 2005 Council Meeting.

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

Nil.



**14.8 (MINUTE NO 2974) (OCM 13/10/2005) - PROPOSED GARAGE WITH REDUCED FRONT SETBACK TO BOUNDARY WALL - LOT 78; 48 OMMANNEY STREET, HAMILTON HILL - OWNER: JL & AJ ROBERTS - APPLICANT: TOM ROBERTS ARCHITECT (2203381) (SD) (ATTACH)**

RECOMMENDATION

That Council:

- (1) grant its approval to the proposed garage (with boundary wall) on Lot 78 (No. 48) Ommanney Street, Hamilton Hill, in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

SPECIAL CONDITIONS

7. The surface finish of the boundary wall abutting the adjoining lot to be constructed to Council satisfaction.
8. The garage being in the same materials, colour and design as the existing residence.



**FOOTNOTES**

1. The development is to comply with the requirements of the Building Code of Australia.
  2. In regards to Condition No. 7, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval.

**COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 7/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Existing House and Outbuildings	
LOT SIZE:	713m <sup>2</sup>	
AREA:	28m <sup>2</sup>	
USE CLASS:	Single (R-Code) House 'Permitted'	

**Submission**

The applicant has proposed to build a garage with a parapet/boundary wall and a street setback of 4.5 metres. The applicant's submission has been summarised as follows:

- A garage is required to shelter a car and to provide some measure of security. Some months prior to lodgement of this application, the owner's car was stolen off the street, directly outside the property.
- Due to the design and setback of the existing house, it is not possible to construct a garage of the required width without reducing the front setback to approximately 4.5 metres.
- If the proposed garage were to be setback 1.0 metres from the side boundary, it would obscure the view of the street from the



front room window of the existing house and come too close to their front stairs. It would also detract from the existing pleasant front elevation of the house.

- The proposed boundary wall will have the added benefit of retaining approximately 0.4 metres of fill on the adjoining property, which is currently supported by the dividing 'Super 66' fence.

## Report

The Residential Design Codes of Western Australia 2002 (R-Codes), Clause 3.3.2 A2 ('Acceptable Development' provisions), state that a Boundary Wall should be setback behind the front setback line for the property concerned. The subject land is coded R20, for which the required front setback is 6 metres for a house and garage setback from the side boundary.

The proposal was advertised to the adjoining owner who responded by objecting to the proposal, stating that the proposed garage should be setback in-line with their property (around 10 metres).

The above objection can be addressed as follows:

- The proposal can be supported on the basis of Council's new policy *APD 49 – Residential Design Codes – Alternative Acceptable Development Provisions*. Clause 2B, which states that 'garages and carports with a nil side boundary wall can be setback ('as of right') 4.5 metres from a primary street'.
- In determining the application, Council should have regard to the R-Code 'Performance Criteria' for 'Buildings on Boundary' under Clause 3.3.2 P2, which states as follows:

*'Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*

- i) make effective use of space; or*
- ii) enhance privacy; or*
- iii) otherwise enhance the amenity of the development; and*
- iv) not have significant adverse effect on the amenity of the adjoining property; and*
- v) ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.'*

- The proposed garage clearly complies with above Performance Criteria i), ii), iii) & v), with number iv) being the key criterion for assessment. In this regard, it should be noted that under Clause 3.2.3 a garage can be setback 4.5 metres from the



street, 'as of right'. Therefore, if the proposed garage were to be setback 1.0 metres from the side boundary, it could be setback 4.5 metres from the primary street, without requiring neighbour consultation. The difference in the visual impact (both from the street and the adjoining house) of a garage built on the side boundary and one setback at 1.0 metres is minimal.

- It is not necessary for the garage to be setback 'in-line' with the neighbouring property/properties, as requested by the objector. This is an older area (perhaps developed in the 1960's) and the houses are generally set well back (9 to 10 metres on large blocks (around 700 - 800m<sup>2</sup>), as was usual at the time.

In view of the above, it is recommended that the proposed garage be approved.

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

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

#### 2. Planning Your City

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

The Planning Policies which apply to this item are:-

- APD 17 – Standard Development Conditions and Footnotes.
- APD 49 – Residential Design Codes – Alternative Acceptable Development Provisions.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Residential Design Codes 2002



### Community Consultation

The proposal was advertised in accordance with Clause 9.4 of Town Planning Scheme No.3 for a period of 14 days. One (1) letter of objection was received.

### Agenda Attachments

- (1) Location Plan
- (2) Site Plan and Side Elevations

### Advice to Proponent(s)/Submissioner(s)

The Proponent and Submissioner were advised that this matter is to be considered at the October 2005 Council meeting.

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

Nil.

- 14.9 **(MINUTE NO 2975) (OCM 13/10/2005) - SINGLE HOUSE CODES VARIATION (REDUCED SIDE SETBACK) - RENEWAL OF DEVELOPMENT APPLICATION - LOT 20; 22 BEACH ROAD, COOGEE - OWNER/APPLICANT: D & MK TOMASICH (3309519) (SD) (ATTACH)**

#### RECOMMENDATION

That Council:

- (1) grant its approval to the proposed Single (R-Codes) House (R-Codes Variation – reduced side setback) in accordance with the approved plan subject to the following conditions:-

#### STANDARD CONDITIONS

1. Development can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless such wall or fence is constructed with a 2 metre truncation.



4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

**SPECIAL CONDITIONS**

7. Permanently fixed, solid, visually opaque horizontal privacy screening (plan widths of 1.64 & 1.89) being installed at balustrade rail level (1.1 metres minimum height above the upper floor balcony floor level) along the entire western side of the upper floor balcony, as depicted on the approved supplementary plan, or other measures that will effectively and permanently protect the privacy of the adjoining lot, to the satisfaction of the Council.

**FOOTNOTES**

1. The development is to comply with the requirements of the Building Code of Australia.
  2. In relation to Condition 7, the applicant is advised that the required privacy screening can be composed of solidly fixed, immovable, appropriately angled louvres or similar, so as to allow the air to pass through, whilst completely obstructing views over the neighbouring property from all points on the proposed balcony. Note that the proposed screening will require engineering certification, which should be submitted with the required Building Licence application for the proposed development.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).

**COUNCIL DECISION**

MOVED Clr A Tilbury SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 7/0**





## Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	913m <sup>2</sup>	
USE CLASS:	Single (R-Codes) House	

The City of Cockburn issued Planning Approval for an almost identical single dwelling on the subject lot, (dated 30 May 2003), which has now expired. Horizontal privacy screening along the western side of the proposed upper floor balcony was proposed (and approved) as part of that application. Neighbour consent to the proposal was received on this occasion. The applicants have placed the house towards the front of the lot to allow for possible future subdivision. The site plan shows a 'future driveway' along the western side of the lot. The applicants have advised (verbally) that it is not their intention to subdivide the lot within the foreseeable future.

## Submission

The applicants have proposed a two storey brick and 'Colourbond' dwelling on the property. As part of their application, they have provided a supplementary plan and elevation(s) showing details of proposed horizontal privacy screening (1.2 metres wide) along the western side of the upper floor balcony. They have indicated that the house has been designed in the manner proposed in order to take advantage of the extensive ocean views to the west. They have indicated verbally that they understand the potential overlooking issues involved and are willing to take whatever steps are necessary to satisfy the privacy provisions of the R-Codes.

## Report

There are significant overlooking issues associated with the proposed two storey dwelling, particularly towards the west from the upper floor balcony. The proposed upper floor balcony is setback at 3.63 metres from the western property boundary for portion of its length, and at 5.37 metres for the remainder.

The R-Codes, Section 3.8.1 A1 ('Acceptable Development' provision) stipulates that unenclosed outdoor active habitable space (balconies, decks, verandahs etc.) which are raised more than 0.5 metres above natural ground level must be setback a minimum of 7.5 metres from the property boundary (within the cone of vision), unless permanent vertical or horizontal screening is provided, preventing direct line of sight, within the cone of vision, to ground level of the adjoining property.



The proposal (including details of the proposed privacy screening) was referred to the adjoining neighbours to the west (two Grouped Dwellings) and east. Submissions of objection were received from all affected owners. The strongest and most substantial objection was received from the owner of 20A Beach Road, over whose outdoor living area/courtyard the proposed balcony would overlook. The objections have been summarised as follows:

Privacy - potential loss of privacy is of concern. They live in the front half of an older duplex development and their only outdoor living area (which they use extensively) is directly adjacent/below the proposed upper floor balcony. (The difference in height between the two is approximately 4.5 metres).

Setback - The primary street setback of the proposed dwelling is well forward of the neighbouring properties (which appear to be setback at around 7 to 10 metres), which will have an adverse impact upon the streetscape along Beach Road and restrict views from properties to the east.

Height - The height and bulk of the proposed development, and its potential overshadowing effects on their residence.

Streetscape - The proposed dwelling will look out of character with the rest of the street, which contains mostly older, single storey brick and tile houses.

The above concerns are addressed as follows:

- Further to the above discussion, the proposed development complies with the R-Codes, providing suitable visual screening is provided in areas of potential overlooking. Calculations have revealed that the horizontal screening initially proposed (a uniform 1.2 metres wide) does not serve to satisfactorily screen the duplex development on the lower/western side. As a result, the applicant's architect has provided amended plans showing horizontal screening (at 1.1 metres high balustrade level) with a width of 1.64 and 1.89 metres. Calculations have shown this to be satisfactory. The applicant's architects have advised that, although relatively wide, screening can be built to this specification, providing suitable bracing is used.
- The proposed two storey residence, although set forward of most houses in the street, complies with the R20 (average) setback requirements specified in Clause 3.2.1 A1 (i) of the R-Codes.
- The proposed small upper floor, south facing balcony, although intruding significantly into the front setback area (setback is 3.40



metres), if considered part of the building proper, does still comply with the average setback requirements of the R-Codes.

- The proposed dwelling complies with Clause 3.9.1 A1 – ‘Solar Access for Adjoining Sites’. The adjoining lot to the east will experience an earlier loss of sun in the afternoon, however will not experience significant overshadowing.
- The character of the proposed dwelling is not relevant to the argument.

Therefore, providing suitable privacy screening is installed, the proposed two storey dwelling will comply with the R-Codes. As a result, the proposal is recommended for approval, subject to conditions.

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

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

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

The Planning Policies which apply to this item are:-

APD17 - ‘Standard Development Conditions and Footnotes’.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Residential Design Codes

### **Attachment(s)**

- (1) Location Plan
- (2) Site Plan



**Community Consultation**

The proposal was advertised in accordance with Clause 9.4 of Town Planning Scheme No.3 for a period of 14 days. Three (3) letters of objection were received.

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

The Proponent and Submissioner have been advised that this matter is to be considered at the October 2005 Council Meeting.

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

Nil.

**14.10 (MINUTE NO 2976) (OCM 13/10/2005) - PROPOSED HOME OCCUPATION (TEACHERS OF THE ALEXANDER TECHNIQUE) - LOT 140; 99 MELLER ROAD, BIBRA LAKE - OWNER/APPLICANT: R D BEAVITT & A J ROBINSON (1100834) (SD) (ATTACH)**

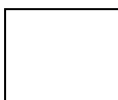
**RECOMMENDATION**

That Council:

- (1) grant its approval to the proposed Home Occupation (Teachers of the Alexander Technique) on Lot 140 (No.99) Meller Road, Bibra Lake, in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. The Home Occupation can only be undertaken in accordance with the terms of the application as approved herein and any approved plans.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of this Home Occupation.
3. The development complying with the Home Occupation provisions and definition set out in the Town Planning Scheme.
4. All materials and/or equipment used in relation to the Home Occupation shall be stored within the residence or an approved outbuilding.
5. The Home Occupation Approval may be withdrawn by the Council upon receipt of substantiated complaints.



6. The Home Occupation can only be undertaken by the owner of the land and is not transferable pursuant to clause 5.8.5 (a) (ii) of Town Planning Scheme No 3.
7. On the sale of the property or change in ownership of the land the home occupation entitlement ceases pursuant to clause 5.8.5 (a) (iii) of Town Planning Scheme No 3.

#### SPECIAL CONDITIONS

8. A maximum number of 6 clients per day in accordance with the applicant's submission, with an interval of at least 15 minutes between clients.
9. The hours of operation are limited to 9am to 5pm Monday to Friday and 9am to 1pm Saturday, and not at all on Sunday and Public Holidays.

#### FOOTNOTE(S)

1. In relation to Condition No.1, "Home Occupation" means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:-
  - (a) does not employ any person not a member of the occupier's household;
  - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
  - (c) does not occupy an area greater than 20 square metres;
  - (d) does not display a sign exceeding 0.2 square metres;
  - (e) does not involve the retail sale, display or hire of goods of any nature;
  - (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
  - (g) does not involve the use of an essential service of greater capacity than normally required in the zone.
2. The applicant is reminded that client car parking must be accommodated on-site and that parking on the road and road verge is not permitted under Council Local Laws.

- (2) issue a Schedule 9 - Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval); and
- (3) advise the Submissioner(s) of Council’s decision accordingly.

**COUNCIL DECISION**  
 MOVED Cllr A Tilbury SECONDED Cllr I Whitfield that the recommendation be adopted.

**CARRIED 7/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	700m <sup>2</sup>	
AREA:	< 20m <sup>2</sup>	
USE CLASS:	Home Occupation - ‘D’ Use.	

The background relevant to this proposal is:-

- The applicants are husband and wife and propose to operate a ‘Home Occupation’ (Teachers of the ‘Alexander Technique’) from their home at 99 Meller Road, Bibra Lake.
- The Alexander Technique is a well established postural education technique designed to maximise performance and minimise wear/stress on the body through the adoption and maintenance of correct posture. Both applicants have a Diploma which qualifies them to teach the Alexander Technique and are members of the Society of Teachers of the Alexander Technique – London (STAT).

**Submission**

The applicants propose to teach the ‘Alexander Technique’ to individuals. Their submission makes the following points:

- There will be a maximum of 6 clients per day.
- Each lesson lasts approximately one hour.
- Teaching/instruction will be on a one to one basis and there will be no group sessions held at the premises at all.



- The hours of operation will be Monday to Friday from 9:00am – 5.00pm and on Saturdays from 9.00am to 1.00pm.
- There will be little or no noise emanating from the premises. They do have a number of singers and other musicians as clients, who will be practicing their art whilst there, however no sound amplification will be used.
- Client car parking can be accommodated on site. There is a double garage on the left hand side of the lot, with a 7 metres long driveway in front and a single grassed driveway on the right.

## Report

“Home Occupation” is a discretionary use within the ‘Residential’ zone and can be approved under Clause 5.8.5 of Town Planning Scheme No.3. Standard conditions for Home Occupations are contained in City of Cockburn Policy APD 17 – Standard Development Conditions and Footnotes.

The proposal was advertised to the adjoining neighbours on either side of the subject property, as well as to three neighbours on the opposite side of Meller Road. Objections were received from two of the opposite neighbours, which raised the following concerns:

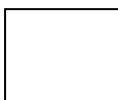
1. The additional traffic created as a result of approval will “only add to the already dangerous situation that we face daily with traffic congestion and obstructed views.....”
2. Two four wheel drive vehicles (with and without trailers) and a commercial truck are regularly parked on the street outside the adjoining property (No. 97 Meller Road) for extended periods, thereby creating a traffic hazard. The objector claims that in the past, complaints have been lodged with the City of Cockburn regarding this issue and that Council Rangers have been on site to investigate, however the situation has not improved.
3. Meller Road is a bus route and bus stops are located within close proximity of the subject lot. Buses also have to pull out and around the abovementioned commercial vehicles, which are regularly parked on the street for extended periods.
4. One objector advises that they have three young children who have to cross this street every day on their way to and from school. A walkway which they and other children use is located one lot away (20 metres) to the north-east of the subject lot. Both objectors feel that an additional six cars coming and going from the subject property will only exacerbate an already “dangerous” situation.
5. If the alleged illegal verge parking on the adjoining lot were not perceived to be such a problem, at least one of the two objectors



have advised (verbally) that they may not have objected to the proposed Home Occupation.

The above concerns are addressed as follows:

1. The alleged existing illegal parking of commercial vehicles on the street and verge outside No. 97 Meller Road is considered to be a separate matter which should not prejudice this application (it is understood the owner of this lot runs a lawn-mowing business). City of Cockburn Local Laws do not allow any commercial vehicle to park on a street verge for more than four hours in a day. The City Of Cockburn Ranger Services have been requested to investigate this matter.
2. There is sufficient parking space on the subject property to accommodate clients, providing they are received one at a time. Condition 6 (stipulating an interval of at least 15 minutes between clients) is recommended in order to avoid the possibility of there being two clients/cars on site at the same time. A footnote is also recommended, reminding the client that all client parking must be on-site, and not on the street or verge, in accordance with the City of Cockburn Local Laws.
3. Bus stops are located approximately 35 metres (from the existing double driveway) to the north-east, on the same side of the road as the subject property and approximately 25 metres (from the double driveway) to the north-east on the opposite side of the road. Buses along this route appear to travel at intervals of around 15 minutes (in each direction) during peak periods and at intervals of around 1 hour at other times of the day. The existing bus stops, whilst located in close proximity to the subject property, are not considered to be so close as to pose a hazard.
4. Meller Road is classified as a 'local access road' and has a reserve width of 20 metres. The pavement width is around 7 metres. The road can become quite busy during peak periods however for most of the day, there are relatively low traffic volumes. It is considered that an additional six cars per day on Meller Road would not be significant, particularly when they are spaced apart by approximately one hour.
5. The neighbour's concerns can be partially addressed by not allowing any consultations before 9am, by which time school has commenced and the peak morning traffic has passed. It is recommended that this be included as a condition of Development Approval (Condition 7). However, due to lower traffic volumes (including buses), it is recommended that consultations be allowed to proceed during the peak after schools times of 3.00pm to 4.00 pm.





In conclusion, it is considered that the proposed Home Occupation will have minimal impact on the amenity of neighbouring properties. The main source of objection arises from the alleged illegal parking of commercial/other vehicles outside the adjoining property; a separate matter which should not prejudice this application. It is therefore recommended that the proposed Home Occupation be allowed to proceed, subject to conditions.

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

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

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

The Planning Policies which apply to this item are:-

APD17 - Standard Development Conditions and Footnotes

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

### **Community Consultation**

The proposal was advertised in accordance with Clause 9.4 of Town Planning Scheme No. 3 for a period of 14 days. Two (2) letters of objection and One (1) letter of no objection were received.

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

- (1) Location Plan
- (2) Site Plan
- (3) Floor Plan

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

The Proponent and Submissioner have been advised that this matter is to be considered at the October 2005 Council Meeting.



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

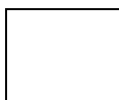
Nil.

**14.11 (MINUTE NO 2977) (OCM 13/10/2005) - PROPOSED STRUCTURE PLAN - LOTS 4-11, 14 & 42 HAMMOND ROAD, SUCCESS - OWNERS: VARIOUS - APPLICANT: ROBERTS DAY (9638G) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Structure Plan for Lots 4-11, 14 and 42 Hammond Road, Success subject to the following modifications to the Structure Plan and Report;
  1. The road reserves abutting Public Open Space and Regional Open Space being increased to 13.5m and 14.5m where appropriate, in accordance with Council Policy APD30.
  2. The Structure Plan being modified to include off-street parking within road reserves abutting the laneway (R25) lots.
- (2) upon receipt of a revised Structure Plan compliant with Clause (1) above, forward the Structure Plan documents and schedule of submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No 3;
- (3) adopt the Schedule of Submissions contained in the Agenda attachments for Lots 4-11, 14 and 42 Hammond Road, Success;
- (4) advise those persons who made a submission of Council's decision;
- (5) forward a copy of the Structure Plan and schedule of submissions to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3; and
- (6) advise the proponent that Lot 14 Hammond Road is owned by the City as freehold land and as a participant within the Structure Plan Area the subdivider would need to either:
  1. Purchase the portion of Lot 14 from the Council required for drainage; or



2. Relocate the drainage and POS to another site within the Structure Plan Area outside of Lot 14 and to adjust the POS area provided accordingly.

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr V Oliver that Council adopt the recommendation subject to the Structure Plan Map being amended as per the map tabled at the meeting and attached to the Minutes.

**CARRIED 7/0**

**Reason for Decision**

The amended structure plan map, tabled at the Council Meeting, requires a traffic management device to be installed on the south western north-south road of the structure plan area. The Council believes this amendment will discourage speeding traffic on that road.

**Background**

ZONING:	MRS:	Urban
	TPS:	Development Zone Development Area (DA8) Development Contribution Area (DCA 2)
LAND USE:	Horse agistment/market gardening/free range pig farming etc	
LOT SIZE:	L42: 4.5ha, L11: 2.78 ha, L14: 0.4072ha, L10: 2.37ha, L9: 2.68ha, L8: 2.78 ha, L7: 2.78 ha, L6: 2.78ha, L5: 2.78ha, L4: 2.78ha	

Council at its meeting held 8 September 2005 resolved to adopt a Structure Plan for Lots 4-11, 14 and 42 Hammond Road, Success subject to the following modifications:

- “1. *the road pattern being changed to reduce long street leg lengths in accordance with Table 4 of Liveable Neighbourhoods - Element 2; and*
2. *local streets junctions being modified to reduce the number of 4 way intersections in accordance with Table 3 and Figure 8 of Liveable Neighbourhoods - Element 2.*”



## Submission

The proponent has provided the following submission in support of the road design proposed in the Structure Plan previously considered by the Council:-

### Length of roads (Compliance with Element 2: Table 4)

- The 'street length' referred to in Table 4 relates to the desirable length of the street *between slow points*, and is not measured by simply calculating the total length of the street.

It is noted that in regard to street lengths between slow points for local streets, Liveable Neighbourhoods states:

*“Additional speed constraint measures may **not** be needed on an Access Street C or D up to 200 metres in length where the traffic volume is less than 1500 vpd...” (refer Table 4 Element 2).*

- With the exception of the entry road connecting to Hammond Road, all of the roads within the Structure Plan area are 'Access Streets' serving the needs of *local traffic*. All of the Access Streets will generate less than 1000 vehicle movements per day (vpd), with the majority of local streets anticipated to generate less than 300 vpd.
- It is possible to include additional 'slow points', if required by Council, along the main north-south road which connects through to the development to the south ('The Edge') located on Lot 1 Hammond Road; and the north-south road located on the western boundary of the subject land. This can be achieved by constructing Local Area Traffic Management Devices (LATM's) at agreed locations, determined at the subdivision stage.
- The proposed road network has a clear and legible road hierarchy which is highly connected and provides strong and direct connections through to local and regional open space for vehicles, pedestrians and cyclists. It is considered that the proposed road pattern/design, specifically the length of the roads, should not be reduced, rather additional slow points be introduced should Council be concerned about the potential speed of local traffic.
- The Structure Plan area is bound by the Bartram Road Buffer Lakes to the north and Thomson Lake Nature Reserve to the west. "Through" traffic will be limited to development to the south of the subject land.



Number of four-way Intersections (Compliance with Element 2:  
Table 3 and Figure 8)

- All of the roads identified as ‘four-ways’ are considered to be *low volume access streets* that connect to a higher order priority street within the defined road network hierarchy for the Structure Plan area. In regard to four-way intersections, *Liveable Neighbourhoods* states:

*“In low volume access street junctions, priority controlled 4 way intersections (R61) may be used for a limited portion of intersections within the development. Situations may include where they contribute to a more urban character, facilitate efficient ‘ped-sheds’ or assist legibility or create or protect vistas”.*

- The proposed Structure Plan includes only 4 ‘four-way’ intersections within the Structure Plan area (one of which is intersected by a laneway) from a total of 32 intersections. The remaining 28 intersections are either ‘three way’ intersections, T-intersections or controlled by a roundabout. It is also noted that the proposed network is consistent with Figure 14A of Element 2 which shows an indicative street network plan, and includes a number of 4-way intersections with streets of varying lengths.
- In regard to compliance with Table 3, it is noted that the proposed four ways are consistent with the parameters provided in regard to junction spacing, requiring a minimum of 20m for junction spacing within the local street network.
- In regard to Figure 8, it is noted that the four ways are lower order local streets and do not terminate on, or are proposed on, ‘Neighbourhood Connector B’ streets, which are a higher order street.
- As the Structure Plan accommodates local traffic, with ‘through’ traffic limited only from the south, all of the streets within the Structure Plan area, with the exception of the entry road terminating at the first roundabout, are designated as ‘Access Streets’ under the definitions provided in *Liveable Neighbourhoods*. Figure 8 refers only to ‘Neighbourhood Connectors’, and therefore do not affect the proposed four-way intersections.
- The design of streets within the Structure Plan area will be consistent with Table 2 (Function and Characteristics of Local Streets) and Figures 9-12 and 14 of Element 2. *Liveable Neighbourhoods* provides a variety of methods of indicating the presence of a four-way intersection as provided for in Figure 24 of Element 2. It is anticipated that the final design of these four-ways



as required by Council will be consistent with the method preferred by Council's engineering department.

## **Report**

It should be noted that the applicant has referred to the draft Liveable Neighbourhoods (Edition 3) in making the submission to the Council. This is considered appropriate given that Edition 3 represents a revision of the current Liveable Neighbourhood document and given some Structure Plans are being designed to take account of Edition 3 (ie Southern Suburbs District Structure Plan Stage 3).

The following comments are made in relation to the applicant's submission on the Structure Plan:

### Length of roads

It is considered that those access streets in excess of 200 metres in length are appropriate for the following reasons:

- those roads in excess of 200m in length are classified as "Access Streets" that will have traffic volumes less than 1500 vpd;
- the proponent has acknowledged that there will be the opportunity to install traffic calming devices, where appropriate, on those roads in excess of 200m in length, at the subdivision stage;
- the Liveable Neighbourhoods (V3) document refers to desirable road lengths between slow points or traffic calming devices. Therefore, the subdivision design could include traffic calming devices on those roads in excess of 200m to comply with the preferred road lengths for access streets; and
- the access streets proposed in the Structure Plan will be used by local traffic only as there will be no traffic entering from the west or north given the regional open space and Bartram Road Buffer Lakes and little traffic entering from the south given that the subdivision to the south has its own entry/exit point to Hammond Road.

### Number of four way intersections

The number of four way intersections proposed in the Structure Plan is considered appropriate for the following reasons:

- the design facilitates a connected and legible road network with 'vistas' to the public open space and regional open space;
- the four way intersections can be appropriately treated at the subdivision stage to indicate the presence of a four way intersection to motorists, in accordance with Liveable Neighbourhoods and in consultation with Council engineers;



- the four way intersections are in accordance with Table 3, Element 2 of Liveable Neighbourhoods (Vol 3), in that the junction spacings are provided with a minimum of 20m separation.
- all the four way intersections shown on the Structure Plan are limited to low volume access streets with the exception of the roundabout on the first length of the entry road, which is considered an appropriate device to control traffic at that intersection; and
- the overall road layout is designed in accordance with Figure 14a of Liveable Neighbourhoods (vol. 3).

### Consultation with Council Engineers

In Consultation with the City's Engineering Officers the possibility of providing the second most western four-way intersection on the main access road with a roundabout was discussed in order to address the number of four ways and to provide a traffic calming solution to the length of road for the north-south road, but it was determined that this section of road would not generate sufficient traffic volumes to warrant a roundabout treatment.

Council engineering staff suggested that the staggered "T" intersection on the second most western north-south road be redesigned by creating a four way intersection, however this has been dismissed on the basis that these roads will be low volume and will not generate enough right hand turn movements to create a conflict of traffic. It should also be noted that all the staggered intersections within the Structure Plan area comply with Table 3 of Element 2 of Liveable Neighbourhoods (V3) in that the staggered intersections are provided with at least a 20 metre separation to avoid right hand turn conflict.

It was also suggested that the four way intersection which involves the two laneways should be redesigned by terminating one of the laneways before it intersects the main north-south road. This is not considered necessary given that the laneways are only approximately 70 metres in length and will be low volume and low speed roads, which will generate only a small amount of traffic at the four way intersection.

### Road Reserve Widths

It is recommended that the road reserve widths for the 15m road reserves abutting the laneway (R25) lots be increased to 15.5m to allow for off-street car parking to service the laneways.

It is also recommended that the road reserve widths for roads abutting Public Open Space and Regional Open Space be increased to 13.5m and 14.5m, where appropriate, in accordance with Council's Policy APD 30 – Access Street – Road Reserve and Pavement Standards.



### Conclusion

It is considered that the proponent has adequately addressed the concerns previously held by Council with respect to the length of roads and number of four way intersections.

Subject to the road reserve widths being modified to comply with Council policy it is recommended that Council adopt the Structure Plan as the basis for future subdivision and development of Lots 4-11, 14 & 42 Hammond Road, Success and refer the plan to the Western Australian Planning Commission for final endorsement.

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

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

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

The Council Policies which apply to this item are:-

SPD4 'LIVEABLE NEIGHBOURHOODS'

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3  
Liveable Neighbourhoods Vol. 2 & 3

### **Community Consultation**

Previously undertaken and reported to Council at its meeting held 8 September 2005.

### **Attachment(s)**

- (1) Site Plan
- (2) Structure Plan
- (3) Schedule of Submissions – Proposed Structure Plan





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

The Proponent has been advised that this matter is to be considered at the October 2005 Council Meeting.

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

Nil.

**14.12 (MINUTE NO 2978) (OCM 13/10/2005) - CABLE PARK - SITE CLASSIFICATION - LOT 501 TROODE STREET, MUNSTER - OWNER: AUSTRALAND - APPLICANT: COSSILL & WEBLEY PTY LTD (125171) (VM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) request a notification under Section 70A of the Transfer of Land Act to be prepared in the form below and lodged with the Registrar of Titles Office for endorsement of development works. This Notification affects 14 lots and is to be sufficient to alert prospective purchasers of the geotechnical investigation and site classification including building and site construction requirements, as part of conditions of subdivision approval granted by the Western Australian Planning Commission (WAPC Ref 125171). The Notification should (at the cost of the applicant) state as follows:

*“This portion of land has been classified ‘P’ (Poor) under Australian Standard AS2870 – 1996. The geotechnical investigations identified two significant geotechnical issues. The first issue was the presence of soft compressible peaty soils at depth, which could lead to unacceptably large settlements for a residential structure if not addressed by adequate engineering. The second issue was the presence of loosely infilled voids in the limestone that underlies the peat, and the potential for differential settlement for a structure spanning competent limestone, and such loose sand filled voids in the limestone.*

*Foundations for a ‘P’ classification need to be designed by an Engineer taking into account the conditions that have resulted in this classification. Piling or shallow footings may be required. Other requirements may apply. These requirements can result in additional development costs.*

*Proposed Light Structures within the affected area must be certified by a Structural Engineer on a ‘P’ type soil*



- classification.*"
- (3) grant future clearance of conditions relevant to geotechnical matters on this basis; and
  - (4) advise Cossill & Webley Pty Ltd of Council's decision accordingly.

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

**CARRIED 7/0**

**Background**

ZONING:	MRS:	Urban
	TPS3	Development Area (DA12), Parks and Recreation Local Reserve
LAND USE:	Residential	

On 2 August 2004, the Western Australian Planning Commission issued subdivision approval over the Cable Water Ski Park for residential purposes.

**Submission**

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

- This application seeks permission to allow a strip of land adjacent to Troode Street and also St Jerome's Primary School, to be classified 'P' under AS2870-1996.
- Earthworks over the site have been done in accordance with recommendations for ground improvement set out in geotechnical reports to achieve lots with either 'A' or 'S' classifications under AS2870-1996, however there are some boundary issues that prevent the whole area of some lots being reclassified.
- Excavation occurred as close to the Troode Street road reserve without compromising the stability of the road reserve and footpath heavily used by St Jerome pupils and parents. In addition there were optic fibres and other buried services that had to be protected.



- Excavations adjacent to St Jerome Primary School were constrained by the proximity of the school's access driveway, school buildings and by the overall issue of managing stability risk adjacent to an area where children are present.
- A further constraint was the proximity to the retirement village on the north side of Troode Street, which was constructed over compressible peaty soils, after surcharge preloading of those soils. The ground treatment adopted for the retirement village differed from the Cable Ski Park site treatment because the peat was not excavated and the site is particularly susceptible to a large and sustained lowering of groundwater levels.

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

As a result of the above, a small portion of the land is unable to achieve an 'A' Classification. Council Policy APD35 Filling of Land stipulates that Class 'P' sites will not be accepted and must be fully remediated to enable building construction based upon a Class 'A', Class 'S', or Class 'M' standard.

### **Report**

The developer has endeavoured to comply with geotechnical investigations / recommendations prepared over the site with the exception of two areas considered relatively minor in the context of the entire subdivision.

There are 14 lots subject to 'P' Class classification. Refer to plan attached to the Agenda.

As the 'P' classification areas are contained on the periphery of the lots, the majority of affected lots have a sufficient sized building envelope, which can accommodate a residential dwelling. It is therefore considered appropriate to permit the imposition of Section 70A Notifications over these lots to advise prospective owners of soil conditions and the possibility of additional development costs.

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

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

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



- *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To conserve the character and historic value of the human and built environment."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

APD35      Filling Of Land

**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning Scheme No 3

**Community Consultation**

N/A

**Agenda Attachment(s)**

- (1) Applicant's submission.
- (2) Lot layout plan.
- (3) Letter (and attachments) from Land Owner regarding site.

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

The Proponent has been advised that this matter is to be considered at the August 2005 Council Meeting.

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

Nil.



**14.13 (MINUTE NO 2979) (OCM 13/10/2005) - MINOR AMENDMENT TO STRUCTURE PLAN - LOT 9009 RUSSELL ROAD, HAMMOND PARK - OWNER: AUSTRALAND - APPLICANT: TAYLOR BURRELL BARNETT (9643A) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the proposed modifications to the Frankland Springs Local Structure Plan over a portion of Lot 9009 Russell Road, Banjup, subject to the following modifications:
  1. The Structure Plan report be modified to include reference to the requirement for an acoustically engineered noise wall for the northern boundary of the subject site that abuts the future Russell Road.
  2. The Structure Plan and report be modified to include reference to the requirement for a detailed area plan over the subject site.
- (3) adopt the Officer's comments in the Schedule of Submissions contained in the Agenda attachments;
- (4) advise the applicant and submissioners of Council's decision accordingly; and
- (5) forward a copy of the revised Frankland Springs Local Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of the City of Cockburn Town Planning Scheme No. 3.

**COUNCIL DECISION**

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

**CARRIED 7/0**



## Background

ZONING:	MRS:	Urban Region Reserve – Other Regional Roads
	TPS:	Development Zone Development Area 9 Development Contribution Area 3
LAND USE:	Residential	
LOT SIZE:	7.69 ha	

Council at its meeting held on the 19 October 2004 resolved to adopt the Frankland Local Structure Plan for Lot 202 Russell Road, Hammond Park (now Lot 9009).

The WA Planning Commission has not yet made a determination on the Frankland Local Structure Plan.

## Submission

The proponent provides the following submission to modify the Frankland Springs Local Structure Plan:

- Currently the approved Frankland Springs Local Structure Plan shows the subject land as Residential R25 and Residential R20, with a public road encircling the R25 site.
- The proposal is to terminate Deanmore Bend in a cul-de-sac adjacent to the Neighbourhood Centre, delete the balance of proposed Deanmore Bend, and extend the site to the current R20 lots, which abut Ashendon Boulevard and to Russell Road.
- The proposed coding of the site is R40, which, with a land area of 6513m<sup>2</sup>, would allow for a maximum of 29 grouped dwellings on the subject land.
- The lot is proposed to directly abut Russell Road with a boundary wall along this frontage. Due to concern over vehicle noise, a solid masonry wall will be required along Russell Road.
- At the Development Application stage, an access point and gate may be provided for convenient access for pedestrians to the Russell Road dual use path.

The proponent considers the subject land to be ideally suited to grouped housing for the following reasons:-

- the site is adjacent to the Neighbourhood Centre and in close proximity to the proposed Mixed Business area to the north of Russell Road;



- the site is adjacent to the Russell Road dual use path;
- the site is in close proximity to Hammond Road public transport routes and in close proximity to the future railway station; and
- the proposal also makes more efficient use of land in this location and reduces the amount of road in the Estate.

## Report

The proposed variations to the adopted Structure Plan do not materially change the intent of the structure plan and therefore pursuant to Clause 6.2.14.1 of the City of Cockburn Town Planning Scheme No. 3 the Council may vary a structure plan by resolution.

The subject site is located on the north side of the intersection of Laigo Way and Deanmore Bend and south of the future Russell Road alignment.

The application was advertised to nearby landowners for comment. Three letters of objection and one letter of no objection were received. Refer to "Community Consultation" section of the report below.

The proposed amendment to rezone the subject land is supported for the following reasons:

- the sites location to the Neighbourhood Centre and the proposed Mixed Business area to the north of Russell Road;
- the size and configuration of the site lends itself to being developed for grouped housing rather than lower density suburban development; and
- the site also has good access to bus routes and is in relatively close proximity to the future train station.

Australand have indicated that they will be developing the proposed grouped dwelling site the subject of this Structure Plan amendment. Australand have previously constructed a good quality grouped dwelling development in the northeast corner of the estate. This information should provide nearby landowners with some certainty that the development will not be low quality housing but will be a high standard of development that will complement surrounding development.

It is recommended that the Structure Plan report be modified to include reference to the requirement for an acoustically engineered noise wall for the northern boundary of the subject site that abuts the future Russell Road.

Public Open Space (POS) provision within the Estate will not change as a result of the proposal, and 10% POS will be provided in accordance with the approved POS Schedule.



### Conclusion

It is recommended that the Council adopt the modifications to the Frankland Springs Local Structure Plan and refer it to the Western Australian Planning Commission for final consideration.

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

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

#### 2. Planning Your City

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

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3

### **Community Consultation**

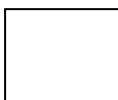
The application was advertised to adjoining landowners in accordance with the requirement of Council's Scheme.

Three letters of objection and one letter of no objection were received.

The objectors raised the following concerns:

- grouped dwelling housing will create problems for the area;
- the closure of Deanmore Bend would mean Laigo Way would have constant traffic as an entrance an exit point of the Frankland Springs estate;
- there is already R40 development within the area;
- the development will decrease property values;
- concern about the type of grouped dwelling development planned and concern the driveway servicing the development will abut the rear boundary fence of properties.

It is considered that the above concerns have been adequately addressed in the schedule of submissions contained in the Agenda attachments.





**Attachment(s)**

- (1) Site Plan;
- (2) Plan showing proposed amendment to Structure Plan;
- (3) Amended Frankland Local Structure Plan; and
- (4) Schedule of Submissions

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

The Proponent and Submissioners have been advised that this matter is to be considered at the October 2005 Council Meeting.

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

Nil.

**14.14 (MINUTE NO 2980) (OCM 13/10/2005) - PROPOSED AMENDMENT NO. 29 TO TOWN PLANNING SCHEME NO. 3 - LOT 196 (NO. 219) BERRIGAN DRIVE, JANDAKOT - OWNER: M & M & N & S TAFTI - APPLICANT: TUSCOM SUBDIVISION CONSULTANTS PTY LTD (5518599) (VM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) not adopt the amendment for the following reasons:
  1. The proposed Scheme amendment is inconsistent with orderly and proper planning of the district.
  2. The proposed Scheme amendment which seeks to rezone the site to achieve medium density residential development is incompatible with the aircraft noise impacts associated with the Jandakot Airport.
- (2) advise the submissioner of Council's decision accordingly.

**COUNCIL DECISION**

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

- (1) adopt the following Amendment No. 39

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



AMENDMENT NO. 39

Resolved that Council, in pursuance of section 7 of the Town Planning and Development Act 1928 (as amended) to amend the above Town Planning Scheme as follows:-

1. Amending the Scheme Map by rezoning Lot 196 Berrigan Drive from Local Centre – Restricted Use 6 to Residential R40,
  2. Amending the Scheme Text by deleting reference to Lot 196 Berrigan Drive in Schedule 3 -Restricted Use 6.
- (2) sign the amendment documents, and advise the WAPC of Council's decision;
  - (3) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
  - (4) notwithstanding (3) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not with the Amendment;
  - (5) following formal advice 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 with the Amendment; and
  - (6) advise the proponent of the Council's decision accordingly.

**CARRIED 7/0**



## Reason for Decision

The applicant advises that the current permissible range of uses for the site are commercially unviable, on the basis that the adjoining Glen Iris Shopping Centre already fulfils the commercial needs of the locality. The Council believes that, in this circumstance, it is consistent with the principles of orderly and proper planning for the property to be rezoned to a less restrictive use.

In formulating amendments to a Town Planning Scheme, Council can take into account a number of factors. One of those factors of course is aircraft noise which would seem to suggest that Council should leave it as it is but there are other factors as well. In this instance the applicant has provided Council with advice from a credible Town Planning Lawyer that commercial viability is a factor that can be taken into account, so there are a mix of factors that have to be considered but that taken as a whole, Council should agree to the re-zoning because it is considered it leads to better planning. Of course, these things are subjective and other people have different opinions. Also, there is a notification on the title in relation to aircraft noise and that is somewhat convincing against the argument that people will not know there is aircraft noise. Obviously there is an airport nearby but in addition to that land buyers will know because it is on the title.

## Background

ZONING:	MRS:	Urban
	TPS3:	Local Centre (Restricted Use) (RU6)
LAND USE:	Vacant	
APPLICANT:	1956m <sup>2</sup>	

The site is currently vacant and abuts a Local Centre Development, single houses and a Golf Course. The site has access from Berrigan Drive.

Under the City of Cockburn Town Planning Scheme No. 3, the land is presently zoned Local Centre with a Restricted Use (RU6) applying to the site.

Schedule 3 of the Scheme restricts the use of the site under RU6 to "*Office, Restaurant and Fast Food Outlet, Veterinary Consulting Rooms, Reception Centre, Health Studio, Medical Centre, Shop, Showroom*".

The Zoning Table of TPS No. 3 lists Grouped Dwellings as a "p" (permitted) use in the Local Centre Zone. By virtue of the restricted use applying to the site (RU6 above), residential development of this property cannot occur without rezoning and a density coding being applied.



The proposal was referred to the ordinary Council meeting on 8 September 2005. The Council resolved that consideration of the proposal be deferred to the October Ordinary Council Meeting. The reason for the request is that the consultants sought additional time to consider issues raised in the Agenda Report of the 8 September 2005. Council considers the request reasonable given that it has only adopted a position on the Draft Jandakot Airport Management Plan at the meeting held on 8 September 2005.

### **Submission**

The applicant has provided the following justification for the proposed Scheme Amendment.

*“In summary, the proposal is justified in that it will:*

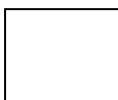
- *Be consistent with regional transport planning objectives by improving the walkable catchment for a future railway station at South Lake*
- *Be consistent with residential development Parameters within the 20-25 ANEF contours for the Jandakot Airport.*
- *Provide for development which addresses optional noise insulation measures relative to aircraft noise impacts.*
- *Not impact on the existing operation of industrial development or prejudice future development within the adjacent Jandakot Industrial Area, and*
- *Not adversely affect the amenity of the locality.”*

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

The following is an extract of the information provided by the applicant:-

*“This supplementary report has demonstrated the appropriateness of rezoning Lot 196 Berrigan Drive to “Residential R60, within the context of the development of a future railway station precinct at South Lakes and its relationship to comparable aircraft noise controls. In summary, the proposal is justified in that it will:*

- *Be consistent with regional transport planning objectives by improving the walkable catchment and residential density adjacent to the future South Lake railway station.*
- *Be consistent with comparable State Planning Policy relative to residential density within the 20-25 ANEF contours for the Perth Airport and therefore consistent with orderly and proper planning for the Jandakot locality.*
- *Provide for development which addresses optional noise insulation measures relative to reduction of aircraft noise impacts, and*



- *Provide opportunity for development of the site given that the existing Glen Iris Shopping Centre already fulfils the commercial needs of the locality.”*

## Report

The proposed rezoning of Lot 196 Berrigan Drive from “Local Centre” (RU6)” to “Residential R60” would allow the applicant to rationalise the site as a Grouped Dwelling Development proposal.

Jandakot Airport is located approximately 1.5km to the north-east of the subject site. The existing runways are located approximately 2.0km from the site. The flight paths for the airport impact on the site relative to aircraft noise. The existing Australian Noise Exposure Forecast (ANEF) for the Airport to 2019 indicates that the subject site is located between the 20 and 25 ANEF noise contours. Jandakot Airport is currently reviewing these contours under a proposed 2025 Master Plan. Jandakot Airport Holdings P/L has confirmed that the subject site is proposed to be contained within the same ANEF contour range under this review.

The applicant in his further submission provided statements in response to Council’s Planning Department concerns.

The applicant referred to the WAPC Statement of Planning Policy 5.1 which relates to land use planning in the vicinity of the Perth Airport. The Policy is not applicable for Jandakot Airport, however, the applicant utilises some of the principles of the Policy and applies to the site. The applicant states that under the Policy, areas between 20-25 ANEF contours residential development are conditionally acceptable to a maximum dwelling density of R20 except where:

- *“there is a strategic need for more consolidated development,*
- *a higher density coding is desirable to facilitate redevelopment or infill development of an existing residential area, and*
- *there is some other public interest reason which justifies the need for a higher density coding.”*

The applicant in his submission justifies that the R60 proposed density will satisfy a strategic need to intensify residential development as the site is within the 400-800m radius of the future South Lake station. The station is only a proposal and is estimated to be constructed in approximately 10 to 15 years if required. It is therefore not appropriate to consider higher densities or further residential development within areas of the 20-25 ANEF contours.

The Jandakot Airport Preliminary Draft Master Plan is currently under review and allowing more houses on designated flight paths is not good planning, given that Jandakot Airport is proposed to increase its



aircraft movements from 324,000 in 2003 to 476,000 by the year 2025. (Source: Forecast Growth Jandakot Airport Draft Master Plan Report).

With regard to the viability of the centre, this is not a planning consideration. It is noted that previously the site was rezoned from Residential to Local Centre. The rezoning was supported on the grounds that the site abuts a high traffic volume road, and is located between a Golf Course and a Local Centre, where high density residential development would be inappropriate.

In the context of the above, it was considered that there is sufficient justification to refuse the Scheme amendment because the subject land is adversely affected by aircraft noise associated with Jandakot Airport. It would be inconsistent with orderly and proper planning principles to support a medium density residential development on land affected by aircraft noise. The current local centre (RU) zoning better reflects the opportunities for the development of the site and corresponding compatibility with aircraft noise.

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

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

2. Planning Your City
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3



### Community Consultation

The proposed Scheme Amendment would be advertised to the community for a period of 42 days if Council initiates the amendment.

### Attachment(s)

- (1) Location Plan
- (2) Site Plan
- (3) Submission
- (4) Supplementary Report in support of the proposal provided by the applicant.

### Advice to Proponent(s)/Submissioners

The Proponent has been advised that this matter is to be considered at the October 2005 Council Meeting.

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

Nil.

## 15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

### 15.1 (MINUTE NO 2981) (OCM 13/10/2005) - LIST OF CREDITORS PAID (KL) (5605) (ATTACH)

#### RECOMMENDATION

That Council receive the List of Creditors Paid for September 2005, as attached to the Agenda.

#### COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr A Tilbury that the recommendation be adopted.

**CARRIED 7/0**

### Background

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

### Submission

N/A



**Report**

N/A

**Strategic Plan/Policy Implications**

Key Result Area *Managing Your City* refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

Section 13 of the Local Government (Financial Management) Regulations 1996.

**Community Consultation**

N/A

**Attachment(s)**

List of Creditors Paid – September 2005.

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

N/A

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

Nil.

**15.2 (MINUTE NO 2982) (OCM 13/10/2005) - UTILISATION OF INCOME FROM ADVERTISING INSERTS WITH RATES NOTICES (5230) (KL)**

**RECOMMENDATION**

That Council:

- (1) approve the inclusion of advertising inserts with the Council Rates Notices; and
- (2) increase the amount available for the Community Group Capital Grants Account by the amount of income received from this activity.





**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr V Oliver that Council:

- (1) as recommended;
- (2) as recommended; and
- (3) directs the Delegated Authorities, Policies and Position Statements Committee to prepare a policy in relation to:
  - (i) the publication of advertising material in Council publications; and
  - (ii) the inclusion of advertising material with Council correspondence.

**CARRIED 6/1**

**Reason for Decision**

Council requires a policy in order to maintain control over advertising material. The adoption of a policy will demonstrate consistency and a commitment to good practice.

**Background**

Council Media Sales Inserts is a marketing company which has developed a new revenue stream for Councils, which is generated from Councils allowing the inclusion of advertising inserts within the Council Rates Notices.

**Submission**

A proposal has been received from Council Media Sales Inserts (C.M.S.I.) with a view to inserting advertising material with Council Rates Notices, with Council receiving a percentage of the advertising fee.

**Report**

The proposal to insert advertising material into Rates Notices is a newly developed concept, which will generate a revenue stream, that will continue to grow as the number of Rates Notices issued increases. Currently over 43 Councils Australia wide have taken advantage of gaining additional revenue from this proposal.



Council will maintain total control over all advertising material. This is done by C.M.S.I. submitting to Council all artwork for Council to approve. Council can reject any advertising material proposed.

Only advertising material which is in the public interest is submitted, and all inserts carry a disclaimer making it clear that Council does not recommend any of the goods or services being advertised. A maximum of two inserts can be included in the Rates Notices. It is noted that some people may perceive this as receiving junk mail. The City of Melville used this system in July of this year for their rates notice mail-out and only received a handful of negative comments.

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

To facilitate a range of services responsive to community needs. Key Result Area *Managing Your City* refers.

### **Budget/Financial Implications**

It is proposed that any revenue received from this proposal be used to increase the amount available for Community Capital Grants.

Revenue for 2005/06 will only be small as the major Rate Notice mail-out has been completed. However, in 2006/07 the anticipated revenue would be estimated to be \$20,000 a year.

### **Legal Implications**

A Budget variation, requiring absolute majority would be required to reflect the additional income, and corresponding expenditure.

### **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.



**15.3 (MINUTE NO 2983) (OCM 13/10/2005) - STATEMENT OF FINANCIAL ACTIVITY - AUGUST 2005 (5505) (NM) (ATTACH)**

**RECOMMENDATION**

That Council receive the Statement of Financial Activity and associated documents for the period ended 31 August 2005.

**COUNCIL DECISION**

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

**CARRIED 7/0**

**Background**

Section 6.4 of the Local Government Act 1995 requires local governments to prepare and present financial reports in a manner and form prescribed. The Local Government (Financial Management) Regulations 1996 were amended in March 2005 with substantial changes made to Part 4 – Financial Reports. The revised Regulation 34 now prescribes a monthly reporting regime.

**Submission**

N/A

**Report**

Effective as of 1 July 2005, Regulation 34(1) prescribes that *a local government is to prepare each month a Statement of Financial Activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d)*. As Regulation 22(1)(d) refers to a Rate Setting Statement, the required Statement of Financial Activity is of a similar format to that of a Rate Setting Statement.

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 -*

- (i) at the next ordinary meeting of Council; following the end of the month to which the statement relates; or*
- (ii) if the statement is not prepared in time to present it to the meeting referred to in (i), then to the next ordinary meeting after that meeting.*

Due to Council's Agenda preparation timetable, it will not be possible to submit the Statement to the Ordinary Council Meeting immediately following the end of the month. Therefore, monthly statements will be presented to the second meeting following the end of month (ie. one month in arrears) in accordance with Regulation 34(4)(a)(ii).

However, to improve the timeliness and relevance of the information provided, a copy of the Statement of Financial Activity will also be included in the councillors' fortnightly newsletter after preparation each month.

#### Material Variance Threshold

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

For the 2005/06 financial year, Council has adopted a materiality threshold of 10% or \$10,000, whichever is the greater.

#### Statement of Financial Activity & Associated Reports

Attached to the Agenda is the Statement of Financial Activity for August 2005. It has been prepared in accordance with all the prescribed requirements and is similar in format to a sample circulated by the Department of Local Government.

Note 2 to the Statement of Financial Activity 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.

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

Also provided are Reserve Fund and Restricted Funds Analysis Statements. These substantiate the adjustments made to 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 Accounting Standard AAS27.

**Strategic Plan/Policy Implications**

Key Result Area *Managing Your City* refers.

**Budget/Financial Implications**

Where material variances are identified as relating to misjudged cash flow timing projections, these will be rectified so as not to impact again on future reporting periods (i.e. reported once only).

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

**Legal Implications**

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

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity and associated reports for August 2005.

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

N/A

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

Nil.



**15.4 (MINUTE NO 2984) (OCM 13/10/2005) - 2005/06 BUDGET AMENDMENTS - CARRIED FORWARD WORKS AND PROJECTS (5402) (ATC) (ATTACH)**

**RECOMMENDATION**

That Council amend the 2005/06 Municipal Budget to reflect adjusted figures for Carried Forward Works and Projects as set out in the Schedule attached to the Agenda, totalling \$52,800 Income and \$52,800 Expenditure.

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

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**

**Background**

When Council adopted its Budget for 2005/06, estimates were used for Carried Forward Projects and Works. Final figures are now available.

**Submission**

N/A

**Report**

Now that final figures have been calculated for Works and Projects Carried Forward from 2004/05 to 2005/06 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 funds amount was within \$4,000 of that used in the budget and no adjustment is considered necessary at this time to reflect this.

**Strategic Plan/Policy Implications**

Key Result Area *Managing Your City* refers.

**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 2005/06 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 (MINUTE NO 2985) (OCM 13/10/2005) - COMMENTS ON DRAFT METROPOLITAN FREIGHT NETWORK POLICY AND DRAFT ROAD AND RAIL TRANSPORT NOISE POLICY (9337) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) submit comments on the Draft Metropolitan Freight Network Policy and Draft Road and Rail Transport Noise Policy published by the Western Australian Planning Commission, dated May 2005, based on the attachment to the Agenda; and
- (3) provide a copy of the submission to the Western Australian Local Government Association for information.

**COUNCIL DECISION**

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

**CARRIED 7/0**



## Background

The Western Australian Planning Commission has published two draft policies for comment:-

- Statement of Planning Policy: Metropolitan Freight Network.
- Statement of Planning Policy: Road and Rail Transport Noise.

The intent of the Metropolitan Freight Network Policy is to identify and protect the metropolitan freight road and rail network as well as minimise the adverse impact of freight transport noise on adjacent development. The policy aims to ensure that land use and transport are mutually compatible by providing a framework for the movements of goods, effectively reducing the amount of freight traffic on local roads.

The freight policy is a broad, high-level policy under *Statement of Planning Policy No.3: Transport and Infrastructure*. The need for this policy was recognised in the Freight network strategy six-point solution, which identifies priority projects dealing with metropolitan freight issues.

The purpose of the Road and Rail Noise Policy is to utilise the planning system to minimise the adverse impact of transport noise without placing unreasonable restrictions on development or adding unduly to the cost of road and rail infrastructure. It provides a framework for the consideration and management of traffic noise associated with new development near existing or proposed major transport corridors and new or upgraded road and rail infrastructure adjacent to existing and future noise-sensitive development.

## Submission

In a letter dated 22 August 2005, the Department for Planning and Infrastructure wrote to the City encouraging comments on the policies to be submitted by 31 October.

Copies of the Policies are attached to the Agenda.

## Report

A comprehensive review of the policies was undertaken and the comments are contained in the attachment to the Agenda.

From the City's point of view the designated freight roads proposed within the district are:-

- Roe 7
- Stock/Rockingham Road
- Kwinana Freeway





- Armadale Road
- Phoenix Road
- Russell Road
- Cockburn Road (south of Russell Road)
- Warton Road
- Rowley Road
- North Lake Road

Incompatible land uses, namely noise-sensitive premises, should be protected from traffic noise by infrastructure attenuation measures, and any additional amelioration of noise could be undertaken by land owners and developers as required.

The draft policies are deficient and should be reviewed.

The comments contained in the attachment to the Agenda should be the basis of a submission by the Council on the draft policies.

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

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

2. Planning Your City
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Following the final gazettal of the policies, the Council may be required to amend its local scheme to give effect to the provisions of the policies.

### **Community Consultation**

The draft policies have been published for the purpose of public comment.



**Attachment(s)**

- (1) Draft Statement of Planning Policy: Metropolitan Freight Network.
- (2) Draft Statement of Planning Policy: Road and Rail Transport Noise.
- (3) Comments on the draft policies.

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

N/A

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

Nil.

**16.2 (MINUTE NO 2986) (OCM 13/10/2005) - WELLARD STREET OPERATIONS CENTRE DEVELOPMENT STRATEGY 2005-2015 (4007) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the Wellard Street Operations Centre Development Strategy 2005-2015 as the basis for planning and developing the Wellard Street Operations Centre to meet future staff, plant, equipment and storage requirements;
- (3) amend the 2005/06 Budget by allocating \$1,152,400 for the design and construction of an office building to accommodate the Rangers and Community Safety Services staff, together with an extension to the staff car parking area and the security fencing, the relocation of the existing tyre store, and the upgrading of the IT and Communications Link between the Administration Building and the Operations Centre;
- (4) amend the 2005/06 Budget by reducing the transfer to the Land Development Reserve Fund by \$1,152,400; and
- (5) include for consideration in future financial plans the sum of \$1,920,000 to enable the construction of additional facilities at the Wellard Street Operations Centre, in accordance with the schedule of expenditure contained in the report, inclusive of the proposal contained in (3) above.

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



**COUNCIL DECISION**

MOVED Cllr T Romano SECONDED Cllr J Baker that Council:

- (1) defer consideration of this item until the next ordinary meeting of Council; and
- (2) direct the CEO to conduct a concept forum under Council Policy SC6, as provided for under clause 4, to assess the proposed Wellard Street Operations Centre Development Strategy 2005-2015, and that the concept forum be conducted prior to the next Ordinary Meeting of Council.

**CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 6/1**

**Reason for Decision**

From discussions between Elected Members in relation to this issue, it would appear that a process to ensure high level of participation from Elected Members has not occurred. Clearly this is an issue that will have considerable financial impact on the City, both now and in the future and therefore a thorough and rigorous process must be applied. It is proposed that a concept forum be held before the next Ordinary Meeting of the Council, to give Elected Members the opportunity to consider this issue prior to any final decisions being made about the future of the Operations Centre and related matters.

**Background**

The future of the Wellard Street Operations Centre has been the subject of discussion over a number of years.

On 25 May 2005, a staff workshop was conducted by the Director Engineering and Works to address the future of the Operations Centre. This meeting discussed a number of issues and proposals.

The idea of developing a remote satellite Operations Centre was raised. This was subsequently dismissed and the consolidation of the Operations Centre activities at Wellard Street was deemed to be the best long term approach for the City.

On 26 July 2005, a follow up staff workshop was undertaken by the Director Engineering and Works to build on the outcome of the initial meeting and to discuss the options and proposals that resulted.



The second workshop refined the options and proposals and these were circulated for comment. Once the comments had been received the Director Engineering and Works formulated a preferred option as the basis to the Wellard Street Operations Centre Development Strategy 2005-2015.

### **Submission**

Attached to the Agenda is a copy of the proposed Operations Centre Development Strategy 2005-2015 for the consideration of the Council.

In addition the strategy calls for the design and construction of office accommodation to house Rangers and Community Safety Services at the Operations Centre in response to the need to create additional office space in the Coleville Crescent Administration Centre and to provide permanent rather than temporary accommodation during the planned re-development of the Administration Centre in 2005/06.

### **Report**

The Operations Centre is located on Lots 50, 51 and 52 Wellard Street totalling an area of 4.6 ha of which Lot 52, 0.5 ha, is undeveloped. It has direct access to an industrial collector road which enables the work teams to conveniently travel to all parts of the district within 17 minutes by car, which is considered acceptable.

The Operations Centre is located at a short convenient distance from the Administration Centre.

The Operations Centre has become the centre for the management and supervision of the outside workforce, the provision of staff amenities, the storage of plant, equipment, vehicles and materials. In conjunction with this there are vehicle repair and building maintenance workshops, training facilities and communications. The dog pound is located on the Operations Centre site.

The Wellard Street Operations Centre is well established, and has been progressively improved over time, and therefore the consolidation of the construction and maintenance services is considered the best long term outcome for the City.

Given this, there is the opportunity to relocate the Rangers and Community Safety Services staff to the Operations Centre in the long term, given the nature of their services and the type of interaction with the community.

In an endeavour to pursue the relocation of the services in the long term, it is proposed that instead of using transportable buildings as an interim measure, permanent accommodation be erected at the Operations Centre in accordance with the development strategy. The



strategy provides for the office to be constructed for the long term needs of the Operations Centre on Lot 50, and to facilitate this, a new purpose built Rangers and Community Safety Services be built on Lot 51, and following the relocation of the services to this building, parks, roads construction and maintenance would be relocated into the office built on Lot 50.

The relocation of Rangers and Community Safety Services staff requires a simultaneous fibre optic connection to be installed between the Administration Building and the Operations Centre to maintain existing levels of access and service to the computer system and to provide for the future extension of the centre in accordance with the proposed strategic development plan. The cost is estimated to be \$397,500.

The early and timely completion of these works will facilitate the relocation of staff during the extension and refurbishment of the Administration Centre at Coleville Crescent, scheduled for March 2006.

In an endeavour to have the work completed by March 2006, the quickest approach is to extend the existing office building at the Operations Centre, which is designed as a module that can be replicated. The architectural and structural documentation exists and therefore it will take less time to proceed to tender and construction.

The time frame for the work is very tight and, because of this, the relocation of staff out of the office to the Civic Centre and to the Operations Centre will need to be facilitated by the staged development of the Administration Centre extensions, in case the preferred date for completion of the Operations Centre cannot be achieved by March 2006.

The proposed extension of the existing Operations Centre office forms part of an overall strategy for the Operations Centre. A copy of the "Wellard Street Operations Centre Development Strategy 2005-2015" is attached to the Agenda for the Council's consideration.

The strategy proposes modifications and developments for the Operations Centre, to improve its efficiency and capacity to serve the City in the long term.

A schedule of the proposed staged development of the Operations Centre and decisions required over the next ten years forms part of the report, and is attached to the Agenda.

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

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



1. Managing Your City
  - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
  
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

### **Budget/Financial Implications**

Based on schematic drawings prepared by the Architect who designed the recent Operations Centre office, the cost of replicating this space twice, to accommodate the Rangers and Community Safety Services to the same standard, is estimated to be a total of \$691,900.

In addition to this, there is a need to relocate Council's buses so that the parking area currently used by the buses adjacent to the proposed new offices can be used for Rangers and Community Safety Services and customer parking.

Because staff parking is at a premium, an additional area of parking needs to be constructed to accommodate the buses. As the buses will be located north of the existing caretaker's residence, the security fencing needs to be re-aligned to protect the buses from the potential of vandalism. In addition the existing Tyre Store needs to be relocated. These works could total \$63,000.

A summary of the cost is:-

• Office Space	\$691,900
• Bus parking	\$ 35,000
• Security Fencing	\$ 20,000
• Relocate Tyre Store	\$ 8,000
• IT Link	<u>\$397,500</u>
	<u>\$1,152,400</u>

The IT Link is a fibre optic cable that will need to be laid in a trench between the Administration Building and the Operations Centre. It can be paid for up front, as proposed, or it may be possible to repay the cost of installation over say a 5 year period.

The funds for this work can be made available by reducing the transfer into the Land Development Reserve Fund in the 2005/06 Budget.



In respect to the long term development of the Operations Centre as contained in the proposed strategy for 2005-2015, it is expected that something in the order of \$3,078,400 inclusive of the proposed office extension, will be required over this period, most of which will be expended by 2011. Although future development areas (FDA) are included in the proposed strategy, it is not clear at this time what the development is likely to be or what it may cost to build and operate, and therefore no estimates have been included between 2012 and 2015.

A schedule of the likely costs for each year between 2005 – 2015 is attached to the Agenda.

These costs should be considered for funding in future financial plans so that future funding of the proposed Operations Centre modifications and developments can be undertaken progressively, having regard for other Council priorities for the district.

The on-going costs for the proposed office extensions at the Operations Centre could be in the order of a 40% increase over existing costs, amounting to \$63,200 per annum. If the proposal is approved, additional operational funds will need to be allocated in the February 2006 Budget Review.

### **Legal Implications**

N/A

### **Community Consultation**

N/A. However, two workshops were conducted by the Director Engineering and Works with relevant staff to discuss the future of the Operations Centre.

### **Attachment(s)**

- (1) Wellard Street Operations Centre Development Strategy 2005-2015.
- (2) Schematic Plan of the Proposed Office Layout for Rangers and Community Safety Services.
- (3) Schedule of modifications and improvements for the Operations Centre over the financial years 2005/06 to 2014/15 with estimates of the associated expenditure.

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

N/A



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

Nil.

**16.3 (MINUTE NO 2987) (OCM 13/10/2005) - REQUEST FOR FENCING / BARRIER BETWEEN CONIGRAVE ROAD AND SPEARWOOD AVENUE, YANGETUP - HASKINS (450053; 4412732) (AC)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) authorise the retention and reinforcement of the existing pine log barriers and revegetating the existing tracks only (Option 3 of the Report), that have been created by pedestrians and motorcyclists between Conigrave Road and Sogan Rise adjacent to Spearwood Avenue;
- (3) re-allocate \$5,000 from account number CW 5131 - Peterborough Circle, North Lake - Public Access Way Landscaping, to permit the reinforcing of the existing pine log barriers to proceed during November 2005 and revegetation of the existing tracks to take place during June 2006; and
- (4) advise Mr. Haskins of 37 Conigrave Road, Yangebup, of the Council's decision.

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

**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr J Baker that Council:

- (1) receive the report;
- (2) landscape, revegetate and install interlocking post and rail fencing, to replace the existing bollards, on the verge between Conigrave Road and Sogan Rise adjacent to Spearwood Ave in accordance with the diagram that was attached to the Agenda of the Ordinary Meeting held on the 8<sup>th</sup> September 2005;
- (3) allocate \$12,500 from Account Number CW 5005 "C Y O'Connor Beach Signage" to proceed the works commencing in November 2005 and revegetation to take place in June 2006; and





- (4) advise Mr Haskins of 37 Conigrave Road, Yangebup, of the Council's decision.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 6/1**

### **Reason for Decision**

It is the opinion of Parks Services that bollards will not prevent motor cyclists or pedestrians making their way across the verge to Spearwood Ave, as they can traverse between the bollards. Interlocking posts and rail fencing is recommended by Council staff and Councillors as a more effective barrier against motor cyclists. Furthermore Council recommends that the landscaping and revegetation between Conigrave Road and Sogan Rise be undertaken in June 2006 to maximise the potential for plant survival

### **Background**

Council at its Ordinary Meeting held 8 September 2005 considered a request for fencing / barrier between Conigrave Road and Spearwood Avenue, Yangebup.

The Council resolved to:

- “(1) *receive the report;*
- (2) *require a report to be prepared for its consideration to:*
1. *Identify costs for the landscaping revegetation and resetting of bollards on the verge between Conigrave Road and Sogan Rise adjacent to Spearwood Avenue in accordance with the diagram attached to the Agenda.*
  2. *Identify within the existing budget the relocation of funds to permit the work to proceed as described in (1.) above; and*
- (3) *advise the submissioner of the Council's decision.”*

Although the Council's resolution requires costs to be identified for revegetation and resetting of bollards, it is presumed that the purpose is to prevent pedestrians and motorcyclists accessing Spearwood Avenue from Conigrave Road and Sogan Rise, as detailed in the report considered on 8 September 2005. It is the opinion of Parks Services that this will not prevent motorcyclists or pedestrians making their way across the verge to Spearwood Avenue, as they can simply traverse between the bollards. Interlocking post and rail fencing is



recommended as a more effective barrier against motor cyclists, however, it will have little or no effect in preventing pedestrians making their way across the verge. The cost per lineal metre of interlocking post and rail fencing (600mm high) is the same as that for 600mm high bollards.

At the time of the original complaints being received during January and February 2005, the City installed and re-instated pine log barriers at locations where motorcyclists were making their way across the verge of Conigrave Road to Spearwood Avenue. This treatment appears to have been reasonably successful in preventing motorcycle access for the time being, although it is anticipated that motorcyclists will create other locations to cross this verge in the future. As a more cost effective option, it is recommended that the Council consider reinforcing and leaving the existing pine log barriers in place and only revegetating the existing tracks that have been created by pedestrians and motorcyclists. Future vegetation and installation of additional barriers can be considered if and when new motorcyclist crossing points appear.

Irrespective of the final choice of treatments to be undertaken, it is important to note that this area is not serviced by an irrigation system. Therefore, it is recommended that any revegetation should be undertaken during the winter months, to maximise the potential for plant survival. Planting during June 2006 is recommended.

### **Submission**

N/A

### **Report**

As required by the Council resolution of the Ordinary Meeting held 8 September 2005, the estimated cost for the landscaping revegetation and resetting of bollards on the verge between Conigrave Road and Sogan Rise adjacent to Spearwood Avenue in accordance with the diagram that was attached to the agenda is \$12,500.

Option 1 - Estimated cost for the landscaping revegetation and installing interlocking post and rail fencing, to replace the existing bollards, on the verge between Conigrave Road and Sogan Rise adjacent to Spearwood Avenue in accordance with the diagram that was attached to the Agenda of the Ordinary Meeting held 8 September 2005 is \$12,500.

Option 2 - Estimated cost for installing interlocking post and rail fencing, to replace the existing bollards, on the verge between Conigrave Road and Sogan Rise adjacent to Spearwood Avenue in accordance with the diagram that was attached to the Agenda of the



Ordinary Meeting held 8 September 2005 without any landscaping revegetation is \$7,500.

Option 3 - Estimated cost for retaining and reinforcing the existing pine log barriers in place and only revegetating the existing tracks that have been created by pedestrians and motorcyclists between Conigrave Road and Sogan Rise adjacent to Spearwood Avenue is \$5,000.

Option 3 is recommended for the reasons outlined in the Background.

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

#### 5. Maintaining Your Community Facilities

- *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

### **Budget/Financial Implications**

There is no provision in the 2005/06 Budget for the works proposed.

Funds have been identified within the existing budget that can be reallocated to permit the works to proceed.

Account Number CW 5131 - Peterborough Circle, North Lake (Murdoch Chase Development) Public Access Way Landscaping \$5,000.

An officer of the Parks Department identified this project as unfinished landscape requiring completion and listed it for budget consideration, and therefore is not completed. It should have no adverse community reaction.

Account Number CW 5005 - C.Y. O'Connor Beach Signage \$20,976

Funds have been allocated in the current budget for the provision of an interpretive sign near the southern car park of C.Y. O'Connor Beach, detailing the history and significance of the area. Extensive and ongoing vandalism has been experienced at this location and it is highly probable that, once installed, the interpretive sign will be subjected to ongoing vandalism. The Council may wish to consider postponing the installation of this sign, until the vandalism problem has abated, and reallocating funds for the landscaping revegetation and resetting of bollards or interlocking fencing on the verge between Conigrave Road and Sogan Rise adjacent to Spearwood Avenue.



**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

N/A

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 13 October 2005 Council Meeting.

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

Nil.

**16.4 (MINUTE NO 2988) (OCM 13/10/2005) - STORM WATER SUMP BEAUTIFICATION PROGRAM (4852) (JK) (ATTACH)**

**RECOMMENDATION**

That Council

- (1) receive the report; and
- (2) adopt the attached Schedule of Proposed Storm Water Sump Improvement Program for 2005/2010 and include the schedule of costs attached to the report for consideration in Council's future financial planning.

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 7/0**



## Background

At the Ordinary Council meeting held 16 November 2004 Mayor Lee requested a report to be provided to Council, detailing a Storm Water Sump Beautification Program.

## Submission

The request by Mayor Lee was included as a "Matter to be Noted for Investigation Without Debate" at the Council Meeting held on 16 November 2004, which stated:-

*"Mayor Lee requested a report be provided to a future Council Meeting, detailing the current status of the Sump Beautification Program. The report is to identify:-*

- a) sumps in the district that require beautification;*
- b) the likely works that can be carried out on these sites;*
- c) the costs of these works;*
- d) the potential sources of funds to carry out these works; and*
- e) any other matters that the officer may consider pertinent to this issue."*

## Report

A program of upgrading drainage sumps in the district has been in place for a number of years.

Drainage sumps are provided for the disposal of stormwater from the road network. The stormwater is collected on roads and is transported to the sumps by pipes. In the sandy soils of Cockburn the water then soaks away. Depending on the severity of the storm the water may remain in the sumps for some time.

Traditionally these sumps were enclosed with unattractive asbestos or wire fencing. Designs were developed to change these sumps into shallow basins with bubble-up discharges. This then allowed the areas to be grassed and the fence removed. Alternative fencing and landscaping has also been installed at some sump sites.

The first and most visible example of the upgrading program is located in Gerald Street between Goffe Street and Pomfret Road in Spearwood.

The upgrading of existing sumps to look more attractive and be used where possible as part of a park has continued. To achieve this some retained sumps have had attractive fencing put around them and the surrounding verges are landscaped at high cost, which has also increased the maintenance costs.



The method of constructing open sumps has led to some criticism from the public because there are ponds of water unfenced on the parks. However, the low likelihood of people being in the park during inclement weather and given the gradual slope of the land, which limits the depth of water, the small public risk is not considered a reason not to continue with the program.

The program as proposed in the schedule seeks to address around 60 sumps that still require improvement. Approximately twenty sumps have been upgraded so far.

The criteria for the program of upgrading drainage sumps listed on the attached schedule is based on:

1. Safety:

Some sumps are located on road verges and pose a traffic hazard and require either relocation, fencing or being covered.

2. Beautification:

This option may involve the removal of fencing and grassing the area, or alternatively more attractive fencing is installed with landscaping.

3. Inconvenient Access to Sumps:

These sumps are located at the rear of the property and there is no convenient access for the City to undertake maintenance.

4. Surplus:

Some sump sites occupy more land than is required for drainage storage and are located in a larger park. In these cases the fencing can be removed and the sumps can be incorporated into the park.

**Strategic Plan/Policy Implications**

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

**Budget/Financial Implications**

\$110,000 has been allocated in the 2005/06 financial year for improvements to drainage sumps.

An additional \$1.5 million will be required to upgrade all of the sumps identified on the attached schedule over the next 5 years, and will need



to be sourced from municipal revenue or sale of land created by sump rationalisations.

**Legal Implications**

There is no legislation covering standards for drainage sumps.

**Community Consultation**

It is not intended to carry out any community consultation

**Attachments**

- (1) Schedule of proposed Storm Water Sump Improvement Program for 2005/2010.

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

N/A

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

Nil.

**16.5 (MINUTE NO 2989) (OCM 13/10/2005) - EXTENSION OF SPEARWOOD AVENUE - BARRINGTON STREET TO SUDLOW ROAD AND HAMILTON ROAD TO COCKBURN ROAD (450007) (BKG) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report; and
- (2) consider for inclusion in Council's future financial planning the sum of \$6.5 million to acquire land, design and construct the remainder of Spearwood Avenue, an Other Regional Road, between Cockburn Road and Stock Road and between Sudlow Road and Beeliar Drive, in accordance with the schedule of expenditure contained in the report.

**COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 7/0**



## **Background**

Spearwood Avenue is an Other Regional Road (Blue Road) under the MRS and extends from Cockburn Road (Fremantle to Rockingham Highway) to Beeliar Drive.

This is an important road within the district.

Between Beeliar Drive and Stock Road it is classified a 'District Distributor A' and between Stock Road and Cockburn Road a 'District Distributor B'.

Between Stock Road and Miguel Road, Spearwood Avenue has already been duplicated to regional road standard.

Between Stock Road and Hamilton Road the road has been duplicated, except for the short length west of Stock Road traffic lights, but not to regional road standard, due mainly to the fact that existing residential lots front directly onto that section of Spearwood Avenue between Doolette Street and Rockingham Road. To bring this up to regional/ district road standard, additional widening works may need to be undertaken in this section of the road.

Currently the main roads that will serve the Hope Valley-Wattleup Redevelopment Area are under review, as part of the local structure planning process. One of the possibilities could be that Spearwood Avenue be extended south to connect to Henderson Road to provide a northern outlet for freight and traffic from the Redevelopment Area. No final decisions have been made in this regard, however, it is something that needs to be taken into account as part of the possible future role of Spearwood Avenue, which already serves Bibra Lake and Cocos Park Industrial Estates.

## **Submission**

At the Council Meeting held on 8 September 2005 it was requested by Cllr Sue Limbert that Engineering Services prepare a report on the programme for the extension of Spearwood Avenue between Cockburn Road in the west and Beeliar Drive in the south and the anticipated time of completion of the total works.

Also at another Council Meeting held on the 17 August 2004 it was resolved in part that:-

### **"2. Spearwood Avenue, Spearwood**

*Spearwood Avenue be extended west of Hamilton Road to the realigned Cockburn Road (Fremantle to Rockingham Highway) in*





*accordance with the provisions of the Metropolitan Region Scheme, Scheme map.*

*Subject to more detailed traffic analysis and environmental assessment, Spearwood Avenue be designed and developed as a "gateway to the coast" and constructed as a divided four lane dual carriageway.*

*The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the construction of Spearwood Avenue between Hamilton Road and the Cockburn Road deviation."*

This item stated that funds be provided in the 2011/12 budget for this work.

## **Report**

### Spearwood Avenue – Hamilton Road to Cockburn Road

Spearwood Avenue was included in the MRS as a link between the Bibra Lake Industrial Area to the Fremantle – Rockingham Highway (Primary Regional Road) and to the Port of Fremantle. However, the Fremantle – Rockingham Highway is likely to be downgraded because it is not desirable for industrial and commercial traffic to use Cockburn Road.

Some of the area near the coast has been rezoned from industrial to residential so the requirement for commercial / industrial traffic has reduced. The report written on 17 August 2004 stated the route between Cockburn Road and Hamilton Road was still necessary as east-west link roads were required to access Port Coogee and the potential residential development likely to be associated with the "Vision for Cockburn Coast".

The construction of this section of road is included in the staff's major road construction programme for 2009/10.

The length of the road is approximately 700 metres. It is estimated that the cost to construct a 4-lane divided road will be in the order of \$1.5 million.

### Barrington Street to Miguel Road

Spearwood Avenue gives access to and from the Bibra Lake Industrial Area. The section between Barrington Street and Beeliar Drive has been constructed to allow industrial traffic to leave the area and connect to Beeliar Drive and the Kwinana Freeway without going through residential suburbs.



Spearwood Avenue has already been built between Stock Road and Sudlow Road to regional road standard.

The section between Sudlow Road and Barrington Street has yet to be constructed. Miguel Road is now used as the alternative to this route. Land needs to be purchased from 4 owners. The total land area required to be purchased is approximately 36,000 square metres. The cost of these purchases is expected to be in the vicinity of \$4.0 million.

The cost of constructing one carriageway of the road is \$1.0 million. These funds can be accessed from the Regional Roads Funding Programme and are likely to be funded over 3 years (2006/07 – 2008/09).

#### Doolette Street to Stock Road

To complete the duplication of Spearwood Avenue to regional road standard it is necessary to duplicate the single carriageway that exists west of Stock Road to the Doolette Street roundabout.

This will require works to be undertaken that may have a major impact on the recently completed landscaping that has been installed on the southern side of this section of Spearwood Avenue. It may also require modifications to the existing roundabout.

The cost of these works is estimated to be \$500,000. This includes all the associated roadworks and the reestablishment of the gateway landscaping. The works are noted in the Staff's major road construction programme for 2010/11.

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

One of the objectives of the Corporate Strategic Plan is:-

*"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*

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

There are no funds in the 2005/06 Budget to undertake any works associated with Spearwood Avenue.

The following schedule could be used as the basis of providing funds in future budgets by including the projected expenditures in Council's future financial planning.



Works	Year	Total Cost	Funding Sources	
			Council	Other
Acquire land – Barrington St to Sudlow Rd	2006/07 and 2007/08	\$3.5 million	\$1.5 million	State \$2.0 million
Construct – Barrington St to Sudlow Rd.	2008/09	\$1.0 million	\$0.3 million	State \$0.7 million
Construct – Hamilton Rd to Cockburn Rd.	2009/10	\$1.5 million	\$1.1 million	Developer \$0.4 million
Construct – Stock Rd to Doolette St.	2010/11	\$0.5 million	\$0.5 million	-
<b>Total Cost</b>		<b>\$6.5 million</b>		
<b>Cost to Council</b>			<b>\$3.4 million</b>	
<b>Funded by Others</b>				<b>\$3.1 million</b>

### Legal Implications

N/A

### Community Consultation

There will be a requirement to consult with the residents in Spearwood Avenue between Bullfinch Road and Rockingham Road when the road is to be extended to Cockburn Road.

### Attachment(s)

- (1) Map of Spearwood Avenue.

### Advice to Proponent(s)/Submissioners

N/A

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

Nil.

## 16.6 **(MINUTE NO 2990) (OCM 13/10/2005) - TENDER NO. 31/2005 - CONSULTANCY SERVICES FOR CONSTRUCTION OF CELL 6 AT THE HENDERSON LANDFILL SITE (4900) (BKG) (ATTACH)**

### RECOMMENDATION

That Council accept the tender for Tender No. 31/2005 - Consultancy for Construction of Cell 6 at the Henderson Landfill Site from Maunsell Aecom Pty Ltd for \$59,521 and the hourly rates submitted be used as



the basis for variations to the contract, subject to Works Approval being granted.

### **COUNCIL DECISION**

MOVED Clr T Romano SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 7/0**

### **Background**

Tenders were called and closed on 14 September 2005 for Engineering Consultancy Services for Construction of Cell 6 at Henderson Landfill Site.

The depositing of waste in Cells 4 and 5 has reached a stage where it is necessary to construct Cell 6. Designs need to be finalised, and tenders called for this work and the supervision of the construction.

### **Submission**

Four tenders were received for the Consulting Services for the Construction of Cell 6.

### **Report**

This tender has been referred to Council in lieu of being awarded under delegated authority as the preferred tenderer has submitted a price 25% higher than the lowest tenderer.

It is recommended that the offer from Maunsell Aecom be accepted and that their hourly rates be accepted as the basis for any variation to the contract.

The 4 tenders that were submitted were conforming and scored by Bevis Greay.

The tenders and scores were:-

Tenderer	Qualitative Score	Quantitative	Total
Maunsell Aecom	73.0	16.2	89.2
Cardno / BSD	66.0	20.0	86.0
GHD Pty Ltd	67.0	9.8	76.8
SMEC	51.3	16.8	68.1



Scores were derived from the criteria specified in the tender documents that were to be used to assess the tenders.

Experience in completing similar projects	20%
Skills and experience of key personnel	20%
Tenderers resources	20%
Methodology	10%
Subcontractors skills and experience	10%
Price	20%

Maunsell Aecom have been involved with the Henderson landfill site since 1988. They have prepared master plans and carried out the designs for, and supervised the construction for Cells 1, 2, 3 and 4. Their director has a long term association with the project and the staff member involved with the design of Cell 4 is still with the company. They have also recently recruited a person who was the manager of the Sita Landfill Site in Cardup for 5 years and was previously involved in the design of that landfill site.

The price they have submitted for the design reflects an understanding of the work involved in the project.

The designers and the supervisory staff will be located in Perth.

Cardno / BSD are capable of carrying out the project and are currently involved in a similar project at Mindarie. The nominated design engineer has limited experience in landfill design.

GHD Pty Ltd is a large engineering consulting company as well. They have very good contract managers, but the design experience is based in the Eastern States.

SMEC is also a large engineering consulting company, but have limited experience in the design of lined landfill sites.

The Works Approval application is currently with the Department of Environment. It is hoped it will be approved in the near future.

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

An objective of the City is to “*maximise revenue from alternative sources.*” The Henderson landfill site is a major contributor to revenue.

### **Budget/Financial Implications**

There is no specific allocation for this work, but it can be drawn from Account No. CW 1901 – Site Works.



Cells 4 and 5 have been filled with waste at a faster rate than anticipated and the construction of Cell 6 will be required to commence by February 2006.

A budget variation will be required prior to this for the anticipated \$2.0 million required to construct Cell 6.

### **Legal Implications**

N/A

### **Community Consultation**

As part of obtaining Works Approval for the construction of Cell 6 it is necessary to carry out community consultation.

### **Attachment(s)**

- (1) Results of Tender.

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

Those who lodged a submission on the tender have been advised that this matter is to be considered at the October 2005 Council Meeting.

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

Nil.

## **17. COMMUNITY SERVICES DIVISION ISSUES**

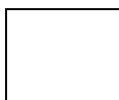
### **17.1 (MINUTE NO 2991) (OCM 13/10/2005) - COCKBURN YOUTH ADVISORY COUNCIL MEMBERSHIP (8304) (MA) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) in accordance with Section 5.10 of the Local Government Act 1995, appoint the following individuals as members of the Youth Advisory Council:

1. Nigel Morrison – Youth Mayor
2. Kirstin Semple – Deputy Youth Mayor
3. Ryan Bulluss
4. Fiona Morgan
5. Lance Ward
6. Jelena Benic
7. Alia Glorie
8. Melanie Bird



9. Jade Castle
10. Renae Whiteford
11. Elise Ward
12. Mia Turner
13. Samantha Harris
14. Lauren Gerondal; and

(2) adopt the Terms of Reference, as attached to the Agenda.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**

**Background**

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

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

**Submission**

N/A

**Report**

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



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

The following four members have retired in 2005. The first three having reached the age of 21 and the last one having left the country to travel overseas.

- Joel Baker
- Katherine Browne
- Rebecca Gabrielson
- Emma Livesey

The Youth Advisory Council reviewed their Terms of Reference and proposed the following changes:

#### Section 2 – Objectives

##### Clause 2.6 2004

Be representative of the cultural and linguistic diversity that exists within the City of Cockburn.

Changed to

*Actively strive to be representative of the cultural and linguistic diversity that exists within the City of Cockburn.*

#### Section 3 - Appointment of Youth Advisory Councillors

Addition of

3.1.9 On appointment, members shall be given an information package.

3.1.10 A peer mentoring/support model for new members shall be utilised by the YAC for new members. New members will be teamed up with a peer mentor at the discretion of the Youth Advisory Council for a period agreed upon by the new member and their mentor.

#### Section 4 - Elected Positions

Addition of Clauses

4.5 Should a senior position become vacant during the year (i.e. not a deputy position), elections must be held at the next available opportunity.

4.6 For continuity of the YAC, members who are turning 21 (see Section 5) are not eligible for the position of Mayor, Deputy Youth Mayor, Secretary/Minute taker or Media/PR Officer unless their birthday falls in the months of November or December.





Section 5 – Terms of Office  
Alteration

Clause 5.3 2004

Resignation of a Youth Councillor must be written and shall be formally received at a monthly Youth Advisory Council Meeting.

Changed to

*Resignation of a Youth Councillor shall be formally received at a monthly Youth Advisory Council Meeting. If the person is absent from the meeting, a written resignation must be submitted to the Youth Services Coordinator prior to the meeting. If the person is in attendance at the meeting, they may submit their resignation verbally.*

Addition of clause

5.4 At the discretion of the Youth Services Coordinator, a Youth Advisory Councillor who has served a minimum of twelve months on the Youth Advisory Council will be given a gift at the end of their service. The value of the gift is at the discretion of the Youth Services Coordinator. The cost of the gift is taken from the Youth Advisory Council budget.

Section 6 – Administration

Addition of clause

6.1.3 Should a quorum be lost at any stage during the meeting, the meeting must be officially closed. The Youth Mayor and Youth Services Coordinator shall determine whether the remainder of the agenda shall be carried over to the next meeting or if another meeting must be held the following week.

Correction:

6.2.2 Where there *are* an odd number of active members, quorum is taken up to the next highest integer.

Changed to

*Where there is an odd number of active members, quorum is taken up to the next highest integer.*

6.3.6 Subcommittees and working parties are to report and put forwarded recommendations to the Youth Advisory Council as required.

Changed to

*Subcommittees and working parties are to report and put forward recommendations to the Youth Advisory Council as required.*



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

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

### **Budget/Financial Implications**

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

### **Legal Implications**

N/A

### **Community Consultation**

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

### **Attachment(s)**

Terms of Reference July 2005

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

Preferred applicants have been advised that their names have been submitted to Council for formal approval.

Non-preferred applicants have been advised that the names of the preferred applicants have been submitted to Council for formal approval and that they shall be considered for future vacant positions.

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

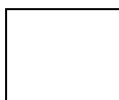
Nil.

## **17.2 (MINUTE NO 2992) (OCM 13/10/2005) - DRIVE THRU ART GALLERY (8962) (CC)**

### **RECOMMENDATION**

That Council require the City of Cockburn Cultural Advisory Committee to:

- (1) oversee the Drive Thru Art Gallery projects across the City;
- (2) advise Ward Councillors when community consultation meetings will be held on proposed art works; and



- (3) provide within the committee minutes, updates on the progression of the project.

**COUNCIL DECISION**

MOVED Cllr J Baker SECONDED Cllr V Oliver that Council require:

- (1) its Cultural Advisory Committee ("the Committee)" to determine the nature and location of artworks constructed as part of the Drive Thru Art Gallery;
- (2) the determinations referred to in clause (1) to be made at properly constituted meetings under the relevant provisions of Council's Standing Orders, and the adopted Terms of Reference for the Committee, and in accordance with any procedure the Committee adopts to ensure adequate community consultation;
- (3) its CEO to advise Elected Members:
- (i) when Committee meetings are to be held to make determinations in relation to proposed art works;
  - (ii) details of the nature and the location of proposed art works to be discussed at Committee meetings; and
- (4) the Committee to provide Elected Members with an opportunity to be heard, either orally or in writing, in relation to proposed art works to be discussed at Committee meetings.

**CARRIED 7/0**

**Reason for Decision**

The Council recognises that a person's interpretation of art work is subjective, and that art of the type to be constructed as part of the Drive Thru Art Gallery is likely to produce community response given that it is located in public space. For this reason, Elected Members, as representatives of the community, need to be kept fully informed in relation to the project. Additionally, given that the project is new, it is considered valuable for the Elected Members to be kept up-to-date in relation to its development.



## **Background**

At its Special Meeting of 20<sup>th</sup> July 2005 Council requested a report be presented in relation to *“the process to be followed to determine the nature and location of artwork to be installed as part of the Drive Thru Art Gallery project prior to the project proceeding.”*

## **Submission**

N/A

## **Report**

The Drive Thru Art Gallery project has been successful in attracting considerable funding and interest from external agencies.

The Cockburn Drive Thru Art Gallery will be an open-air art gallery incorporating painting and sculpture in various forms. Local residents especially young people, with support and mentoring from Community Artists, will create the art works.

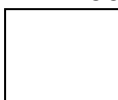
The Drive Thru Art Gallery will use accessible public spaces to transform them into canvases or pedestals for works of art to improve the aesthetics of the built environment. The outcomes of the project include:

- Skill development for local emerging artists.
- Increasing visibility, viability and growth of local businesses, leading to increased local employment.
- Acting as an economic catalyst through the attraction of visitors to the area.
- Providing an opportunity for youth to become involved in their community and improve prospects for their future through access to training in project management and art studies/skills development.
- Reducing level of vandalism and anti social behaviour.
- Involving up to 30 schools fulfilling their Civic and Community Involvement requirements.

Location of the artworks will be determined through community consultation with community members and groups submitting suggestions and ideas.

Design ideas will be prepared by the artist for the site and presented back to the community for consideration. The Cultural Advisory Committee will then make their final determination on the location and design.

Local business will also be invited to participate and be encouraged to



have an artwork installed or located at their premises with them contributing towards costs of the work.

The Cockburn Cultural Advisory Committee within its terms of reference has the ability to set up 'working parties' to oversee particular projects. Councillors Baker and Goncalves are the Council's representatives on the Cultural Advisory Committee and will also be represented on this working party.

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

Planning Your City – To foster a sense of community within the district generally and neighbourhoods in particular.

Facilitating the needs of your community – To facilitate and provide an optimum range of community services.

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

### **Budget/Financial Implications**

Funding sources for the project:-

Municipal Budget	\$ 20,000
Healthway	\$ 6,000
Attorney Generals Office	\$110,500
Community Arts Network	\$ 10,000
Office of Crime Prevention	\$ 10,000

Total	<u>\$156,500</u>
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Applications have also been submitted to the Commonwealth Area Consultative Committee and Lotterywest for \$42,000 and \$33,000 respectively. Should these applications be successfully they will allow for further art works to be commissioned across the City.

### **Legal Implications**

N/A

### **Community Consultation**

A major part of the concept of the Drive Thru Art Gallery has been and will be ongoing community consultation and participation.

The Drive Thru Art gallery project is a response to the extensive consultation processes conducted through the Community Development Strategy in 2004.



A common thread of concern through all of the suburbs was the lack of activities for young people and anti social behaviour by young people.

The majority of suburbs saw within their "Vision" social interaction, needs of young people and economic well being in some form and identified youth projects as priority projects within their Action Plans.

The Cockburn Drive Thru Art Gallery embraces many community concerns identified within the Action Plans developed through the Community Development Strategy process and provides the vehicle for these projects to become a reality.

The community associations were made aware of the project in the early stages of applying for external funding opportunities and assisted by supplying letters of support for the project. Since then the community has been consulted on where artworks may be sited and asked to nominate sites. This will be an ongoing process for the project.

**Attachment(s)**

N/A

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

N/A

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

Nil.

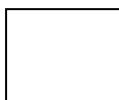
**17.3 (MINUTE NO 2993) (OCM 13/10/2005) - PERMANENT SKATEPARK LOCATIONS (8963) (AJ) (ATTACH)**

**RECOMMENDATION**

That Council allocate the budget of \$180,000 for the construction of two permanent skate parks as follows:

- (1) Len Packham Reserve, Coolbellup to the value of \$90,000;
- (2) Atwell Reserve, Atwell to the value of \$90,000; and
- (3) amend the Budget accordingly.

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



**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr A Tilbury that Council:

- (1) allocate the budget of \$270,000 for the construction of three permanent skate parks as follows:
  - Len Packham Reserve, Coolbellup to the value of \$90,000,
  - Atwell Reserve, Atwell to the value of \$90,000,
  - Yangebup to the value of \$90,000 (location to be determined);
- (2) request the Yangebup Progress Association to identify a site for a skate park within the suburb. On receipt of the advice, require the calling of public comment to the proposed site in accordance with Policy AEW4 "Installation of Playground/Recreation Equipment on Reserves"; and
- (3) on completion of the process described in (2) above, require a report be prepared for consideration by Council prior to any works proceeding on the Yangebup Skate Park; and
- (4) amend the Budget accordingly.

**MOTION LOST DUE TO A LACK OF AN ABSOLUTE MAJORITY OF**  
**COUNCIL 4/3**

**(MINUTE NO 2994) (OCM 13/10/2005) - PERMANENT SKATEPARK LOCATIONS**

**COUNCIL DECISION**

MOVED Clr J Baker SECONDED Clr I Whitfield That Council allocate the budget of \$180,000 for the construction of two permanent skate parks as follows:

- (1) Len Packham Reserve, Coolbellup to the value of \$90,000;
- (2) Atwell Reserve, Atwell to the value of \$90,000;
- (3) amend the Budget accordingly; and
- (4) request the Yangebup Progress Association to identify a new site for a mobile, semi permanent or permanent skate



park for the area. On identification of a suitable site, require an item be prepared for consideration at the next budget review meeting.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 7/0**

### **Reason for Decision**

Council allocated an amount of \$180,000 in its 2004/05 budget for skate parks to be located in the suburbs of Coolbellup, Atwell and Yangebup. The Alternative Recommendation will enable two quality skate parks being permanently installed in Coolbellup and Atwell. There has been difficulty in identifying a suitable site for a skate park in Yangebup. By having the mobile or permanent skate parks in Yangebup, it will give the public more opportunity to see if it suits the area. Council can set funds aside in the next budget review to be accessed when the location for a mobile semi-permanent skate park site has been agreed.

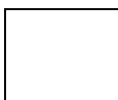
### **Background**

At the Special Budget Council Meeting on 3 August 2004, the Council allocated an amount of \$180,000 in its 2004/05 budget for the purpose of providing three skate parks. It was indicated that the suburbs of Coolbellup, Atwell and Yangebup would each have a permanent skate park constructed. The July 2005 Elected Members' Newsletter provided information as a result of community consultation. With regard to permanent skate park facilities, a need was identified for the development of permanent skate parks that catered to differing skill levels and could address issues of noise, graffiti removal, durability and landscaping into existing surrounds.

Currently the only permanent skate park provided by the City of Cockburn is at the South Lake Leisure Centre. There are also two semi-permanent skate parks that rotate through locations in Bibra Lake, Yangebup, Spearwood and Coolbellup.

### **Submission**

Signage was placed at each of the proposed sites asking for public comment on the development of permanent skate parks. The following responses have been received from the community during the public comment period, which ended on 23 August 2005.





Coolbellup Skate Park Location:

No community feedback was received regarding the Coolbellup skate park location. The president of the, the Coolbellup Community Association has been asking for a larger skate park to be provided.

Atwell Skate Park Location:

One letter and one email were received from residents of Atwell objecting to the skate park site ON Atwell Reserve, both letters referred to the impact on the visual amenity of the reserve.

Yangebup Skate Park Location:

Seven items of correspondence were received regarding the proposed location at Yangebup.

Five letters from local residents were received objecting to the skate park location citing a number of reasons including: noise issues, antisocial behaviour, visual amenity impact and proximity to homes.

A petition with thirty seven (37) signatures was received from the Yangebup Progress Association objecting to the location of the skate park on the grounds of "night time anti-social behaviour, and that further investigation of another location be sought".

One letter was received from the community indicating support for the skate park.

At the time of settling the agenda letters regarding skate parks in Yangebup were still being received. The general tone of the letters regarding skate parks was negative.

**Report**

In the original budget item for the skate parks, the Council indicated that the new semi-permanent skate parks would be located in Coolbellup, Yangebup and Atwell.

The local resident associations in Yangebup, Atwell and Coolbellup were given the opportunity to provide recommendations for locations of the skate parks in their suburbs. The Coolbellup Residents Association indicated their support for the skate park to be located at Len Packham Reserve where the semi-permanent skate park is situated. The Atwell Community Association provided two options, firstly, Atwell Reserve on the corner of Tapper Road and Armadale Road and, secondly, Atwell Ovals. Atwell Ovals was dismissed as a location primarily due to it being one of the most heavily used sporting facilities in Cockburn and was not possible to locate the skate park at that site without heavily impacting on the six sporting groups currently operating there. No formal recommendations for possible sites were received from the Yangebup Progress Association.



The proposed locations were compared against the following criteria applied by the City for the location of skate parks. These criteria have been developed based on our own experience and that of several other local authorities for the locations of skate parks. The following features are highly desirable when proposing a location:

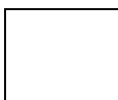
1. A suitable amount of space is required. The City recommends at least 50m from the skate park to the nearest house. This provides a buffer zone for the dissipation of noise associated with skate activities.
2. The skate park is located on a main road with the skate park being located at least 20m from the road itself. It has been anecdotally shown that a high volume of passing vehicle and pedestrian traffic reduces the incidence of anti-social behaviour to a fraction of what it could potentially be through passive supervision.
3. It is desirable to have a small shopping centre nearby, as the users of the skate park are able to buy drinks and food. There are usually toilets located at shopping centres, which the skaters may use. This has the secondary benefit that the skate park users are more likely to go back to the skate park as opposed to skating in the shopping centre or the surrounding car parks.
4. The proximity of the skate parks to public transport routes is also desirable as this allows residents who don't live in the immediate location to travel to the skate parks.
5. Skate parks are not located on parks with significant environmental value, or where it is foreseeable that the skate park would affect the natural environment.

When compared against the above criteria, all of the locations exhibit both strengths and weaknesses as follows:

Len Packham Reserve, Coolbellup

1. Is located on a large field area and is located approximately 75m from the closest residence.
2. Is located near Cordelia Avenue, a dual carriageway.
3. There is a shopping centre within 200m of the location.
4. There are public transport routes on Coolbellup Avenue (within 300m).
5. Len Packham Reserve is an active recreation reserve.

Based on the above and with regard to community consultation Len Packham Reserve is viewed as a suitable location for a permanent skate park.



Atwell Reserve, Atwell

1. There is sufficient area at Atwell Reserve, the skate park would be located approximately 60m from the nearest residence.
2. Is located on the main road leading into Atwell.
3. There is a small shop approximately 200m from the site.
4. There is public transport on Tapper Road adjacent to the proposed site.
5. Atwell Reserve is gazetted for Recreation and Drainage.

Based on the above and in line with regard to community consultation Atwell Reserve is viewed as a suitable location for a permanent skate park

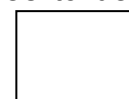
Nicholson Reserve, Yangebup

1. Is located on Nicholson Reserve in the corner of Dotterel and Osprey Drive, the skate park would be located approximately 40m from the closest residence. This criteria is of prime importance in determining location and the proximity to residences should be considered above all other criteria.
2. Is located on Osprey Drive, a dual carriageway.
3. There is a shopping centre approximately 400m from the proposed site.
4. There is public transport on Osprey Drive.
5. Nicholson Reserve is an active recreation reserve.

Based on the above and with regard to community consultation Nicholson Reserve is not viewed as a suitable location for a permanent skate park.

In addition to the issues identified with the Nicholson Reserve site, there has been significant negative feedback about the mobile skate park located at Perena Rocchi Reserve in Yangebup. There have been regular complaints from the nearby residents regarding the antisocial behaviour at the skate park, citing vandalism, rubbish, members of the public being verbally abused and objects being thrown onto roofs. The City has received a petition with thirty two (32) signatures objecting to the return of the semi-permanent skate park to the Perena Rocchi site. As such the Perena Rocchi reserve was dismissed as a possible site for a permanent skate park due to the ongoing anti-social behaviour there, feedback from the local residents and its failure to meet the above guidelines.

While the original budget allocation was for three skate parks to be located in the suburbs previously mentioned, it is apparent that there are significant objections to a permanent skate park in Yangebup. Also, based on the above five guidelines the City uses to determine



skate park sites, the probability of finding a suitable location in Yangebup which meets those criteria is minimal.

Information derived from previous community consultations, shows that there is a demand for skate parks that offer differing styles of ramps and equipment that cater to the differing skill levels of users. Based on community feedback and the experiences of the City of Cockburn and other local authorities, there is potential for the City to develop quality facilities, which are strategically placed and will attract users from across the City. A prime example of a strategically located skate park is the facility located in Belmont. This is a large and well developed skate park that caters for all skaters in the Belmont Municipality and beyond.

Cost is a major consideration for the development of skate parks that meet the above requirement. Given the escalating cost of building works, it is unlikely that diverse facilities that cater to varying skill levels will be within the allocated budget of \$60,000 for each skate park. For example the City of Melville constructed a skate park with an area of approximately 350 square metres costing approximately \$150,000, and the Belmont skate park with an area of approximately 2000 square metres cost approximately \$350,000. The development of the Belmont skate park and subsequent funding has been spread over a number of years.

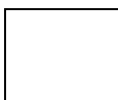
Should Council decide not to proceed with the three permanent skate parks as initially indicated there are three options apparent:

Option 1 - Two permanent skate parks are developed in the locations of Atwell and Coolbellup using the budget allocated, resulting in two skate parks of an approximate cost of \$80,000 - \$90,000 each.

Option 2 - The City develops a single large skate park in a highly accessible location for an approximate cost of \$180,000. A single larger, strategically placed facility would have the benefits of having a longer lifespan, greater scope for development and provide better value for money. The most suitable site that has been identified is Dixon Reserve in Hamilton Hill. This site is on a main road with excellent public transport to allow users to travel to the area.

Option 3 - Develop the Coolbellup skate park to the value of \$60,000 and pool the remaining \$120,000 funds to construct a skate park at Dixon Reserve as indicated in Option 2. The suburb of Coolbellup has a recognised demand for a skate park facility but is not seen as suitable for a regional facility. The design of the other skate park should be such that there is the opportunity to expand it as future funds become available.

Given that Council has canvassed sites for skate parks in Coolbellup, Yangebup and Atwell, and the only area of significant objection is



Yangebup, it is proposed that the remaining proposed sites of Coolbellup and Atwell should proceed.

**Strategic Plan/Policy Implications**

Key Result Ares “Facilitating the needs of your community” and “Maintaining your community facilities” refers.

**Budget/Financial Implications**

Council has an item for \$180,000 for the development of the permanent skate parks within the current budget.

**Legal Implications**

N/A

**Community Consultation**

Local resident associations were requested to provide suggestions for the location of the proposed skate parks. Signage was placed at the proposed locations as per the Local Government Act. Following meetings by the Yangebup Progress Association with members of staff, a letter drop was done to those residences within approximately 100m of the proposed Yangebup skate park location.

**Attachment(s)**

Policy AEW4 “Installation of Playground / Recreational Equipment on Reserves”

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

As per signage at locations.

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

Nil.

**18 (OCM 13/10/2005) - EXECUTIVE DIVISION ISSUES**

Nil.

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

Nil



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

Nil

**21 (OCM 13/10/2005) - NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS**

**22 (OCM 13/10/2005) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE**

**22.1** Cllr Oliver requests a report be presented to the November 2005 Council Meeting on the Redevelopment of the Administration Building and Chambers. The report is to include information clarifying the following matters associated with the project:

- The estimated overall cost of building works associated with the redevelopment.
- Architect / builder's fees applicable.
- Estimated ordinary working hours involved by staff relocating to and returning from temporary accommodation (Civic Centre) and cost involved.
- Cost of staff working extra hours involved in relocation to and returning from temporary accommodation (Civic Centre).
- Cost of moving equipment/furniture to and returning from temporary accommodation at Civic Centre.
- Cost of installing all services to temporary accommodation at Civic Centre.
- Cost of refurbishing new Building when complete.
- How many more work areas will this refurbishment supply for staff.
- Budget allowed for project.
- Estimated shortfall in budgeted funding.
- Implications of delaying any further action on this project until strategic options can be considered at the Strategic Planning Workshop on 24/25 November 2005.
- Cost of accommodation for Rangers and Community Safety Staff being relocated.
- Cost of upgrading services, including telephone cabling, between depot and the administration building.

**22.2** Cllr Romano requests a report be prepared for consideration by Council at its November 2005 meeting on the viability of establishing another cricket pitch on Davilak Reserve for use by the Cockburn Cricket Club/Junior Cricket Club. The report is to include cost of the



proposed pitch, other infrastructure cost implications (moving light towers, etc) insurance implications and views to the proposal of the current users of the reserve, including the cricket club, the Cockburn Cobras Football Club and the Cockburn Junior Football Club.

**22.3** Cllr Tilbury requests a report be prepared for consideration by Council at its December 2005 meeting, as follows:

- (1) an itinerary of the international trip to China, London, Hong Kong and the USA;
- (2) total costs;
- (3) total cost to Council and amounts of sponsorship;
- (4) a breakdown of the accounts from which the costs will be drawn from; and
- (5) a report from each person who attended the trip, detailing the advantages to the City of Cockburn gained from each place visited and how these will be implemented.

**(MINUTE NO 2995) (OCM 13/10/2005) - CONFIDENTIAL BUSINESS**

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr A Tilbury that pursuant to section 5.23(2)(a) of the Local Government Act 1995, Council continue business behind closed doors for the purpose of considering Item 23.1 - Appointment of Director, Engineering & Works (1393) (SGC).

**CARRIED 6/1**

Messrs R Avard, K Lapham, S Hiller, M Ross, A Jones, Ms V Viljoen, members of the Press and all members of the Public Gallery left the meeting at 8.05pm. Mr Chris Le Quartermaine of Beilby Management Consultants, was requested to join the meeting.



23 **(MINUTE NO 2996)** (OCM 13/10/2005) - CONFIDENTIAL BUSINESS

**SUSPENSION OF STANDING ORDERS**

**COUNCIL DECISION**

MOVED Deputy Mayor Graham SECONDED Cllr Tilbury that, Pursuant to clause 22.1 of Council's Standing Orders Local Law, Standing Orders be suspended to allow open discussion on the following matter.

**CARRIED 7/0**

23.1 **(MINUTE NO 2997)** (OCM 13/10/2005) - APPOINTMENT OF DIRECTOR, ENGINEERING & WORKS (1373) (SGC)

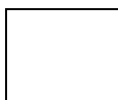
**RECOMMENDATION**

That Council endorses the recommendation of the Chief Executive Officer to appoint Michael Littleton to the position of Director, Engineering and Works.

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr V Oliver that:

- (1) pursuant to section 5.37(2) of the Local Government Act 1995 (WA) ("the Act") the Council accepts its CEO's recommendation to employ Michael Littleton ("the employee") as its Director, Engineering and Works, and accordingly, does so pursuant to section 5.36(1)(b) of the Act subject to the provision, by the employee, of a police clearance to the CEO;
- (2) Council interprets the agenda report to mean that the CEO believes the employee is suitably qualified for the position, in accordance with section 5.36(3)(a) of the Act;
- (3) Council recognises the CEO's responsibility pursuant to section 5.36(3)(b) of the Act, and also its own responsibility to ensure that Council complies with section 5.39 of the Act;
- (4) Council directs its CEO to:
  - (i) seek legal advice from McLeods, Barristers and Solicitors, in relation to the proposed contract attached to the agenda ("the Proposed Contract"), and to take that advice into account in determining the text of the final contract to be executed ("the Final Contract");





- (ii) specify in detail in the Final Contract the performance criteria to be used for reviewing the employee's performance, in accordance with section 5.39(3)(b) of the Act;
- (iii) amend the execution clause of the Proposed Contract so that the Final Contract is consistent with Council Policy AES2;
- (iv) amend the Proposed Contract so that a position description is included in the Final Contract;
- (v) amend the termination provisions in relation to the probationary period of the Proposed Contract, so that in the Final Contract these provisions are subject to section 5.37(2) of the Act;
- (vi) amend section 4.1(a) of the Proposed Contract, so that in the Final Contract this provision is more detailed and specific.

**CARRIED 7/0**

### **Reason for Decision**

The recommended motion has been reworded so that it refers to the relevant sections of the Act. The Act specifies that a person is not to be employed by a local government, in a position other than the position of CEO, unless the CEO believes that the person is suitably qualified for the position. Though the agenda report does not provide this assurance expressly, the Council implies from the statements made in the report that the CEO has such a belief. The proposed contract attached to the agenda had not been drafted or reviewed by a legal practitioner. Council requires documents of this nature to be either drafted or reviewed by a legal practitioner, and in this regard recognises its general responsibility to ensure that its administration complies with the Act. *Prima facie*, it would appear that the proposed contract does not sufficiently comply with section 5.39 of the Act, or Council policy AES2. Additionally, the Council requires other minor amendments to make the contract more certain and compliant.

### **Background**

The Chief Executive Officer wishes to confirm the appointment of the preferred candidate to the position of Director of Engineering and Works. As this position is deemed to be a senior employee of the Council, the appointment needs to be endorsed by Council in accordance with the following section of the Local Government Act.



s5.37. *Senior employees*

- (1) *A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) *The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*
- (3) *If the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4) *For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.*

**Submission**

To endorse the recommendation of the Chief Executive Officer on the appointment of the Director of Engineering and Works.

**Report**

Mr Bevis Greay advised the City of his intention to retire from his position as Director, Engineering and Works as from July 2005. Subsequent to the advice that Mr Steve Hiller agreed to a secondment into the position of Director, Engineering and Works, pending employment of a permanent replacement. Elected Members were advised that a replacement process would commence and the professional services of Beilby's were engaged to undertake the recruitment task

The position was advertised twice in *The West Australian* over a period of three weeks, (as well as being posted on other widely read recruitment websites) and forty-two applications were received for the position.

Applications were received from people from many different professional backgrounds and while many of them had private enterprise employment experience, at least 13 of them had at some point or another had local government experience.

Beilby's did the preliminary short-listing of the candidates and their list of preferred applicants was then submitted to the Chief Executive Officer. The Chief Executive Officer, Mr Hiller and Mr Graham, Manager, Corporate Development, conducted an initial vetting which



identified six candidates for interview. The list was narrowed to four as one person withdrew their application at the time they were invited for interview and the other candidate made themselves unavailable for further consideration by not completing the psychological test.

All interviews were of a high quality but the interview panel was unanimous in their opinion that Mr Michael Littleton was the best candidate for this position and it is his name that is now submitted for appointment as the new Director, Engineering and Works.

Mr Littleton is currently employed as the Manager – Technical Services at the City of Belmont. He has also held senior management positions at the Shire of Murray and the Shire of Northam.

Mr Littleton has under graduate engineering qualifications as well as postgraduate diplomas in management and technology and is only a few units away from completing a Master of Technology (Civil Engineering).

It is the Chief Executive Officer's opinion that Mr Littleton will make a very positive contribution to the City of Cockburn and his appointment is recommended to Council.

Mr Littleton will be initially engaged on a three-year contract, with an option for the contract to be extended for another two years after that.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

The salary package is reflected in the proposed contract.

### **Legal Implications**

Verbal advice was sought from Mr Dennis McLeod confirming the requirement for Council to consider the recommendation of the Chief Executive Officer for this selection.

### **Community Consultation**

N/A

### **Attachment(s)**

A confidential report prepared by the CEO, the propose Contract of Employment and an attachment prepared by Beilby's on the recruitment and candidate selection process was forwarded under separate cover to the Elected Members.



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

The unsuccessful applicants for this position have been advised of their position. The recommended candidate has been advised that Council would consider this at the October meeting.

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

Nil.

**(MINUTE NO 2998) (OCM 13/10/2005) - CONFIDENTIAL BUSINESS**

**RESUMPTION OF STANDING ORDERS**

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that Standing Orders be resumed.

**CARRIED 7/0**

**(MINUTE NO 2999) (OCM 13/10/2005) - CONFIDENTIAL BUSINESS**

**COUNCIL DECISION**

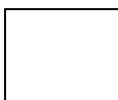
MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that pursuant to clause 7.5(1) of Council's Standing Orders Local Law, Council resume with open doors.

**CARRIED 7/0**

Ms V Viljoen and members of the Public Gallery returned to the Meeting, the time being 8.40pm.

**Note:**

At this point of the meeting the Presiding Member read aloud the resolution which was carried behind closed doors.



24 **(MINUTE NO 3000) (OCM 13/10/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

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

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

**COUNCIL DECISION**

MOVED Cllr V OLIVER SECONDED Cllr A TILBURY that the recommendation be adopted.

**CARRIED 7/0**

25 **(OCM 13/10/2005) - CLOSURE OF MEETING**

MEETING CLOSED AT 8.45PM

**CONFIRMATION OF MINUTES**

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

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



- [Indicative Traffic Management Devices – Hammond Gardens Private Estate](#)  
= [click to open image](#)
- [Local Structure Plan – Lots 4 – 11 and 42 Hammond Road, Success](#)  
= [click to open image](#)

