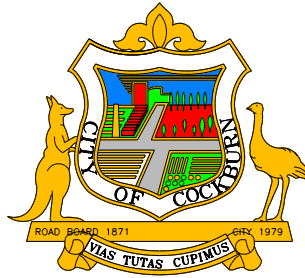


# **CITY OF COCKBURN**



## **ORDINARY COUNCIL**

## **AGENDA PAPER**

**FOR**

**THURSDAY, 8 SEPTEMBER 2005**

# CITY OF COCKBURN

## SUMMARY OF AGENDA TO BE PRESENTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON THURSDAY, 8 SEPTEMBER 2005 AT 7:00 PM

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**CITY OF COCKBURN****AGENDA TO BE PRESENTED TO THE ORDINARY  
COUNCIL MEETING TO BE HELD ON  
THURSDAY, 8 SEPTEMBER 2005 AT 7:00 PM**

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1. **DECLARATION OF MEETING**
2. **APPOINTMENT OF PRESIDING MEMBER (If required)**
3. **DISCLAIMER (To be read aloud by Presiding Member)**

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

4. **ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (by Presiding Member)**
5. **APOLOGIES AND LEAVE OF ABSENCE**
6. **(OCM 08/09/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Dan Scherr – Ordinary Council Meeting – 14 July 2005** – asked a question in relation to the replacement of a telephone booth at the Fish and Chip Shop at the end of Powell Road. In reply to his question, Manager – Engineering forwarded an email response dated 20 July 2005, to Mr Scherr advising him that Telstra would be installing a new, permanent public phone within the next 3 weeks. The new phone will be located on the east side of the sandstone fence between the Surf Life Saving Club building and the shop site, at the southerly end of the fence

**7. PUBLIC QUESTION TIME**

**8. CONFIRMATION OF MINUTES**

**8.1 (OCM 08/09/2005) - ORDINARY COUNCIL MEETING - 11/08/2005**

**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Thursday, 11 August 2005, be adopted as a true and accurate record.

**COUNCIL DECISION**

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

**10. DEPUTATIONS AND PETITIONS**

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

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

**13. COUNCIL MATTERS**

**13.1 (OCM 08/09/2005) - MINUTES OF STRATEGIC FINANCE AND INVESTMENTS COMMITTEE MEETING 27 JULY, 2005 (5017) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Strategic Finance and Investments Committee Meeting held on 27 July, 2005 as attached to the Agenda and the recommendations contained therein be adopted.

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<b>COUNCIL DECISION</b>
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**Background**

The inaugural meeting of the Strategic Finance and Investments Committee was conducted on 27 July 2005. The meeting considered items relating to Council’s Investment Policy and its Land Development Strategy.

**Submission**

To receive the Minutes of the Committee and adopt its recommendations.

**Report**

The item relative to the review of Council’s Investment Policy has been considered by the review of the Delegated Authorities, Policies and Position Statements Committee and subsequently adopted by Council.

In relation to Council’s Land Management Strategy, there are a number of legal requirements necessary to undertake in order to fully comply with the provisions of the Local Government Act, 1995, applicable to land transactions. Accordingly, extensive consultation with Council’s legal advisors was necessary in order to ensure due regard has been paid to these requirements, and are included in the Strategy.

**Strategic Plan/Policy Implications**

Key Result Area “Managing Your City” refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

1. Trustees Amendment Act, 1997, refers.
2. Sec. 3.59 of the Local Government Act, 1995, refers.

**Community Consultation**

N/A

**Attachment(s)**

Minutes of Strategic Finance and Investments Committee 27 July 2005

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

N/A

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

Nil.

**13.2 (OCM 08/09/2005) - MINUTES OF AUDIT COMMITTEE MEETING 27 JULY, 2005 (5017) (DMG) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Audit Committee Meeting held on 27 July 2005, as attached to the Agenda and the recommendation contained therein be adopted.

**COUNCIL DECISION**

**Background**

A meeting of the Audit Committee was conducted on 27 July 2005.

**Submission**

To receive the Minutes of the Committee and adopt its recommendation.

**Report**

An item was carried over from the previous meeting of the Audit Committee dealing with insurance for elected members and requesting additional information be provided.

These enquiries have confirmed that coverage for personal accident and relevant capital benefits was increased to \$500,000 (previously \$150,000) from 1 July 2005. While such an increase is more



appropriate and acceptable for the current year, it is recommended by committee that Council's brokers liaise with its underwriters to determine whether further increases to the blanket cover are possible in future.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Minutes of Audit Committee 27 July 2005.

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

N/A

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

Nil.

**13.3 (OCM 08/09/2005) - MINUTES OF GRANTS AND DONATIONS COMMITTEE MEETING 18 AUGUST 2005 (5930) (RA) (ATTACH)**

**RECOMMENDATION**

That Council receive the Minutes of the Grants and Donations Committee meeting held on 18 August 2005, as attached to the Agenda and the recommendations contained therein be adopted.

**COUNCIL DECISION**

## **Background**

The inaugural meeting of the Grants and Donations Committee was held to consider the allocation of grants and donations in accordance with the decision of Council of the 11 August 2005 and as provided for in the 2005/06 Municipal Budget.

## **Submission**

To receive the minutes of the Grants and Donations Committee and give consideration to the recommendations of the Committee.

## **Report**

On Council's 2005/06 Budget the sum of \$447,000 was identified for distribution to not for profit organisations and to individuals. The Grants and Donations Committee at its meeting of the 18 August 2005 gave consideration to the level and nature of grants and donations recommended for 2005/06.

A list of the recommended grants and donations made by the committee is attached to the Agenda along with the minutes of the Grants and Donations Committee. Included within the committee recommendation is the requirement for a draft application form, including the selection criteria, to be prepared for consideration by the committee prior to the availability of the grants and donations being advertised for 2006/07.

## **Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

## **Budget/Financial Implications**

Council has a line item of \$447,000 available for distribution as grants and donations to not for profit organisations in its 2005/06 Budget. There was a further \$146,000 in grants and donations for specific projects included in the budget for 2005/06. These matters are detailed in the Minutes of the Committee.

## **Legal Implications**

N/A

## **Community Consultation**

The availability of Community Grants and Donations will be advertised at the appropriate time.

**Attachment(s)**

1. Minutes of Grants and Donations Committee Meeting 18 August 2005
2. List of the recommended grants and donations.

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

Organisations that have approached the City with requests for a grant or donation have been advised that the matter will be considered by the committee who will make a recommendation to Council for consideration at the September 2005 Council Meeting.

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

Nil.

**13.4 (OCM 08/09/2005) - APPOINTMENT TO CITIZEN OF THE YEAR AWARDS SELECTION COMMITTEE (1610) (DMG)**

**RECOMMENDATION**

That Council appoints John Tedesco as a member of the Citizen of the Year Awards Selection Committee, pursuant to Sec. 5.10(1)(a) of the Local Government Act, 1995.

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

**COUNCIL DECISION**

**Background**

At a Special Meeting of Council held on 10 May 2005 to appoint members to Council established committees, it was resolved that a Citizen of the Year Awards Selection Committee would comprise of 3 elected members and community representatives appointed by Council. As a result, an advertisement was placed in Council publications calling for expressions of interest from community representatives with an interest in the affairs of this Committee.

### **Submission**

As a result of the advertising seeking public interest in being appointed to a position on the Committee, one nomination was received, from Mr John Tedesco, of Bibra Lake.

Mr Tedesco has been a ratepayer and resident of Cockburn for 14 years and has worked in the State Public Sector for 20 years.

Mr Tedesco's community involvement includes being the President of the Bibra Lake P & C Committee and a parent member of the Leeming High School Council. In addition, he has been a State Judge for the Telstra Small Business Awards.

Mr Tedesco cites his belief in celebrating the personal successes and acknowledging the significant contributions of individuals to their communities as primary reasons for registering his interest in the activities of this Committee.

### **Report**

Based on Mr Tedesco's previous involvement and experiences with local community organisations and involvement with a similar Award Selection Committee, it is considered that Mr Tedesco would provide a valuable contribution to the activities of the Committee.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Sec. 5.10(1)(a) of the Local Government Act refers.

### **Community Consultation**

Advertisements placed in "Cockburn Soundings", Herald "Half Page" and Cockburn Gazette.

### **Attachment(s)**

N/A

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

Applicant advised that the matter is to be considered by Council at its meeting to be held on 8 September, 2005.

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

Nil.

**14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

**14.1 (OCM 08/09/2005) - PROPOSED CLOSURE OF PEDESTRIAN ACCESSWAY - PLOVER DRIVE TO TUART PLACE, YANGETUP (450619) (KJS) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) request that the Minister for Planning and Infrastructure close the pedestrian accessway from Plover Drive to Tuart Place, Yangebup, subject to the City's drainage line being protected by an easement; and
- (2) advise the owners of the adjoining land of Council's decision accordingly.

**COUNCIL DECISION**

**Background**

The accessway was created at the time of the associated residential subdivision in 1981.

**Submission**

The adjoining owners have written to the City requesting the closure of the walkway.

**Report**

Following receipt of the closure request a report was prepared to assess the impact that a closure would have on the walkability of the surrounding area.

The conclusions of the report were:

- The PAW does not form part of a continuous access route linking pedestrians to any of the area's community facilities, including Lakes Shopping Centre, Yangebup Community Centre and Yangebup Primary School.
- The PAW does not improve access to public transport services.
- The closure of the PAW would not significantly affect people's accessibility to POS areas.
- There is no dedicated aged care accommodation in the vicinity of the PAW.
- Alternative access routes to community facilities are available in the event of the PAW being closed, which will not substantially increase pedestrians' walking distance.

Policy APD21 requires that a sign seeking comment on the proposed closure be erected on site. Experience has shown that where there is anti-social behaviour reported, such signs can be removed almost as soon as they are placed. In this instance an extensive pre-paid questionnaire was sent out.

A questionnaire was mailed out to all of the houses that would be affected by the closure. Of the 46 questionnaires sent out 17 were returned. Only one indicated that the closure would impact on the respondent's ability to easily walk to community facilities. The other 16 respondents indicated that they either did not use the accessway or that they did but had no objection to the closure.

The service authorities have all sent responses. The Water Corporation has a water main in the accessway but are prepared to cut and cap the main if closure proceeds.

The adjoining owners have indicated that they are willing to purchase the land after closure. The City has a drainage line in the accessway which must remain and be protected by an easement.

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

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

APD21 – PEDESTRIAN ACCESSWAY CLOSURES

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

Letters with prepaid response envelopes were sent to 46 residences that could be affected by the proposal.

**Attachment(s)**

- (1) Site Map

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

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

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

Nil.

**14.2 (OCM 08/09/2005) - CLOSURE TO VEHICLES - PORTION OF BALER COURT AT THE INTERSECTION OF ASHENDON BOULEVARD, HAMMOND PARK (451503) (KJS) (ATTACH)**

<p><b>RECOMMENDATION</b> That Council:</p> <ul style="list-style-type: none"><li>(1) close the passage to vehicles for that portion of Baler Court at the intersection of Ashendon Boulevard, Hammond Park pursuant to Section 3.50 of the Local Government Act 1995;</li><li>(2) advise the owners of adjoining properties of Council's decision;</li><li>(3) review the decision in 10 years time; and</li><li>(4) request Australand to pay for all costs associated with the closure of portion of Baler Court to vehicles.</li></ul>
---

## COUNCIL DECISION

### Background

Baler Court originally was the eastern portion of Russell Road and was created when Russell Road was re-routed and connected to the Kwinana Freeway.

The structure plan approved to guide development shows Baler Court as a cul-de-sac.

### Submission

The consulting engineers representing the developers of the residential subdivision south of Baler Court have requested that closure be legally effected so that civil works can proceed.

### Report

The cul-de-sacing of Baler Court as required by the adopted structure plan could not be effected until an alternative route became available. The development of Hammond Park has progressed to a point whereby there is a clear alternative route through to the intersection of Ashendon Boulevard and Russell Road.

The civil works will result in a cul-de-sac bowl at the end of Baler Court plus landscaping between the cul-de-sac bowl and the road pavement in Ashendon Boulevard.

The closure to vehicles will increase road safety by eliminating an intersection that is very close to the major intersection with Russell Road.

Section 3.50 of the Local Government Act requires that a period of time be nominated for the closure. The Act allows the Council to extend the closure at the end of the nominated period. At the conclusion of the 10 year period Council will need to extend the period.

### Strategic Plan/Policy Implications

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

### **Budget/Financial Implications**

There will be no costs incurred by Council as all costs will be borne by the developer.

### **Legal Implications**

Section 3.50 of the Local Government Act 1995

### **Community Consultation**

The proposal was advertised in the Herald newspaper.

The proposal was advertised in the Herald newspaper and no objections were received. The owners of the two properties on the south side of Baler between Ashendon Boulevard and Penn Lane were contacted. One owner responded saying that they supported the closure but would prefer to see all of the bitumen replaced with grass.

It was pointed out to the respondent that access had to be retained for the future residential development on the northern side of Baler. The owner of the property on the north side of Baler was contacted but offered no written response. This land owner will not be disadvantaged by the proposal.

### **Attachments**

(1) Site Map

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

**14.3 (OCM 08/09/2005) - PROPOSED SCHEME AMENDMENT NO. 26 TO TOWN PLANNING SCHEME NO. 3 - LOT 401 YANGEBUP ROAD, YANGEBUP - OWNER: DIVINE MERCY COLLEGE INC. - APPLICANT: SJB TOWN PLANNING & URBAN DESIGN (4412999) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the amendment for final approval without modification as set out in the Agenda attachments;
- (2) in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission;
- (3) adopt the recommendations made in the Schedule of Submissions attached to the Agenda; and
- (4) advise the proponent and submissioners accordingly.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Urban Deferred
	TPS:	Special Use (18)
LAND USE:	Private educational establishment	
LOT SIZE:	2.5ha	

Council at its meeting held on 19 April 2005 resolved to initiate Amendment No. 26 to its Town Planning Scheme No. 3. The amendment has been advertised and is referred to Council for final consideration.

**Submission**

SJB Town Planning and Urban Design, on behalf of Divine Mercy College, have lodged Scheme Amendment No. 26. The Scheme Amendment proposes to add a number of uses to Schedule 4 – Special Use Zone (SU18) relating to the use of Lot 401 Yangebup Road, Yangebup. The use of the Lot is currently restricted to a private educational establishment with the north-eastern portion of the lot

being vacant and in excess of the schools requirements. The school wishes to establish a Child Care Premises on the vacant land, however, has also included Medical Centre and Place of Worship as being other potential uses that could be located on the vacant land.

## **Report**

The proposed Scheme Amendment has been put forward on the basis that part of the site is unoccupied and the additional uses are compatible with the school and the residential area opposite. The proposed additional uses are:

- Place of Worship;
- Child Care premises; and
- Medical Centre.

The proposed additional uses are considered to be appropriate and compatible uses to the existing use of the land for a private educational establishment. The proposed additional use of Medical Centre is considered acceptable on the grounds that there are no medical centres in the locality. A medical centre at this location would be within close proximity of the shopping centre accessible by district/local distributors of Yangebup Road and Osprey Drive.

## Environmental Protection Authority (EPA) Advice

The Environmental Protection Authority (EPA) reviewed the Scheme Amendment and decided that a formal assessment of the proposal was not warranted and that it was not necessary to provide environmental advice.

## Community Consultation

One letter of objection was received during the advertising of the proposed Scheme Amendment. The concern raised in the letter of objection related to the amendment facilitating the development of a car park at the rear of the objector's property and the perceived security issues associated with this. The proposed development site is located approximately 140m from the objector's property and as such the concerns raised have been dismissed in the Schedule of Submissions attached to the Agenda.

## Conclusion

It is considered that the proposed additional uses of Place of Worship, Child Care Premises and Medical Centre are compatible with the educational establishment and would benefit parents and residents in the area. These additional uses could also provide some assistance with the viability of the nearby neighbourhood centre on Yangebup Road. Given that the proposed additional uses are considered

compatible with the existing use on the site and surrounding uses it is recommended Council adopt Scheme Amendment No. 26 for final adoption and referral to the Western Australian Planning Commission.

### **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."*
  
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

The proposed Scheme Amendment was advertised for a period of 42 days in accordance with the Town Planning and Development Act 1928 (as amended).

One (1) letter of objection was received.

### **Attachment(s)**

- (1) Site Plan,
- (2) Schedule of submissions,
- (3) Plan showing affected area,
- (4) Scheme Amendment document.

### **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 8 September 2005 Council Meeting.

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

Nil.

**14.4 (OCM 08/09/2005) - LEGAL ACTION RECONSIDERATION - NEWMARKET HOTEL - LOT 21; 1 ROCKINGHAM ROAD, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD (2212274) (MR) (ATTACH)**

**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**

**Background**

This is the third report that has been prepared regarding Council commencing legal action against Kee-Vee for failure to carry out conservation works and pay legal costs.

Council at its meeting on 20 April 2004 resolved as follows:

- (1) *receive the report;*
- (2) *instruct its solicitors to initiate legal proceedings against Kee Vee Properties Pty Ltd (ACN 009 292 237), being the owners of Lot 301 (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 Town Planning Scheme No.3 and the Town Planning and Development Act 1928; and*
- (3) *require its Solicitors to attend a briefing at a date set by the Mayor to advise Council of the likely outcomes of the above legal action and to further advise Council on whether or not it should engage a senior Counsel to facilitate and expedite Council's desired outcomes.*

Following a request from Councillor Allen, a meeting was convened with Kee Vee, Cllr Allen and City Officers to discuss outstanding conditions of development approval and matters relating to the subdivision clearances. Kee Vee approached the City and cited

numerous financial and time constraints as the reason for the delay and has requested that Council reconsider its resolution. The Council resolution to prosecute Kee Vee was implemented, however, a summons has not yet been served.

In response to the above meeting and a letter of undertaking from Kee-Vee to carry out the conservation works to the Newmarket Hotel (Kee-Vee letter outlined in submission section of this report), Council at its Ordinary Meeting on 17 August 2004 resolved to:-

- (1) *receive the report;*
- (2) *instruct Council's solicitors to suspend legal action against Kee Vee for a breach of conditions 13 and 14 of the planning approval dated 21 May 2003, subject to:*
  1. Commencement of external conservation work to the Newmarket Hotel in accordance with the plan approved by the City on 21 May 2003, by 31 October 2004; and
  2. *The external conservation works outlined in the letter from Thompson Ong & Associates dated 24 October 2002 (and associated attachments) being completed by 31 July 2005.*
  3. *Payment of \$2,891.12 for the preparation of the Heritage Agreement by Council's Solicitors dated 26 September 2003.*
- (3) *if the conservation works are not commenced or completed in accordance with (2) above, instruct Council's solicitor to continue with proceedings against Kee Vee Pty Ltd in accordance with Council's resolution of 20 April 2004.*

Council's decision on 20 April 2004 sought to bring an end to the continued delays associated with this project. Under the circumstances described by Kee-Vee it was appropriate at that time for Council to grant a 'stay' to the legal proceedings. This allowed more than enough time for Kee Vee to submit a building licence application to carry out and complete the external restoration works.

On 4 March 2005 Kee-Vee were reminded by the City of the Council's resolution on 17 August 2004 to suspend legal action against Kee-Vee subject conservation works being completed by 31 July 2005 and payment of outstanding legal costs.

On 17 March 2005 Kee-Vee advised the City that restoration works couldn't commenced prior to the settlement of the tavern. (The tavern is the new building which has since been on-sold)

On 21 March 2005 the City responded to Kee-Vee and advised that any arrangements for the sale of land is not reflected in the resolution of Council to prosecute if they are in default.

The following quote is an extract from a letter received from Kee-Vee that was included as an attachment to the Council report on 17 August 2005 Ordinary Meeting of Council.

*We request that the Council reconsider its decision in regard to the legal action been taken against Kee-Vee in relation to the outstanding works on the Newmarket Hotel (old building) the reasons are as follows. Further to our meeting at Council 29/7 we wish to confirm the following facts:-*

*The issue with the part of the verandah to be removed we have instructed a builder to commence the work next week.*

*In relation to the old building we wish to confirm that full working drawings will shortly be completed. We have now appointed an engineer Mr John Dryka whom we are meeting 11am on Saturday morning. Mr Dryka will be responsible for all the structural drawings required for the apartments also the issue of the car park. We intend to have full working and engineering drawings to Mr John West in order to apply for a building licence. We anticipate the sale of the new Tavern will take place mid to late September 04 subject to all clearances being obtained, as the offer is now unconditional. This will enable Kee-Vee to complete the conversion of the Newmarket Hotel (old building) to the seven apartments to be known as "Mainstone Apartments. We anticipate commencement of works mid October completion of works in late June 2005. Nu Space Developments are the builders to be appointed for the conversion as they have vast experience on the conversion of buildings with heritage aspect. If you require any further clarification on any of the above matters please contact the undersigned. Tours sincerely Ms Louise Boucher – Company Secretary 29/7/04.*

Other Kee-Vee letters of 15 March 2005 and 17 March 2005 as attached to the report and should be read in conjunction with this item. These letters refer to delays in securing new titles. Other references include Council being aware the external restoration works cannot commence prior to settlement of the tavern.

### **Submission**

N/A.

## Report

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.

Kee-Vee, gave a clear undertaking in their letter of 29 July 2004 to carry out the conservation works to the Newmarket Hotel following the sale of the tavern and bottleshop, which has already occurred. The tavern lot has also been subdivided and on-sold to Ale Nominees Pty Ltd. The Newmarket Hotel is now on a separate title. Conservation works have not been undertaken by Kee-Vee within the one-year extension period.

There are two options available to Council as follows:-

### Option One – Prosecute Kee-Vee

Kee-Vee have the necessary resources to undertake the construction work. The only evidence available suggests significant property transactions associated with the recent sale of the tavern/bottleshop for a reported 1.775 million on 1/6/2005. Land sales evidence revealed that a total of 4.53 million dollars has been derived by Kee-Vee in land development sales from the strata titling of nearby 12 Boyd Crescent into 13 strata titled lots, subdivision and sale of 1A Rockingham Rd. Kee-Vee are also under offer to sell the Newmarket Hotel for a sum of \$650,000. It is therefore difficult to accept the proposition that Kee-Vee don't have the financial resources to carry out and complete the conservation works.

Implications:-

- Kee-Vee are forced to carry out the conservation works to the Newmarket Hotel and find a commercial way through to complete the work.
- Kee-Vee are 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.
- Kee –Vee 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.

Option Two – Not Prosecute Kee-Vee and allow the sale of land to proceed

Kee-Vee have entered into a contract for sale of land or strata title by offer and acceptance with a company titled Erinlea Pty Ltd of which Mr Don Campanalla is a Director. City Officers have discussed Mr Campanalla's intentions in relation to the adaptation of the Newmarket Hotel. Mr Campanalla indicated the contract is subject to the conditions for the reapproval of the 7 apartments and finance within a short period of 30 days from the acceptance of the offer. Mr Campanalla also sought assurance from the City that his ideas to convert the building to 5 apartments and build 2 other units on the same site would be entertained. Mr Campanalla also indicated that he would need an extension of time to carry out the conservation works by June 30, 2006 and was prepared to look at completing the conservation works as part of the first stage of development.

It would be very disappointing if Council decided to simply pass on the responsibility for conservation works to be carried out by another owner/developer because Kee-Vee have benefited from development approvals and concessions granted by Council.

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.

Recommendation

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 in train 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.

#### **Legal Implications**

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

#### **Community Consultation**

N/A

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

- (1) Letters from Kee-Vee Properties Pty Ltd as follows:  
29/7/04, 23/11/04, 15/3/05, 17/3/05.
- (2) Letters to Kee-Vee Properties Pty Ltd as follows:  
4/3/05, 17/3/05, 21/3/05.

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

Kee Vee Properties Pty Ltd has been advised that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

**14.5 (OCM 08/09/2005) - CHANGE OF USE - SEVEN APARTMENTS - LOT 21; 1 ROCKINGHAM ROAD, HAMILTON HILL - OWNER / APPLICANT: KEE-VEE PROPERTIES PTY LTD (2212274) (ACB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) refuse to grant its approval to the seven apartments on Lot 21; 1 Rockingham Road, Hamilton Hill for the following reasons:-
  1. It would be inconsistent with orderly and proper planning to approve the proposed development, as development at the density proposed will be prohibited pursuant to Amendment No. 6 to the City of Cockburn Town Planning Scheme No. 3.
  2. The proposed development does not provide adequate on-site car parking.
  3. The Applicant has not complied with all of the conditions attached to the planning approval granted by Council on 21 May 2003 in relation to the subject land.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Refusal and an MRS Form 2 Notice of Refusal; and
- (3) advise the applicant of Council's decision.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Urban
	TPS:	Local Centre
LAND USE:	Disused Heritage Hotel Building	
LOT SIZE:	994m <sup>2</sup>	
AREA:	N/A	
USE CLASS:	Residential	

Council at its Ordinary Meeting of 18 February 2003 issued approval to develop seven residential apartment units on the heritage listed

building at Lot 21 Rockingham Road, Hamilton Hill subject to numerous conditions. In particular the approval included conservation works and set out timeframes for undertaking these conservation works.

The application was assessed using the 'Mixed Use Development' Standards of the Residential Design Codes of WA as a guide. A density bonus was granted as an incentive to refurbishing the existing Category 'A' heritage building. The owner has been granted numerous extensions to comply with the conservation works and has now failed to comply with the stipulated timeframe.

City of Cockburn Officers and Councillors have continuously granted extensions to the owners of the New Market Hotel. It is considered that the City's requirements are not being taken seriously by the owner and therefore it was considered appropriate to refuse the application for the renewal of the seven apartments.

Refusal was issued on 4 August 2005 for the following reasons:-

1. It would be inconsistent with orderly and proper planning to approve the proposed development as development at the density proposed will be prohibited pursuant to Amendment No. 6 to the City of Cockburn Town Planning Scheme No. 3.
2. The proposed development does not provide adequate on-site car parking.
3. The Applicant has not complied with all of the conditions attached to the planning approval granted by Council on 21 May 2003 in relation to the subject land.

### **Submission**

The applicant has requested that Council reconsider the planning application at its next Council Meeting.

The owner states that it fails to comprehend why the planning department has refused the application and that negotiations are in place with a prospective purchaser subject to the current approval for seven apartments. The owner further states, without approvals in place it makes the building impossible to sell and delays any form of preservation. The building is continuously vandalised and insurance is difficult to obtain.

### **Report**

Council Officers have delegation to refuse planning application under clause 10.3.1(b) of Town Planning Scheme No.3.

The proposal fails to comply with the R60 density coding applicable to Local Centre Zones within the municipality whereby 5.9 apartments (average of 166sqm per unit) are permitted in lieu of the 7 proposed. The density proposed will be prohibited pursuant to Amendment No. 6 to the City of Cockburn Town Planning Scheme No. 3. This Amendment is seriously entertained and is currently with the Western Australian Planning Commission for final adoption as opposed to 14 bays required.

If however this was the only point of concern with the proposal the City would have agreed that this matter is not sufficient in itself to refuse the proposal. When viewed collectively with other matters the proposed Scheme Amendment is a relevant factor to review this proposal.

In addition the proposal does not comply with car parking provisions stipulated under the Residential Design Codes. Two bays are required per apartment. A total of 7 are provided.

Most importantly the owners of the New Market Hotel have **continuously** failed to comply with previous planning approvals and extensions to the conservation works required on the site. On this basis, City Officers exercised clause 8.3.2 of Town Planning Scheme No. 3, which states as follows:

*"Where planning approval has been granted subject to conditions, and one or more of the conditions **have not been complied with** to the satisfaction of the local government, the local government may **refuse** to issue an approval for the further use or development of the land to which the conditions of a previous approval are outstanding."*

On this basis, it is unreasonable to issue further approvals and variances to an owner that continuously fails to comply with conditional approvals and Council direction.

### **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  
APD29 Development Compliance Process

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

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

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

The Proponent has been advised that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

**14.6 (OCM 08/09/2005) - STRUCTURE PLAN - LOT 4 ARMADALE ROAD, BANJUP - OWNER: BORAL BESSER MASONRY LTD - APPLICANT: ROBERTS DAY TOWN PLANNING CONSULTANTS (9664) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) not adopt the Structure Plan for Lot 4 Armadale Road, Banjup, until the following matters have been resolved to the satisfaction of Council in accordance with Clause 4 and 5 of the Subdivision Recommendations and Requirements of Council's Policy APD27 – 'Subdivision Policy for Sand Extraction Sites and Other Sites in Jandakot and Banjup north of Armadale Road'.

4. *The Council shall not support subdivision until the rehabilitation criteria of excavation/rehabilitation*

*plans have been achieved.*

5. *The Council shall not support subdivision unless relevant recommended buffer distances of the Environmental Protection Authority's Industrial – Residential Buffer Areas Policy (or other such buffer distance determined by the Environmental Protection Authority) are achieved to operational sand excavation sites, the brickworks on Lot 4 Armadale Road or other land uses with buffer zones.*

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

## COUNCIL DECISION

### Background

ZONING:	MRS:	Rural – Water Protection
	TPS3:	Resource
LAND USE:	Sand Mining Site and Brick Manufacturing Plant	
LOT SIZE:	58.773ha	

Background issues relating to the subject site are as follows:

- Lot 4 Armadale Road has been used for commercial sand extraction since 1966, whereupon operations have now finalised with clean-up/rehabilitation works ready to commence.
- a brick and paving manufacturing plant is located on the southern end of the site adjacent Armadale Road. A Development Application for the expansion of the plant was considered by the Council at its Ordinary meeting on 15 February 2005 (Minute No. 2704), where the application was refused. The Council decision is now the subject of an appeal to the State Administrative Tribunal (SAT). Mediation has been ongoing and as such, the outcome of this appeal has not been determined.
- A Local Structure Plan was submitted by Roberts Day Town Planning Consultants in February 2004 for Lot 4 Armadale Road, Banjup (refer to the Agenda attachments).
- The Structure Plan was advertised during March 2004 for public comment, whereupon 8 submissions were received.

- As Lot 4 Armadale Road is affected by Bush Forever Site (No. 390) and contains Declared Rare Flora, extensive negotiations regarding the Structure Plan were subsequently undertaken with officers from the Bush Forever Office, the Department of Conservation and Land Management and the Department of Environment.
- The Structure Plan was revised as a result of discussions, the final version of which is contained in the Agenda attachments.

### **Submission**

The proposed Structure Plan provides a framework for the subdivision and development of the land for rural-residential purposes upon completion of sand extraction activities and rehabilitation of the land.

The Structure Plan shows a staging pattern that would be implemented in the event that the proposed brick paving plant expansion is approved by the SAT, or if not, upon the closure of the existing block paving operation.

Key elements of the Structure Plan include:

- 22 lots ranging in size between 2.0ha to 2.8ha;
- preservation of Bush Forever Site 390 (BF390) by retaining it largely on a single 6.6ha Conservation Reserve managed by CALM, with the balance of the bush feature located on the rear of the adjoining lots.
- providing a 50m vegetated buffer adjoining the Resource Enhancement wetland located in the north-eastern corner of the site, which is also located within Bush Forever Site 390.
- 2.27ha lot for Public Open Space, based upon enhancing an existing man-made water body to create an ecological habitat, a community facility and a source of water for fire fighting;
- nominated building envelopes on each lot;
- surrounding BF390 with a system of strategic firebreaks with gate access in appropriate locations;
- maximising connectivity and permeability with internal roading connecting to adjoining land to the north and west as well as to Armadale Road;
- lots abutting Armadale Road obtaining frontage and access to Armadale Road via a proposed service road;
- a 300m buffer proposed between the existing and proposed brick manufacturing plants on Lot 4 and the proposed lots contained in Stage 1 on the northern portion of the site.

### **Report**

The Structure Plan was advertised for public comment in accordance with Town Planning Scheme requirements, whereupon 8 submissions were received. Seven of these submissions were received from



Referral Agencies. A summary of submissions is contained in the Agenda attachments.

Key issues raised in the submissions relate to:

- treatment of the Resource Enhancement Wetland in the north east corner of the site;
- treatment of the Bush Forever Site, including protection of the Declared Rare Flora '*Caladenia Huegellii*';
- the open water feature in the proposed POS.

Other issues warranting comment include:

- revegetation of the land;
- the brick manufacturing plant buffer.

#### Resource Enhancement Wetland:

The wetland in the north-eastern corner of the site is recorded as a Resource Enhancement ("RE") Wetland. DoE however, have assessed it as a Conservation Category ("CCW") Wetland as it contains regionally significant vegetation and is also included in Bush Forever Site No. 390. Although populations of the declared rare flora '*Caladenia Huegellii*' were mapped on-site, none were identified within the RE/CC Wetland.

The Structure Plan shows the RE/CCW being contained in two lots, surrounded by a full 50m wide vegetated buffer. Although the wetland is proposed to be contained on 2 lots, it is not proposed to fragment the wetland through the erection of fencing or firebreaks along the internal boundary. With the agreement of F.E.S.A, the wetland is intended to be encompassed by a single strategic 6m wide constructed firebreak with appropriate fencing and access gates. With this approach, the City should require indemnification from future landowners from liability for not enforcing the construction of firebreak along the full length of the common lot boundary. This can be achieved through legal agreements and Notifications on the new Titles addressed at the time of subdivision.

A Wetland Management Plan will need to be prepared and implemented, which will have obligations for future owners to protect vegetation, maintain weed control etc. This would be necessary regardless of whether the wetland is contained on a single lot or on two lots. Notifications on Titles will ensure prospective purchasers are informed of these matters to enable informed purchasing decisions to be made.

Bush Forever Site and Declared Rare Flora:

A significant part of the site is affected by Bush Forever Site No. 390. The majority of BF390 is located in the north-western corner of the site and extends onto Lot 136 Armadale Road, although a narrow section of BF390 abuts the northern boundary of Lot 4 Armadale Road and includes the RE/CC Wetland in the north eastern corner.

Through negotiation with the Bush Forever Office, the Structure Plan has been amended to include 6.67ha of the bush feature on a single lot, which is likely to be vested as Nature Reserve, which CALM has now agreed to manage. The eastern fringe of the main bush feature is proposed to be located on the rear portions of the adjoining three lots.

A 'Spring' survey undertaken confirmed the bush contains populations of the Declared Rare Flora (DRF) '*Caladenia huegelii*'. Although the majority of DRF occur on the proposed 6.6ha Reserve lot, some populations also exist in the bush at the rear of the three lots abutting the proposed reserve. Furthermore, an isolated population of DRF was mapped on remnant vegetation located on a lot north of the proposed POS Lot.

The preservation of the DRF has been fundamental to the subdivision design such that:

- the entire bush feature is intended to be surrounded by a 6m wide constructed strategic firebreak, with fencing and gates at appropriate locations.
- it is not proposed to fence along lot boundaries within the bush feature, rather, less obtrusive measures are proposed to delineate internal boundaries, such as the use of bollards. As stated above, the City should require indemnification from future landowners from liability for not enforcing the construction of firebreak along the common lot boundaries within the bush. In addition, Notifications should be recommended at the time of subdivision advising purchasers of the proposed boundary and fencing treatments.
- building envelopes on adjacent lots have been located to maximise separation from the bush feature to minimise the implications of bushfire management.

The outcome of the Bush Forever negotiations does not contemplate the construction of a connector road to the north-western corner of the site (through a narrow section of BF 390). However, from a planning and fire management perspective, it is important to provide for strategic fire access to facilitate movement between cells upon the land to the north of the subject land being developed in a similar manner. Care has been maintained to ensure the placement of the north-west connector road minimises impact on BF390 and does not interfere with identified populations of DRF.

It is recommended that conditions be required at the subdivision stage to ensure that the road connection through BF390 is designed in such a manner to allow wildlife to cross in relative safety.

#### Open Water Feature In The Proposed POS:

The proposed 2.27ha POS lot contains an existing water body, which is a pond associated with the previous sand extraction activity on the site. The water body is proposed to be retained and enhanced to provide:

- an ecological habitat;
- provide a water source for bushfire operations, and
- provide an amenity feature for future residents to enjoy.

The Department of Environment submission opposes the retention of the water body, apparently from a policy position. It is recommended though that the POS and water body be retained for the reasons described above, considering it is an existing feature. An enhancement and management strategy would need to be developed and implemented via a Management Plan, which would be addressed at the subdivision stage.

#### Revegetation Strategy:

A revised rehabilitation and revegetation strategy for the site will need to be developed to reflect the final proposed land use, upon completion of the current sandmining and brick paving operations. To this effect, a revised strategy should be agreed upon prior to subdivision occurring. Care will be required to ensure the suitability of plant species given the fire management objectives relating to the Lots containing BF390.

A mechanism will need to be included in the subdivision approval to ensure future landowners protect, maintain and continue with revegetation of the Lots to achieve the final strategy outcome.

#### Brick Manufacturing Plant Buffer:

The Structure Plan shows a 300m buffer projection from the existing and proposed brick manufacturing facilities adjacent to Armadale Road. The applicant's planning consultant has submitted that the buffer distance is based upon the Department of Environment criteria for 300-500m buffers for concrete batching plants to sensitive land uses. Sensitive land uses comprise: hospitals, high schools, caravan parks, primary schools, aged care centres, child care centres and high rise dwellings. As the form of development proposed is rural-residential, the 300m buffer was implemented given the low density of development.

It is recommended that prior to adopting the Structure Plan that the applicant be advised to liaise with and obtain written confirmation from the Department of Environment confirming the appropriateness of the proposed buffer and any other mitigation measures necessary to

ensure the manufacturing plant will not adversely affected the amenity of future residents.

Conclusion:

In conclusion, the proposed Structure Plan accords with sound planning principles but should not be adopted until the site has been fully rehabilitated and confirmation is received from the Department of Environment of the adequacy of the 300m buffer associated with brick and paving manufacturing plant in accordance with Council's Policy APD27.

**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."*
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 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."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
SPD3	NATIVE FAUNA PROTECTION POLICY
APD16A	STANDARD SUBDIVISION CONDITIONS AND REASONS FOR REFUSAL
APD20	DESIGN PRINCIPLES FOR INCORPORATING NATURAL MANAGEMENT AREAS INCLUDING WETLANDS AND BUSHLANDS IN OPEN SPACE AND / OR DRAINAGE AREAS
APD27	SUBDIVISION POLICY FOR SAND EXTRACTION SITES AND OTHER SITES IN JANDAKOT & BANJUP NORTH OF ARMADALE ROAD
APD30	ROAD RESERVE AND PAVEMENT STANDARDS

**Budget/Financial Implications**

N/A

**Legal Implications**

Possibility of having to defend the Council decision in the event of a request for a review being lodged with the State Administrative Tribunal.

**Community Consultation**

The proposed Structure Plan was advertised for public submissions in accordance with statutory requirements. 8 Submissions were received.

**Attachment(s)**

- (1) Structure Plan
- (2) Submission Schedule

**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 8 September 2005 Council Meeting.

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

Nil.

- 14.7 (OCM 08/09/2005) - SCHEME AMENDMENT NO. 24 TO TOWN PLANNING SCHEME NO. 3 - LOT 5 LYON ROAD, AUBIN GROVE - LOCKUP STORAGE - OWNER: CARMEL PTY LTD - APPLICANT: CARDNO BSD ON BEHALF OF THE LANDOWNER (93024) (CP) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the amendment for final approval as set out in the Agenda attachments, subject to the Additional Use (AU 18) special provisions in Schedule 2 being expanded to include the following description of lockup storage:

*Lockup Storage includes a premises used for the personal storage of goods, equipment or materials and includes the garaging or parking of motor vehicles and boats.*

- (2) in anticipation of the Hon. Minister's advice that final approval

will be granted, the modified documents be signed, sealed and forwarded to the Western Australian Planning Commission;

(3) adopt the recommendations made in the Schedule of Submissions attached to the Agenda; and

(4) advise the proponent and Submissioners accordingly.

## COUNCIL DECISION

### Background

At its Ordinary meeting on 15 March 2005 Council resolved to amend Schedule 2 by including part Lot 5 Lyon Road, Aubin Grove as an Additional Use of lockup storage (AU 18) and special provisions.

Lot 5 Lyon Road has been the subject of a proposed Structure Plan, which provides for the creation of an internal road network providing access to the Amendment site, as well as the creation of residential lots and Public Open Space. Final adoption of the Structure Plan is pending receipt of an amended plan.

The proposed Scheme Amendment will facilitate the development of a Lockup Storage facility on the western portion of Lot 5 Lyon Road, including a number of development guidelines requiring that:

- the Lockup Storage site shall be surrounded by high quality masonry walling;
- building scale and character shall be consistent with that of the surrounding buildings, being of a residential nature;
- the use of the site is restricted to storage purposes only, including provision for a caretaker's dwelling and associated car parking. The land use shall revert to residential in the event of the Lockup Storage use ceasing; and
- building up to the lot boundaries is permitted, subject to compliance with the requirements of the Building Code of Australia.

The Scheme Map will also be modified to reflect the additional use over the site.

The Amendment has been advertised and is referred to Council for final consideration.

## Submission

The proponent seeks Council's adoption of the proposed Scheme Amendment.

## Report

The Amendment was forwarded to the EPA in April 2005. The response received confirms the Amendment was not assessed by the EPA and no environmental advice was provided.

The Amendment was advertised in the Cockburn Herald and Cockburn Gazette in July 2005. All relevant Government agencies and 2 adjoining property owners were notified in writing of the Amendment and invited to make comments prior to 16 August.

Four submissions were received, being from the Department of Environment, Main Roads WA, Western Power and Alinta Gas. The issues raised are not substantive as to warrant consideration in this report, but addressed in the Schedule of Submissions contained in the Agenda attachments.

## Conclusion:

The proposed Amendment provides for the possibility of the development of a Lockup Storage facility on Lot 5 Lyon Road in the context of the development of a surrounding residential estate.

In accordance with Southern Suburbs District Structure Plan - Stage 2, the Amendment provides for Lockup Storage as an Additional Use, which means the land can only be developed for residential purposes (as provided for in the Local Structure Plan) in the event of the Lockup Storage not proceeding.

As no specific concerns have been raised in submissions or by the EPA, it is therefore recommended that Council finally adopt Scheme Amendment No.24.

## 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."*

2. Planning Your City
  - *"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:-

N/A

**Budget/Financial Implications**

N/A

**Legal Implications**

Town Planning and Development Act  
Town Planning Regulations

**Community Consultation**

All relevant Government agencies and two adjoining property owners were notified in writing of the Amendment and invited to make comments.

**Attachment(s)**

- (1) Locality Map
- (2) Amendment document
- (3) Schedule of Submissions

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

The Proponent(s) and those who lodged a submission on the proposal have been advised that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

**14.8 (OCM 08/09/2005) - ALLOCATION OF CASH-IN-LIEU MONIES (9477) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) allocate funds in its 2005/06 Municipal Budget in accordance with the Schedule for the following projects:



a	Hanlon St POS – Shade shelter, seating, play equipment	\$28,658
b	Rotary Park – Play Equipment, landscaping, shade shelter	\$200,000
c	Santich Park – Additional lighting playing fields	\$20,000
d	Meares Park – Provide seat	\$375
e	Berrigan Dr POS – Landscape, fencing, shade shelter etc	\$46,180
f	Edwardes Park – Bore & pump, training lights	\$72,000
g	Watsons Oval – Two light towers	\$39,000
h	Cnr Berrigan Dr and Prinsep Rd – Bore and pump	\$60,000
l	Wauhop Circle – Shade shelter	\$16,500
j	Serenity Parkway POS – Seating	\$700
k	Coogee Beach Foreshore – Shade shelters, bins	\$84,000
l	Phoenix Rd – Dual use path from Deller Drive (500m)	\$56,000
m	Market Garden Swamp – Landscaping, solar lighting etc	\$121,740
n	Coogee POS – Signage of heritage sites	\$60,000
o	Coogee Beach – Dune Rehabilitation	\$16,653
p	Atwell Sports Reserve – Car parking, lake aerator	\$48,000
(3) Transfer funds from the Public Open Space Development Restricted Funds as follows:		
a	Hamilton Hill POS	\$28,658
b	Coogee POS	\$482,393
c	Bibra Lake POS	\$375
d	South Lake POS	\$46,180
e	Spearwood POS	\$111,000
f	Munster POS	\$20,000
g	Jandakot POS	\$60,000
h	Beeliar POS	\$16,500
l	Hammond Park POS	\$700
j	St Pauls POS	\$42,390
k	General POS	\$13,610
l	Atwell POS	\$48,000
(4) amend the 2005/06 Municipal Budget accordingly.		
<b>TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL</b>		

**COUNCIL DECISION**

## **Background**

Council at its Ordinary Meeting held on 18 January 2005 adopted the proposed strategy for the expenditure of Public Open Space Cash-in-Lieu monies and forward it to the Minister for final consideration.

## **Submission**

The Minister approved the expenditure of cash-in-lieu funds allocated in Proposals 1-8, 11, 12, the \$60,000 allocated in Proposal 9 (Atwell Reserve) for the installation of bore and pump, the expenditure allocated for car parking and a lake aerator but refused the expenditure of \$23,000 allocated in Proposal 9 for the revegetation of the road reserve along Berrigan Drive, \$40,000 allocated in proposal 10 for reimbursement of previous works by Gold Estates and refused to approve the expenditure of cash-in-lieu funds for extensions to club rooms at Atwell Sports Reserve allocated in Proposal 10.

Refer letter from the Western Australian Planning Commission dated 16 April 2005 with the Agenda attachments.

## **Report**

The Agenda attachments outlines the timeframes for expenditure of the cash-in-lieu monies. The expenditure timeframes for a number of the items in this financial year have been modified from the timetable considered by the Council at its January 2005 meeting, as the dates for expenditure have expired during the course of consideration of the cash-in-lieu allocation by the Minister for Planning and Infrastructure.

The amended timeframes proposed are still appropriate timeframes to expend the monies and all but one are still within the 2005-2008 expenditure timeframe originally proposed.

Item 2a of the proposal relating to the environmental management of Coogee Beach and Foreshore has been modified to include ongoing watering and maintenance costs in the 2008/2009 financial year.

## Conclusion

It is recommended that the Council receive the report and resolve to transfer the cash-in-lieu monies in accordance with the attached Proposed Expenditure Timeframe Table.

This report proposes modifications to the cash-in-lieu expenditure timeframes and seeks Council's approval to amend the 2005/06 Municipal Budget for expenditure in accordance with the timeframes proposed.

## Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas that 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."*
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
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."*
  - *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*
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."*

The Council Policies that apply to this item are:-

SPD2	COMMUNITY FACILITIES INFRASTRUCTURE – 10 YEAR FORWARD PLAN
APD4	PUBLIC OPEN SPACE

## Budget/Financial Implications

The total funds available in the POS account is \$1,598,628.28. The proposals put forward in this Agenda item total \$869,806.

The proposal is to expend the funds in the Public Open Space Development Restricted Funds over the next 4 years (ie. 2005-2008 inclusive).

Council will need to amend the Municipal Budget to allow the expenditure planned for 2005/06 to take place.

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

- (1) Letter dated 16 April 2005 from the Western Australian Planning Commission
- (2) Proposed Expenditure Timeframe Table

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

N/A

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

Nil.

**14.9 (OCM 08/09/2005) - DRAFT JANDAKOT AIRPORT MANAGEMENT PLAN - JANDAKOT AIRPORT, JANDAKOT - OWNER: DEPARTMENT OF AVIATION - APPLICANT: JANDAKOT AIRPORT HOLDINGS PTY LTD (1211) (MD/JH/CB) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) forward a submission to Jandakot Airport Holdings and the Department for Planning and Infrastructure on the basis of the Officer's report and comprising the following recommendations:
  1. The construction of the fourth runway is opposed due to:
    - (a) The increased capacity for aircraft movements; and
    - (b) The consequent increased noise impacts upon the City's residents.
  2. The 'Do Nothing Option', is strongly supported and that the use of a satellite touch and go airstrip. This is a fundamental requirement to ensure the future environmental acceptability of the airport and it is further recommended that commitments be made by the State and Federal Governments to investigate this option prior to any final approval of the Master Plan.

3. The maximum number of aircraft movements per annum be restricted to namely 360,000. This is in order to provide a level of certainty for the Airport Lessee and the surrounding community in regard to the airport's future capacity and associated noise impacts.
4. The description of the zones and land use activities within the development precinct should be consistent with City of Cockburn Town Planning Scheme No. 3.
5. The uses permitted within the zones should be in accordance with City of Cockburn Town Planning Scheme No. 3.
6. Any retail activity within the development precinct be considered on the basis of serving the airport precinct and because of this be most suitably located in close proximity to the residential colleges.
7. The airport Master Plan should include the requirement for the preparation and adoption of a detailed structure plan for the development precinct by JAH in close consultation with the City of Cockburn.
8. A traffic management plan should be prepared as part of the Structure Plan and such works required to minimise or ameliorate adverse impacts be undertaken by JAH.
9. The proposed future road connection to Ranford Road as shown in the previous Master Plan dated 2000 is supported.
10. The Airport Master Plan should include a Protocol that provides for Council's input into the preparation and processing of Structure Plans, the processing of subdivision and development applications and construction standards for infrastructure.
11. Sewer connection should be a pre-requisite for any significant expansion of Aviation or Non-Aviation development on the airport.
12. A more detailed assessment of the conservation value of the site should be provided as part of any proposals for major developments on the site.
13. All future development which may impact on bushland should be subject to assessment under the Commonwealth's Environmental and Biodiversity

- Conservation Act 1999.
14. All future development that may impact on bushland should be referred to the Department for Planning and Infrastructure's Bush Forever Office for comment and negotiation.
  15. The Water and Rivers Commission referred to on Page 13-6 should be replaced with Department of Environment.
  16. Page 13.8 refers to Declared Rare Flora being located in Conservation precinct 2B shown on Figure 13.5. No such precinct is shown. Figure 13.5 is confusing as the priority areas within the legend and those on the map designated by L1, L2 and L3 do not match. The report needs to be amended to clarify the plan and report.
  17. Of concern is that the area of excellent quality bushland to the west of Marriott Road is proposed to be developed for industry when there is already large areas of industrial land available (or being developed) within district that remain vacant. Further research needs to be undertaken regarding the demand for such land before development occurs in this precinct.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Public Purposes – Commonwealth Government Water Catchment
	TPS:	Region Reserve – Public Purposes – Commonwealth Government Region Reserve – Water Catchment Special Control Area – Jandakot Airport
LAND USE:	Jandakot Airport	
LOT SIZE:	512ha	

On 1 July 1998 the Federal Government sold a 50 year lease of Jandakot Airport with an option for a further 49 year lease extension. The Lessee, Jandakot Airport Holdings (JAH) is required to prepare a draft Master Plan and an Environmental Strategy. These reports are

required to be advertised for a 90 day period for receipt and consideration of public comments by the Airport Lessee. The Master Plan is then to be submitted to the Federal Minister for Transport and Regional Services for approval and will remain in force for a period of 5 years.

The current Preliminary Draft Master Plan (PDMP) is an update and review of the approved December 2000 Master plan. The PDMP incorporates several changes to the existing Master plan, including revised options for the provision of a fourth runway.

The Environmental Strategy for Jandakot Airport was adopted in December 2004.

The Executive Summary of the Draft Master Plan is included as an attachment to the Agenda.

## **Submission**

### Preliminary Draft Master Plan (PDMP)

The draft Master Plan includes the following components:

- regulatory and planning context;
- description of the existing airport site and facilities;
- air traffic growth forecast and assumptions;
- description of preferred land use plan, including options for the fourth runway;
- description of airport operational requirements and facilities including support facilities, road access and service infrastructure;
- description of land use proposals, ie conservation areas, aviation-related development and non-aviation (commercial/light industrial) development;
- description of and comparison of existing (1997) and Ultimate Capacity noise impact areas.

## **Report**

### Preliminary Draft Master Plan (PDMP)

#### 1.0 Land Use Proposals

The PDMP identifies a 148 ha portion of land located in the North West Quadrant for non-aviation/commercial development. In general the area is proposed to be developed for “Mixed Business” and “Light/Service Industry” uses as defined in the City’s Town Planning Scheme No. 3.

In the future it should be necessary to prepare detailed area plans for the proposed development areas. It is recommended that Council

advise JAH that the detailed area plans, if prepared occur in close consultation with the City.

The general allocation of land use activities is supported. However, it is considered that any retail activity within the development precinct would only serve the local catchment and would be more appropriately located centrally and in closer proximity to the flying training schools and dormitories.

For clarity and ease of interpretation it is recommended that the nomenclature for zones and uses be consistent with those used in City of Cockburn District Town Planning Scheme No. 3.

The Master Plan provides details of the Airport internal road system and access plan (figure 10.2). No detail is provided on how the 3 development zones are to be structured and developed. It is recommended that JAH be requested to prepare detailed structure plans for each area to co-ordinate and guide future subdivision and development.

The structure plan should be prepared in consultation with the City and should address matters such as land use proposals, indicative road layout, drainage, open space etc. A traffic management plan should be prepared as part of the structure plan.

It is understood that land within the development area could be freeholded and subdivided. If this were to occur agreement would need to be reached with the City of Cockburn to take over roads, drainage, open space and other appropriate reserves.

All infrastructure in this area should be constructed to Council's specifications and it is recommended that any further development in this area be to standards agreed between Council and JAH and that JAH engineers certify that infrastructure has been constructed accordingly, only if it is to be handed over to the City to maintain and manage.

Development on the airport is not subject to normal State Government or local government subdivision or development processes. However there is a need for Council to be closely involved and consulted on the development of the North West Quadrant, of the Airport land.

It would be desirable to establish a protocol between JAH and Council to cover matters including the preparation and adoption of a structure plan for the precinct, development standards, zones and permitted uses and standards for roads, drainage etc, particularly if the area is to be freeholded in the future.

This has been discussed with JAH and there is agreement to further identify items that could be included and possible procedures.



Items important to Council are as follows:

- The use of terms, definitions, zones and development standards that are consistent with City of Cockburn Town Planning Scheme No. 3.
- Adoption of a Structure Plan by JAH in consultation with Council which shows adequate detail to guide subdivision and development of the area.
- Referral of subdivision and development applications to Council for its information and comment.
- Procedures for certification that infrastructure including roads and drainage have been constructed to Council specifications, if they are to become public responsibility.

## 2.0 Transport Issues

There is a need for the preparation of a traffic management plan as part of a detailed structure plan for the site to ensure that the external and internal road systems are adequate to serve the proposed level of development.

The proposed future road link to Ranford Road as shown in the previous Master Plan dated 2000 has been deleted. The connection is still supported to minimise any potential impact on Jandakot Road.

## 3.0 Aircraft Noise

Noise from aircraft using Jandakot Airport has a significant impact on the amenity of the surrounding area.

These impacts are greatest within the circuit training areas and under the outward bound flight paths and are related to the following factors:

- level of noise emitted by the aircraft;
- flight settings of the aircraft (eg rate of climb, power etc);
- aircraft altitude;
- frequency of overflight; and
- predictability of overflight.

Whilst it is recognised that the ANEF contours are likely to reduce, many of the airports neighbours will continue to be severely affected by aircraft noise. Any change to airport operations that increases the number of movements at Jandakot Airport will result in an increased noise impact on nearby residents.

### 3.1 Fourth Runway

The draft Master Plan proposes two options for the location of a fourth runway and a third option (referred in the PDMP report as the 'do nothing' approach) which is discussed in section 3.2 below. The PDMP proposes different location options for a fourth runway to that which was shown in the previous Jandakot Airport Master Plan. Proposed parallel east-west runway is on north side of existing runway 12/30 whereas it was previously on south side. Notwithstanding this, the new runway will result in a greater number of aircraft movements over South Lake and Jandakot areas, resulting in higher noise levels.

The proposal to provide for a fourth runway is a significant planning issue which will increase the noise impact resulting from the airport's operations.

The Draft Preliminary Master Plan estimates that the construction of the fourth runway will result in an additional 23,000 movements per annum. This represents a potential increase of approximately 525 movements per day for the 12-15% of days when the 12/30 runway will be in operation.

The intensity of the noise coupled with the infrequent intervals between flights and increased volume of movement will result in higher impacts on residents affected by these flights. By far the majority of movements on runway 12/30 will occur during the summer months.

For these reasons the construction of the fourth runway is opposed.

### 3.2 Alternative Options

It is recommended that Council strongly favour the 'do nothing' option. This option which it is hoped would result in the use of a touch and go runway within 30 nautical miles of Jandakot Airport, would contribute to a significant reduction in aircraft noise impacts overall. This would be of significant benefit to the community surrounding the airport.

### 3.3 Reduction in aircraft numbers

The "Jandakot Airport Noise and Social Survey" was prepared for the Federal Airports Corporation and published in December 1997 by ERM Mitchell McCotter. This survey is known as the ERM Mitchell McCotter Study.

The ERM Mitchell McCotter Study considered 5 options for reducing the impact of aircraft noise on the surrounding residential community; namely:

1. restrictions on the hours of operation;
2. restrictions on the type of planes operating in the training circuits;
3. increasing the height of the training circuits;
4. reduction in aircraft numbers; and
5. dispersion of flight tracks.

Options 1, 2 and 5 have largely been addressed through the Jandakot Airport Flight Paths and Training Circuit Review.

Option 3 is not within the control of the Airport Lessee.

Options 4 is within the control of the Airport Lessee and it is therefore recommended it be specifically addressed by the Lessee via the draft Master Plan process.

In this regard, it is recommended that Council recommend that aircraft numbers be capped at 360,000 movements.

The report presented to Council in relation to the previous draft Master Plan recommend that aircraft numbers be capped at 360,000 movements, being the estimated number of movements forecast for the year 2008 at that time. This recommendation is also supported this time. This would allow a reasonable planning and construction timeframe for a remote touch and go airstrip to be established. Establishment of a remote touch and go airstrip to accommodate circuit training flights should be the Council's principal recommendation to reduce aircraft noise impacts on the community.

The 2025 forecast of 472,000 movements is considered an unacceptably high level.

This is based on the community's adverse reaction to the previous high levels of over 400,000 movements experienced some years ago.

#### 4.0 Environmental Considerations

JAH have prepared an Environmental Strategy for the site that was adopted and approved in December 2004. The Environmental Strategy is required to be reviewed every 5 years.

The following environmental issues are applicable to the site and PDMP:

1. The bushland within the grounds of the Jandakot Airport provides habitat for a number Endangered, Priority 4 and Regionally Significant species including Carnaby's Cockatoo and Black-Striped Snake. The bushland is also known to contain Declared Rare Flora. As the land is owned by the Commonwealth any future development which will impact on bushland should be subject to

assessment under the Commonwealths Environmental and Biodiversity Conservation Act 1999.

2. Endorsement of the Master Plan should not be confused with approval for the proposed development within the Master Plan. Any future development needs to be assessed individually and referred to Cockburn for comment. Any future development should also comply with Council guidelines for development.
3. Jandakot Airport is listed as Bush Forever Site 388. Any future development that will impact on bushland should be referred to the Bush Forever Office for comment and negotiation.
4. The Drainage associated with any future expansion of the airport should not be detrimental to any natural wetlands within the airport property.
5. Future development should not be detrimental to the Jandakot Groundwater Protection Areas. Connection to sewer should be a prerequisite of any significant expansion of Jandakot Airport. Any groundwater contamination associated with the existing refuelling sites should be remediated and underground tanks be replaced by bunded above ground tanks. Should additional fuel facilities be required they should utilise bunded above ground tanks.
6. The Water and Rivers Commission referred to on Page 13-6 should be replaced with Department of Environment.
7. Page 13.8 refers to Declared Rare Flora being located in Conservation precinct 2B shown on Figure 13.5. No such precinct is shown. Figure 13.5 is confusing as the priority areas within the legend and those on the map designated by L1, L2 and L3 do not match.
8. It is of concern that excellent quality bushland to the west of Marriott Road is proposed to be developed for industry when there is already large areas of industrial land available (or being developed) within Cockburn that remains vacant. Further research needs to be undertaken regarding the demand for such land before any decisions are made.

### Conclusion

It is recommended that Council write to JAH opposing a fourth runway proposed in the PDMP in favour of the 'Do Nothing' approach in order to reduce the impacts of aircraft noise to landowners within the City of Cockburn.

## 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 Council Policies which apply to this item are:-

SPD1 BUSHLAND CONSERVATION POLICY  
SPD3 NATIVE FAUNA PROTECTION POLICY

## Budget/Financial Implications

N/A

## Legal Implications

The City has no statutory role in the development and use of the Jandakot Airport.

## Community Consultation

N/A

## Attachment(s)

- (1) PDMP Executive Summary
- (2) Jandakot Airport Ultimate Layout Plan

## Advice to Proponent(s)/Submissioners

N/A

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

Nil.

**14.10 (OCM 08/09/2005) - 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 applicant of Council's decision accordingly.

**COUNCIL DECISION**

**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. Ordinarily the development of the site inclusive of residential dwellings would be permitted, however, 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.

### **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 approval.

### **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 is proposed.

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.

In the context of the above, it was considered that there is insufficient justification to support 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**

N/A

### **Community Consultation**

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

### **Attachment(s)**

- (1) Location Plan
- (2) Submission



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

The Proponent has been advised that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

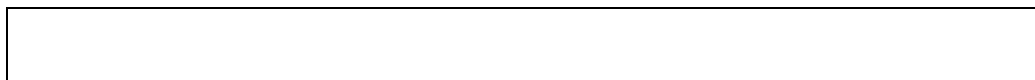
**14.11 (OCM 08/09/2005) - PROPOSED STRUCTURE PLAN - LOTS 4-11, 14 & 42 HAMMOND ROAD, SUCCESS - OWNER: VARIOUS - APPLICANT: ROBERTS DAY (9638G) (MD) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Structure Plan for Lots 4-11, 14 and 42 Hammond Road, Success;
- (2) advise the applicant of the matters indicated in the summary of submissions as requiring advice to be provided to the applicant;
- (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**



## 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	

## Submission

The City received a Structure Plan on the 17 March 2005 for Lots 4-11, 14 & 42 Hammond Road, Success. A locality plan and Structure Plan are shown in the Agenda attachments.

The proposed Structure Plan area is likely to yield approximately 279 lots, with densities of R20, R25 and R40 provided. A variety of lot sizes will be created ranging from approximately 220m<sup>2</sup> to lots greater than 500m<sup>2</sup>.

The Public Open Space (POS) areas are designated for recreation, drainage and conservation purposes and seek to retain stands of native vegetation within these areas. The POS areas provided are 9325m<sup>2</sup>, 13932m<sup>2</sup> and 13817m<sup>2</sup> in area, which includes wetlands and buffers and complies with the 10% POS requirement, calculated in accordance with Council policy.

## Report

The proposed Structure Plan is generally consistent with the Southern Suburbs District Structure Plan which identifies the subject land for residential development with some pedestrian based retail. The proposed Structure Plan Stage 8 omits the pedestrian based retail and this is considered appropriate given that Council has adopted a Structure Plan for Reserve 7756 located adjacent to the subject land on the eastern side of Hammond Road, which shows a potential location for a shop.

## Wetlands

The majority of the site is mapped as a 'Multiple Use' wetland by the Department of Environment (DoE). The wetland located within Lot 5 is

classified as a 'Resource Enhancement' wetland and the proponent has undertaken studies of this area and has determined it to be degraded. The Bartram Road Buffer Lakes abut the subject site to the north and are identified as a 'Conservation' management category wetland, although the lakes are essentially a stormwater treatment facility.

The DoE has conditionally approved development over the 'Multiple Use' wetland and within the buffers to the 'Resource Enhancement' wetland and the Bartram Road Buffer Lakes. Refer to letter from the DoE and Schedule of Submissions contained in the Agenda attachments for further information.

#### Lot 14 Hammond Road

Lot 14 Hammond Road is freehold land owned by the City of Cockburn. The Structure Plan proposes to utilise this land for drainage purposes within Public Open Space.

The proponent has been advised that Lot 14 is owned by the City as freehold land and as such the subdivider would need to purchase those portions of Lot 14 required for roads and drainage.

The proponent has advised that they are prepared to purchase those portions of Lot 14 required for road reserves but are not presently prepared to purchase the area of land required for drainage.

It is recommended that if the proponent requires Lot 14 for roads and drainage then the proponent must purchase the area of land required from the City. This issue is not considered sufficient to prevent the structure plan from being adopted, as the subdivider will have two options to provide drainage in the northern portion of the subject land at the time of subdivision, as follows:

1. purchase the portion of Lot 14 required for drainage from the Council; 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.

Lot 14 represents a monetary value to the proponent in that by using Lot 14 for drainage purposes within POS it frees up other land owned by the proponent to develop for residential purposes. Also the Local Government Act does not allow Council to give away an interest in land owned by Council as has been requested by the proponents. In other areas Council has either exchanged or sold such land. Accordingly, the proponents are being subjected to consistently applied requirements in respect to Council owned land that is required as part of a subdivision.

### Public Open Space (POS)

The northern most POS provides a 30 metre buffer to the Conservation Category wetland (Bartram Lakes) to the north. The location of the central POS takes into account an existing drainage overflow channel for 1:100 storm events located on Lot 14 Hammond Road and will include drainage for the northern section of the subject land. The southern POS has been located to ensure protection of a Resource Enhancement wetland.

10% POS has been provided in accordance with Council policy.

### Drainage

Currently Lot 14 Hammond Road has the capacity to cater to 1:100 year storm events. The current drainage system for the northern sector of the subject land discharges into private landholdings (Lot 10 and 11) and then into Thomsons Lake Nature Reserve. The Structure Plan proposes to upgrade the drain within Lot 14, incorporating swales and subterranean drainage, which will connect directly to the Water Corporation main drain. This will eliminate stormwater discharging directly into private land and Thomson Lake Nature Reserve.

Drainage from the southern portion of the subject land will be discharged into a drainage swale accommodated within the southern public open space area. The drainage swale will be located outside the Resource Enhancement wetland.

### Community Consultation

The Structure Plan was advertised for a period of 21 days commencing from the 22 April 2005 to 13 May 2005.

Six submissions were received, all from government departments, including WaterCorp. The submissions raised a number of issues. These issues were referred to the proponent to address and the proponent liaised with the relevant departments and modified the Structure Plan where required.

It is considered the issues raised by the submissions have been appropriately addressed in the Schedule of Submissions attached to the Agenda.

### Conclusion

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."*
  - *"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."*

The Planning Policies which apply to this item are:-

SPD1 Bushland Conservation Policy  
 SPD4 'Liveable Neighbourhoods'  
 SPD5 Wetland Conservation Policy  
 APD4 Public Open Space  
 APD28 Public Open Space Credit Calculations

## Budget/Financial Implications

N/A

## Legal Implications

N/A

## Community Consultation

The application was referred to nearby landowners, relevant government agencies and a notice was placed in 2 newspapers circulating within the City of Cockburn for a period of 21 days in accordance with the requirements of Clause 6.2.8.1 of Town Planning Scheme No. 3.

Six submissions were received.

## Attachment(s)

1. Site Plan;

2. Schedule of submissions;
3. Structure Plan.

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

The Proponent and Submissioners have been advised that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

**14.12 (OCM 08/09/2005) - BULK EARTHWORKS, REMEDIAL WORK AND DEMOLITION WORKS PROPOSALS - PORT COOGEE MARINA AND RESIDENTIAL DEVELOPMENT - VARIOUS LOTS ON COCKBURN ROAD, SPEARWOOD - OWNER: PORT CATHERINE DEVELOPMENTS PTY LTD AND WAPC - APPLICANT: PORT CATHERINE DEVELOPMENTS PTY LTD (3209006) (VM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) grant approval for the bulk earthworks, remedial work and demolition works upon the receipt of advice from the Western Australian Planning Commission, that the Ministerial conditions imposed by the Minister for the Environment on MRS Amendment No. 1010/33 for Port Coogee have been satisfied;
- (2) subject to (1) above, issue the approval for the Bulk Earthworks application subject to the following conditions:-

**STANDARD CONDITIONS**

1. This approval is valid for twelve months only, after which time an application for renewal of planning permission must be submitted.
2. 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 Sundays and Public Holidays.
3. A building licence to be obtained prior to the construction of any retaining walls or other structures proposed as part of the development.
4. The landowner/applicant erecting two signs, advising the public of the timing of the future deviation of Cockburn Road, in locations and to the specifications of the local

government.

5. The landowner/applicant complying with the City of Cockburn Town Planning Scheme No 3 Development Area No 22 provisions that apply to the Port Coogee Development.
6. No burning of cleared vegetation on the site.
7. Earthworks over the site and batters must be stabilised to prevent sand blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand is blown from the site.
8. The developer to erect signs on the site for the duration of the development visible from Cockburn Road to the satisfaction of the City. The signs are to advise the public of the existence of heavy vehicle traffic, proposed duration of earthworks and the phone contact details of the principal contractor and supervising engineer.

#### SPECIAL CONDITIONS

9. Development being carried out in accordance with the plans titled "Preliminary Bulk Earthworks overall plan" including the amendments in red to the approved plans.
10. This approval is only for proposed earthworks indicated on the submitted plans. It is the proponent's obligation to satisfy all other relevant regulatory and statutory requirements and obtain all other necessary permits and approvals.
11. Waterway retaining walls installed along the waterway frontage must be designed in accordance with Australian Standard AS 1170 Parts 1 and 2 - 1989, to take live and dead loads imposed by a two storey brick and tile residence placed a minimum of 6m from the waterway frontage measured from the outer side of the top of the waterway wall and 6 m from a road frontage.
12. In accordance with approval granted by Minister for the Environment's "Statement that a Scheme may be Implemented" No. 000636 published on 20 October 2003 the landowner/applicant must implement the following management programs and management plan as they apply to this approval prior to commencement of works:

- Remedial Works Management Program;
  - Construction Management Program;
  - Waterways Environmental Management Program; and
  - Noise and Vibration Management Plan
13. The Bulk Earthworks application to comply with the requirements of Western Australian Planning Commission Policy No DC 1.8 Canal Estates and other Artificial Waterway Developments and Policy DC No. 2.3 Public Open Space in Residential Areas.
  14. The planning, construction and on-going management being undertaken in accordance with Environmental Protection Authority Bulletin 1060.
  15. The landowner/applicant must engage a suitably qualified coastal engineer must design and certify construction of the marina to protect development from coastal processes in accordance with Western Australian Planning Commission Statement of Planning Policy No. 2.6.
  16. The staging of Bulk Earthworks must ensure that Cockburn Road is maintained in its current alignment until provision is made for the realignment of Cockburn Road within the Primary Regional Road Reserve, which includes the construction of two traffic lanes, the construction of the railway bridge to provide a future 4 land divided road, lighting and drainage and landscaping requirements.
  17. The landowner/applicant preparing detailed rehabilitation plans for the beachfront retention protection and rehabilitation area as shown on the adopted Port Coogee Structure Plan.
  18. Marina breakwaters being designed in accordance with the requirements and specifications determined by a qualified Coastal Engineering Consultant to ensure that public roads, footpaths and residential and commercial development is protected from wave action during major storm events.
  19. Any existing man-made sea walls or revetments that are not removed as part of the development must be removed, rehabilitated or replaced in accordance with engineering advice to ensure the public beach is safe, attractive and forms a suitable transition between Coogee Beach and the proposed Marina Village.



20. Satisfactory arrangements being made to the satisfaction of the Western Australian Planning Commission for the preparation of a Drainage and Nutrient Management Plan and studies for the subject land within DA22.
21. The applicant engaging a qualified engineer to certify that all filling and back filling has been adequately compacted for residential development to the satisfaction of the Western Australian Planning Commission.
22. Where earthworks are proposed on land that is to form part of a future public open space or drainage area or a road reserve, this approval should not be construed as an indication that the finished contours are considered by the City to be appropriate. The City's consideration of detailed parkland development, drainage and road design plans will be subject to conditions deemed appropriate by the City's and may result in the need for recontouring of the filled land and/or confirmation of adequate compaction.
23. Filling is to be of clean material of a standard suitable for residential development and free from large rocks (except for breakwaters), stumps, organic matter and other debris.
24. All earthworks shall be undertaken in accordance with relevant Australian Standards.
25. The works are to be carried out in such a manner that dust is controlled to prevent nuisance or inconvenience.
26. All earth worked areas are to be stabilised to prevent sand drift to the City's satisfaction.
27. All batter slopes to filled areas being stabilised to the City's satisfaction and not be steeper than 1:3.
28. The perimeter of the areas to be worked must be pegged and clearly marked to ensure all earthworks are contained within the approved earthworks area.
29. The developer to maintain the existing drainage flow through the site and any Council land if applicable during the earthworks construction period.
30. The approval of this application is granted on the basis that the proposed earthworks design has been carried out by a qualified practising engineer. For this project it is confirmed that SKM Engineering consultants carried out

the design and certifies it is in accordance with the Australian Standards and best engineering practice.

31. No works are to commence until such time as a dust management plan in accordance with Council's Guidelines for the Preparation of Dust and Smoke Management Plans for the Development Sites with the City of Cockburn, and the Guidelines for the Prevention of Pollution from Land Development Sites in Western Australia published by the Department of Environmental Protection, July 1996, is approved by Council's Environmental Health Section.
32. A pre/post earthworks geotechnical report is required to be submitted to the City. The post earthworks report should include site classification of the prepared lots (Australian Standard 2870).
33. The project Engineer needs to certify to the City at the completion of works that the works are compliant with the project design and specifications.
34. The lots generally are to be prepared to an "A" classification as defined by AS 2870 and in accordance with the City's Earthwork Policy APD35 as amended.
35. Any proposed retaining walls are to be approved by way of a building licence issued by the City's Building Service, prior to construction on site. The submitted wall designs are to provide surcharge details for a single and double storey residence. The retaining wall design must facilitate the construction of a standard 1.8m high fence (ie steel or fibre cement or timber).
36. The proposed lots must facilitate storm water retention and percolation on each new lot by way of compliant soak wells.
37. Demolition works, all necessary demolition licences are to be obtained from the City's Building Service.
38. Approval to over-ride the moratorium for work packages 4 and 5 will be subject to satisfactory performance (including but not limited to adherence to an approved dust management plan and control of dust emissions) by the developer/contractor during work packages 1, 2 and 3.
39. The timing of the work as specified is to be strictly adhered to. Failure to do so may result in the rescinding

of the approval to operate during the moratorium, subjecting the developer to possible legal action.

40. Upon awarding of contracts for each stage, the preferred contractor is to submit the following to the City's Health Service:-
- Suitably scaled site plan detailing the scale of the works, position of stockpiled earth, location of haulage roads, position of wind fencing, position of machinery compound and associated facilities.
  - Details of green waste disposal (burning of green waste is not permitted)
  - Detailed description of dust management strategies to be incorporated by the developer/contractor during the life of the construction in accordance with the DoE Guidelines. This is to include a detailed list of commitments that the contractor will adhere to for the life of the construction.
  - Details of contractual arrangements and specifications in relation to earthworks need to be provided to ensure that suitable dust management strategies are incorporated into construction contracts and that appropriate contingency sums and arrangements are made. Copies of specifications will be required.
  - Provide details of method and stabilisation of completed areas throughout the life of the earthworks program.
  - Prior to the commencement of the earthworks the developer is expected to notify surrounding residents and businesses who are likely to be affected by dust from the development site of full contact details, including after hours numbers of the developer, consultant engineer and earthmoving contractors.
41. Suitable wind fencing is to be installed and maintained for the duration of the development along both the north and south bound lanes of Cockburn Road.
42. Should dust emissions on the site be such that they impair driver visibility for users of Cockburn road, all earthworks are to cease immediately and all efforts are to be directed to minimising dust emissions
43. Within 48 hours of completion of the sections subject to Bulk Earthworks and Marina Edges (Work Package 3), the completed areas are to be stabilised and vehicles prevented from disturbing these areas.
44. The developer is responsible for the maintenance of

stabilised areas for the duration of the development.

**ADVICE TO APPLICANT**

1. All marine structures require the approval of the Department of Planning and Infrastructure (Transport) and where necessary a jetty licence issued in accordance with the provisions of the *Jetties Act (1926)*. A planning approval is also required for jetties within marina waterways and within cadastral boundaries of canal style lots. Jetties shall comply with standards set for the waterways. The Waterways Manager should only support marine structures being attached to marina revetment walls when engineering advice shows that horizontal wall loading is negligible.
  
2. The subdivider is reminded of the obligations set out in the Port Coogee Waterways Management Transfer Facilitation Agreement that was a condition of the Minister for the Environment set out in Statement No. 000636.
  
3. Appropriate contact people that include on-site personnel must be identified to receive complaints from the public over construction activities, including dust management, traffic problems, health concerns and other impacts.

**COUNCIL DECISION**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Development Zone Development Area 22 (DA 22)
LAND USE:	Vacant and some derelict Industrial Sites	
AREA:	87.19 ha	

Council adopted the Port Coogee Structure Plan in conjunction with the proposed local scheme amendment at its Ordinary Meeting on 16 March 2004 subject to various requirements.

The Council at its meetings held on 9 June and 11 August 2005 adopted some minor variations to the Port Coogee Structure Plan on

the basis that they do not, in its opinion, materially alter the intent of the Structure Plan.

Two subdivision applications for the area has been lodged with the Western Australian Planning Commission. As these subdivisions have not been approved, the applicant has lodged a Development Application to Council for the Bulk Earthworks in order to progress with the development. A Development Application for Bulk Earthworks was not required if a subdivision approval was issued by the Western Australian Planning Commission.

To proceed with Bulk Earthworks prior to March 2006, the applicant has to address the City of Cockburn Policy SPD7 "Prevention of Sand Drift from Subdivision and Development Sites". The policy does not permit bulk earthworks between the 1st October and 31st March each year.

### **Submission**

The applicant, as part of the application, has provided a Dust Management Plan. The City's Health Services assessed the Dust Management Plan and determined that the information provided is not sufficient for assessment.

The City's Health Services requested the following information:-

- 1) Completed site classification chart (matrix) as per the DoE land development sites and impacts on air quality document.
- 2) Completed site detail sheet as per the above document.
- 3) Site plan indicating the area of land to be worked, position of wind fencing, staging of works, access roads, dust monitoring equipment etc.
- 4) Detail as to the timing of each stage of the works.
- 5) Detail as to the measures to be taken on site (dependent upon site classification).
- 6) Contact details of the developer, site engineer and contractor.

The City's Health Services also advised that the City has a moratorium on all bulk earthworks which have a site classification of 3 or 4 during the summer months. While this prohibits large scale earthworks, if the applicant is able to stage the work so that each small parcel of land falls within the Classification 2 score, the City will assess (and approve if satisfactory) a dust management plan for this time of year (this may include the construction of the breakwater, however we need a completed matrix for this). The moratorium runs from the start of October to the end of March the following year.

As part of the submission SKM Consulting Engineers provided a description of the works to be undertaken. This is included as an attachment to the Agenda.

The applicant's Planning Consultant, Taylor Burrell Barnett, has as part of the submission provided justification for Council to consider varying its policy requirements for this proposal. The following are some of the relevant justifications raised by the applicant. The full submission and plans provided by the applicant are contained in the agenda Attachments.

*"Earthworks will be managed in accordance with the approved Construction Management Program including the Dust, Noise and Vibration Management Plan, which have been prepared in accordance with DEP Guidelines, and in accordance with Council Policy.*

*Further, PCD require that all contractors, through the approved Management Plan, prepare detailed plans for their individual contracts which reflect the measures outlined in the approved plan and comply with relevant regulations. These will need to be submitted for the approval of Council prior to works commencing.*

*Construction is proposed to be in a continuing sequence to achieve the earliest completion of bulk earthworks – this will greatly assist in decreasing the overall level of public convenience in terms of:*

- dust, noise and vibration;*
- limit plant machinery movement across the site;*
- limit traffic disruption; and*
- facilitate backfilling for reclamation to allow public areas to be completed as soon as practicable;*

*There are no immediate residents in the prevailing wind direction (south-westerly winds) with the area to the north-east of the site, being primarily regional open space.*

*The topography of the land rises steeply from the coast to the ridge to the east of the site, therefore any dust generated by the earthworks will rise above, or be blocked by the ridge and cause negligible nuisance to residents in the east by morning easterly winds.*

*There are no residents located to the immediate north of the development.*

*Dust monitors will be established on the southern boundary (located away from the prevailing breeze) to identify any elevated dust levels requiring management, in accordance with the approved Management Plan.*

*A 24hr direct point of contact will be provided between the Contractor and Council in order to immediately address any complaints regarding the bulk earthworks."*

## Report

The Structure Plan for Port Coogee has been approved by the City and endorsed by the Western Australian Planning Commission. As the subdivision has not been approved by the WAPC it is reasonable to support the bulk earthworks application subject to appropriate conditions. This will ensure that the proposed timing for future stages are completed.

As part of the bulk earthworks application there will be remedial works of some of the land. The land owned by the WAPC within the site have been remediated. The proposed remediation works are for the lands owned by Consolidated Marine Developments.

The Port Coogee remedial works Management Plan has been prepared by RPS Bowman Bishaw Gorham Environmental Consultants. The remediation works are proposed to be contracted with the demolition works and the works will comply with the Management Plan.

A copy of the plan showing the soils requiring remediation is contained in the Agenda attachments. The City's Health Services has assessed the additional information regarding Dust Management provided by the applicant and summarised this into the following chart:-

Work Package	Stage	Site Classification (score)	Type of works	Date of works	Within moratorium	Meets Council Policy SPD 7
1	Remediation & Demolition	2 (324)	Bulk & Civil	26/9/05 to 24/11/05	Yes (partially)	Yes
2	Seawall & Breakwater Construction	2 (252)	Bulk	9/1/06 to 31/10/06	Yes (partially)	Yes
3	Groundwater extraction trench	2 (336)	Bulk	9/1/06 to 20/3/06	Yes (partially)	Yes
3	Bulk Earthworks and Marina Edges	3 (714)	Bulk	1/4/06 to completion during 06/07 moratorium period	Yes	No
4	Service relocation/Pump Station	3 (420)	Civil/Bulk	1/4/06 to 26/11/06	Yes (partially)	No*
5	Residential Subdivision (roads, retaining walls, services)	4 (999)	Civil/Bulk	5/6/05 to 22/10/06	Yes	No**
6	Cockburn Road Relocation	3 (483)	Civil	5/6/06 to 11/3/07	Yes (partially)	Yes

\* - SKM advise that trench excavation and backfilling will be completed before 2006/7 moratorium

\*\* - Work to be completed 3 weeks into the moratorium period.

Please note that these were the “raw” scores and all class 3 sites would be automatically upgraded during the summer moratorium period as per the Department of Environment document *"Land Development Sites And Impacts On Air Quality: A Guideline For The Prevention Of Dust And Smoke Pollution From Land Development Sites In Western Australia"*.

Council Policy SPD 7 delineates between Civil and Bulk earthworks, permitting all classifications of civil works during the moratorium period. For the purpose of this policy, “Bulk earthworks” refers to site clearance, land re-contouring and cut and fill operations. Work such as construction of retaining walls, installation of sewers and construction of roads is considered to be “Civil earthworks”.

Given that the majority of the Class 3 and 4 bulk earth works are occurring outside the moratorium period, the City's Health Service will support this application however would expect strict conditions to be imposed on the developer to both minimise, control and monitor dust. Strict control must be achieved to prevent dust obscuring the visibility of drivers along Cockburn Road posing a hazard to road users.

It is considered that the proposed bulk earthworks can be approved by Council subject to conditions. The environmental conditions for the structure plan proposal require the preparation and approval of three Management Programs (Remedial Works, Management Program and Noise and Vibration Management Program). The Environmental Consultants (RPS Bowman Bishaw Gorham) have advised that the programs have been drafted and advertised for public review. Once the 3 programs have been approved by the Environmental Protection Authority, then the Ministerial conditions imposed on the proposal can be cleared.

The proposed conditions reflect the Ministerial conditions, and the EPA and Council's requirements for the area, therefore provide the conditions are complied with, the proposal can proceed.

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

The Corporate Strategic Plan Key Result Areas that apply are:

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

The Council Policies that are relevant are:

APD17        Standard Development Conditions and Footnotes.

### **Budget/Financial Implications**

Nil.

### **Legal Implications**

City of Cockburn Town Planning Scheme No 3.  
Town Planning & Development Act 1928 (as amended)  
Metropolitan Region Scheme

### **Community Consultation**

Public consultation has already occurred in relation to the Port Coogee Structure Plan, which was advertised for public comment in conjunction with the Local Scheme Amendment. At the close of the public comment period, there was a total of 4030 valid submissions received.

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

1. Applicant's submission (Taylor Burrell Barnett)
2. SKM Description of Works
3. Figure 1 – Summary of soils requiring remediation.

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

The Proponent has been advised that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

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

**15.1 (OCM 08/09/2005) - STATEMENT OF FINANCIAL ACTIVITY - JULY 2005 (5505) (NM) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the Statement of Financial Activity and associated documents for the period ended 31 July 2005, as attached to the Agenda; and
- (2) adopt a material variance threshold of 10% and \$10,000 for the purpose of Statement of Financial Activity reporting in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996.

**COUNCIL DECISION**

**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 was amended in March 2005 with substantial changes made to Part 4 – Financial Reports. Under the old regulation 34, local governments were required to prepare either quarterly or tri-annual financial reports. Council had elected to receive tri-annual financial reports, which were prepared and presented for the periods ending 31 October and 28 February to coincide with Council’s budget review processes. The revised Regulation 34 now prescribes a monthly reporting regime.

**Submission**

N/A

**Report**

Effective as of 1 July 2005, Regulation 34(1) now 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 & 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).

#### 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. This standard seeks to define materiality and states that materiality is a matter for professional judgement. Information is material where its exclusion may impair the usefulness of the information provided. Materiality judgements can only be properly made by those who have all the facts.

In order to set a quantitative threshold for guidance on materiality determinations for Statements of Financial Activity, an arbitrary decision needs to be made by Council. AAS5 does offer some guidance in this regard by stating that an amount that is equal to or greater than 10% of the appropriate base amount may be presumed to be material, unless there is evidence or a convincing argument to the contrary. Conversely, an amount that is equal to or less than 5% of the appropriate base amount may be presumed to not be material, unless

there is evidence or a convincing argument to the contrary. Professional judgement would need to be applied for amounts between 5 and 10 per cent of the base amount.

It is proposed that Council initially set a materiality threshold of 10% and \$10,000. This would limit any variances reported to those which are both more than \$10,000 and 10% of the YTD budget concerned. This threshold aims to ensure that only relevant and substantial variances are disclosed to Council. The danger in setting thresholds too low for a City the size of Cockburn, is that far too many irrelevant variances may be reported, thus diluting the overall usefulness of the reported information. Therefore, it may be necessary to revise the material variance threshold, once we have some historical data to review.

Regardless of the threshold set by Council, staff will need to exercise a certain degree of judgment when reporting the variances. For example, a particular program may not be showing an overall material variance. However, within the program, there may be off-setting variances between multiple activities and projects. Viewed in isolation, some of these may be material and worthy of reporting. Staff will need to evaluate both the nature and amount of any variances and whether they are stand alone or should be aggregated with other like items.

#### Statement of Financial Activity & Accompanying Documents

Attached to the Agenda is the Statement of Financial Activity for July 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.

This being the first one prepared, there was bound to be a higher incidence of material variances in the YTD amounts than would normally be desirable. It should be noted here that for the first time, the annual budget was prepared fully on a cash flow basis. This meant that managers had to forecast the timing of budgeted revenues and expenditures. The majority of variances identified were related to timing issues, as would be expected at such an early stage of the financial year. The material variances are detailed in a separate statement.

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**

N/A

**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 (ie. report once).

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

**Legal Implications**

N/A

**Community Consultation**

N/A

**Attachment(s)**

Statement of Financial Activity – July 2005.

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

N/A

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

Nil.

**16. ENGINEERING AND WORKS DIVISION ISSUES**

**16.1 (OCM 08/09/2005) - REQUEST FOR FENCING / BARRIER BETWEEN CONIGRAVE ROAD AND SPEARWOOD AVENUE, YANGEBUP - HASKINS (450053; 4412732) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) present the following Options for treating the verge between Conigrave Road and Sogan Rise adjacent to Spearwood Avenue, to the affected residents for consideration as a means of preventing pedestrians and motor cyclists from gaining access onto Spearwood Avenue; namely:
  1. Option 1– To leave the verge as it is.
  2. Option 2 – To clear the existing vegetation to improve visibility from Spearwood Avenue.
  3. Option 3 – To plant additional trees and vegetation.
  4. Option 4 – To erect a 1.8m high fence constructed of:
    - Chainmesh (\$70/metre)
    - Colourbond (\$47/metre)
    - Clay Brick (\$507/metre)
    - Limestone (\$266/metre)
- (3) write to all the affected residents in Conigrave Road and Sogan Rise inviting comment on the options, and any comments are to be submitted in writing to the Chief Executive Officer within 21 days of the date of the letter; and
- (4) following receipt of any written submissions, reconsider the matter.

**COUNCIL DECISION**

## **Background**

A complaint about the inaction of the City to erect a barrier between Conigrave Road and Spearwood Avenue has been received from Mr Eric Haskins of 37 Conigrave Road, Yangebup. According to Mr Haskins, he has raised this issue with the City and elected members over the past 3 years.

A search of the City's property file found that there has been no written complaints received from Mr Haskins on this matter. However, Customer Service complaints have been received since January 2005 following an enquiry about the matter from the then Cllr Martin Reeve-Fowkes.

- 14 January 2005 - Customer Request from Paul Hopkins, resident 34 Conigrave Road, to replace bollards to stop motorbikes from crossing onto Spearwood Avenue. Work completed 17 January 2005.
- 19 January 2005 - Customer Request from Cllr Martin Reeve-Fowkes requesting the \$10,000 be set aside in the 2005/06 Budget to install a permanent fence along Conigrave Road verge.

The funds for the proposed fence, as proposed by Cllr Reeve-Fowkes were included in the budget considerations, but were not included in the final Budget for 2005/06.

## **Submission**

A Customer Request was sent to the Director Engineering and Works, as a result of a telephone call from Mr Haskins to the Chief Executive Officer's secretary on 10 August 2005.

Following this request the Works Manager went to the site and carried out an inspection and provided a report on the matter to the Director Engineering and Works dated 16 August 2005.

The inspection was carried out without contacting Mr Haskins.

On 17 August Mr Haskins rang the Chief Executive Officer's secretary and complained about not being informed as to what was happening with his complaint and this resulted in the Director contacting Mr Haskins on the same day to discuss the matter.

During the discussion Mr Haskins refuted the claim in the Chief Executive Officer's secretary's Customer Request to the Director Engineering and Works, that he requested a fence. All he is seeking is landscaping and lawn, as this would in his opinion be sufficient to

prevent motorbikes and young children gaining access to Spearwood Avenue.

Mr Haskins advised that this issue had been outstanding for so long that he was going to the press and Channel 7 to draw their attention to his concerns.

### **Report**

Based on the report prepared by the Works Manager on 16 August 2005, it appears that the City has installed and re-instated pine log barriers to prevent motorbikes from short cutting across the verge between Conigrave Road and Spearwood Avenue.

Although Mr Haskins believes that more tree planting and landscaping would resolve the problem, advice from Engineering Services and Parks Services, is that this would not prevent children and bikes making their way across the verge to Spearwood Avenue.

The only way to prevent access from Conigrave Road and Sogan Rise onto Spearwood Avenue is to erect a barrier, such as a fence to prevent short-cut access.

In addition, rather than adding more trees and shrubs, it would be preferable to remove and prune the existing vegetation to increase the visibility of people using the verge to the view of the traffic on Spearwood Avenue.

Should the Council form the opinion the verge needs to be made safer for pedestrians and to prevent motorbikes gaining access on to the verge, as requested by Mr Haskins, then it is suggested that the residents in Conigrave Road and Sogan Rise be advised of the possible options and their opinions sought.

The Options could be:

1. Option 1– To leave the verge as it is.
2. Option 2 – To clear the existing vegetation to improve visibility from Spearwood Avenue.
3. Option 3 – To plant additional trees and vegetation.
4. Option 4 – To erect a 1.8m high fence constructed of:
  - Chainmesh (\$70/metre)
  - Colourbond (\$47/metre)
  - Clay Brick (\$507/metre)
  - Limestone (\$266/metre)



Following the close of the public comment period, the matter be reconsidered by the Council.

### **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.

No costing has been undertaken at this stage for Options 2 and 3. This would be done following the receipt of any submissions and as part of the formulation of a final recommendation.

The cost estimate for various fences (Option 4) is as follows:-

#### (1) Conigrave Road, a distance of 355m between Nos 34 to 52:-

1.	1800mm high Chainmesh fence	=	\$ 25,000
2.	1800mm high Colourbond fence	=	\$ 24,000
3.	1800mm high Clay Brick fence	=	\$180,000
4.	1800mm high Limestone fence	=	\$ 94,500

In addition to this, another \$3,000 is likely to be required for the preparatory works.

#### (2) Sogan Rise, a distance of 41m between Nos 12 to 12:-

1.	1800mm high Chainmesh fence	=	\$ 2,560
2.	1800mm high Colourbond fence	=	\$ 2,460
3.	1800mm high Clay Brick fence	=	\$ 20,100
4.	1800mm high Limestone fence	=	\$ 9,500

In addition to this, another \$500 is likely to be required for the preparatory works.

Any fencing erected will have ongoing maintenance costs due to vandalism, graffiti and general maintenance.

Should the Council decide to proceed with one of the options, then funds will have to be identified from the existing budget.

### **Legal Implications**

N/A

### **Community Consultation**

Prior to the Council proceeding with the proposal, comments be sought from affected residents.

### **Attachment(s)**

- (1) Site map.

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

Mr. Haskins has been advised that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

## **16.2 (OCM 08/09/2005) - BERRIGAN DRIVE - TEMPORARY CLOSURE (450503) (JR) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) order the conditional closure of Berrigan Drive between Lakes Way and Hope Road between 1 March 2006 and 30 April 2006 by the Roe 7 Alliance pursuant to Section 3.50(4) of the Local Government Act, 1995, and effect the statutory notice in this regard;
- (2) enact the order subject to no valid objection being received to the closure;
- (3) delete the \$3M from Account No.CW2202 – Karel Avenue/Hope Road, set aside in the 2005/06 Municipal Budget which was included on the basis that this money would be provided by the Federal Government and is now no longer available for this project; and
- (4) amend the 2005/06 Municipal Budget accordingly.

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

### **COUNCIL DECISION**

## Background

The Roe 7 Alliance is currently constructing Roe Highway between South Street and Kwinana Freeway. This work involves the construction of the Karel Avenue bridge over the highway, to link to the existing dog-leg connection to Hope Road.

Following funding arrangements between Jandakot Airport Holdings and the State Government, the Alliance has now been engaged to also provide a bridge over the railway line on the south side of Roe Highway, thus providing a direct link between Karel Avenue and the Hope Road entry into Jandakot Airport. This will eliminate the dog-leg and at-grade crossing for through traffic. Berrigan Drive will connect as the terminating leg at the Karel Avenue/Hope Road link, with a roundabout intersection at this T-junction.

## Submission

To build this bridge over the railway line will require significant earthworks at the connecting roads, with Berrigan Drive required to be ramped up and deviated to the east at its connection with Hope Road once the bridge is completed. As a consequence, Berrigan Drive will need to be closed to through traffic at Hope Road for up to 6 weeks to safely accommodate the roadworks to realign its connection to the Karel Avenue/Hope Road link.

As a result, the Roe 7 Alliance have sought Council's approval to effect this closure between March and April 2006.

## Report

In support of their application, the Alliance have liaised with Australia Post and Transperth in regard to their services, have prepared a traffic control plan (including proposed signage / public advertising) and will notify all emergency services. To facilitate as little disruption as possible, the Alliance will have the following in place prior to the temporary road closure:-

- Completion of Roe Highway between South Street and Kwinana Freeway.
- Completion of the Karel Avenue / Roe Highway connection.
- Completion of the Karel Avenue/Hope Road link and bridge over the railway line.

This will provide a detour to Kwinana Freeway for southbound traffic in Karel Avenue wishing to travel to Berrigan Drive. Jandakot Airport will remain accessible from Karel Avenue. Northbound traffic wishing to

access the airport will be directed to Berrigan Drive / Kwinana Freeway / Roe Highway / Karel Avenue.

Conditions that are normally applied to shorter period road closures (less than 4 weeks) under delegated authority are typically:

- A certified traffic management plan be prepared.
- All emergency and service authorities be notified of the temporary closure.
- Advance warning signs be erected on site at least two weeks prior to the closure. The signs are to indicate the date of closure and the period of closure and a contact number for complaints.
- An advice of the proposed closure be placed in both the local newspaper and the West Australian newspaper at least two weeks prior to the closure.
- Detour signs be in place prior to the closure.

During the closure the following conditions would typically apply:

- Traffic to be managed at all times in accordance with the traffic management plan.
- Public safety to be paramount at all times.
- The works to be suitably signed and lit during the hours of darkness.
- All safety signage and lighting to be checked during working hours, on non-working days and at night to ensure their legibility.
- The detour road pavement (if necessary) to be maintained in good order at all times.
- The advance warning signs to be removed once the closure period has been completed.
- The proponent is the body responsible for the implementation of these conditions.

It is considered that, provided adequate consultation is undertaken, the closure will not cause undue problems, and conditional approval should be given.

### **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."*

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**

The City was to contribute to the construction of the railway bridge should it be successful in acquiring a Strategic Roads to Recovery Grant. However, apparently these grant funds have already been allocated elsewhere by the Federal Government for the next three years. Consequently, Council will be in no position to contribute, and the State Government will need to seek alternative funding. Jandakot Airport Holdings will be contributing at least one-third of the funds.

Funds of \$3M (Account No.CW2202 – Karel Avenue/Hope Road) was included in the 2005/06 Roads Infrastructure Budget in anticipation of receiving this from the Federal Government.

### **Legal Implications**

The temporary road closure can be ordered by Council under Section 3.50(4) of the Local Government Act, 1995. There is a statutory requirement and procedure for Council to give public and written notice, and receive and consider submissions as a result.

### **Community Consultation**

Consultation for the closure will be undertaken by the Roe 7 Alliance.

### **Attachment(s)**

- (1) Site plan of the proposed temporary closure.

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

The Proponent is aware that this matter is to be considered at the 8 September 2005 Council Meeting.

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

Nil.

**17. COMMUNITY SERVICES DIVISION ISSUES**

**17.1 (OCM 08/09/2005) - SHOPPING CENTRE PARKING - REGISTERED CAR PARK GATEWAY SHOPPING CENTRE (5518344) (RA)**

**RECOMMENDATION**

That Council:

- (1) approve Leane Chaproniere and Jorge Fernandez as employees of the Gateways Shopping Centre Management, to be gazetted as authorised persons to enforce on Lot 203 Beeliar Drive Success (Gateways Shopping Centre) Part X Traffic and Vehicles Sections 10.5, 10.7 and 10.8 to 10.18 inclusive, and 10.21 and 10.22;
- (2) provide the necessary training for the Gateways Shopping Centre Manager Staff gazetted as authorised persons; and
- (3) require the Rangers to monitor the activities of the authorised persons to ensure compliance with Statutory requirements.

**COUNCIL DECISION**

**Background**

Council at its meeting of 15 March 2005 requested that following consultation with Shopping Centre Management, a report be prepared and presented to Council dealing with the issues relating to shopping centre personnel being able to issue infringements in relation to parking offences.

At its meeting of the 9 June 2005 Council deferred the matter pending further consultation with the Gateways Shopping Centre Management and ACROD on the issue.

**Submission**

The manager of the Gateway Shopping Centre has sought approval to be able to issue parking infringements in their shopping centre parking area.

## Report

Gateway Shopping Centre management advises that as it is expanding it is experiencing parking problems that are requiring considerable more attention than the level of service able to be provided by the City's Rangers.

The Manager of Gateway Shopping Centre has requested that the centre staff be empowered to impose infringements on those who breach the parking notices within the shopping centre precinct. The City of Cockburn Local Law has a provision for the appointment of authorised persons to infringe breaches of parking regulations.

In order to be able to issue infringements, a named person must be authorised by Council in respect of the legislation and local laws that they will be administering. Only a person named is able to issue and sign infringements and the authority cannot be passed on to another person in their absence. Should the authorised officer leave their employment or no longer wish to issue infringements then the authorisation would have to be revoked and a new approval completed for the replacement officer.

Several years ago Phoenix Shopping Centre personnel were designated as authorised persons. There were occasions when infringements that were issued but had to be withdrawn due to the infringements being invalid because of incorrect information being entered. In addition, Centre Staff that were not appointed as authorised persons issued infringements because the original authorised person was no longer employed with this change not being notified to Council. The unsuccessful and often long drawn out investigation of these infringements and the administration work associated with their withdrawal was a drain on Council staff time.

After this unsuccessful episode, it was decided that this authority be removed from the shopping centre staff and alternatively they were advised to ring for a ranger should there be a problem and a ranger would be sent at the earliest opportunity to deal with the issue. They could assist the ranger by noting the Registration Number of the vehicle down as this would help the ranger should they arrive after the vehicle has left. This action has resulted in a number of cautions and infringements being issued by the rangers. This is the current arrangement that is supported by the Phoenix Shopping Centre Management.

As it has been some time since the practise of having non Council staff as authorised persons it reasonable that the practise be tried again with some controls put in place such as having a limited number of authorised persons with some seniority within the organisation and that training be provided.

The Management of the Gateway Shopping Centre has designated Leanne Chaproniere and Jorge Fernandez as their nominees to be authorised persons.

Training would be provided by Ranger Services to ensure that there was a clear understanding of the Local Laws relating to Parking.

It was further established that initial costs associated with prosecutions and appropriate signage would be the responsibility of Gateway Management.

It was also suggested that an advertising program through Gateways promotional newsletter, The Gateways Link, be carried out to inform the public about the new parking arrangements.

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

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

### **Budget/Financial Implications**

Gateway management has stated that they are prepared to accept training and costs associated with appropriate signage.

### **Legal Implications**

The City of Cockburn Local Laws 2000 allows for the appointment of authorised persons to enact provisions of the Local Laws.

### **Community Consultation**

Consultation with the Centre Management at the Phoenix and Gateways Shopping Centre.

### **Attachment(s)**

N/A

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

The management of the Gateway shopping centre has been advised that the matter would be considered at the meeting of Council to be held on 8 September 2005.

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

Nil.



**17.2 (OCM 08/09/2005) - POSSIBLE RELOCATION OF THE COCKBURN BOWLING AND RECREATION CLUB (INC.) (8003) (RA)****RECOMMENDATION**

That Council:

- (1) seek the approval of the Department for Planning and Infrastructure to utilise a portion of Visko Park for a bowling club and associated recreational and community facilities;
- (2) require a concept plan for the development of Lot 20 Rockingham Road, Spearwood with a detailed land valuation, cost and income plan to be prepared for consideration by Council; and
- (3) investigate alternative locations to Visko Park for the Cockburn Bowling and Recreation Club should approval not be gained from Department of Planning and Infrastructure.

**COUNCIL DECISION****Background**

At the Ordinary Council Meeting of the 21<sup>st</sup> of September 2004, Council resolved to contract a consultant to prepare a report to identify the viability and cost of establishing a Bowling Club on Visko Park in Yangebup and to identify land use options and valuation of the preferred option to redevelop the current club site.

The City contracted Peter Hunt Architects to develop concept plans and costings for the proposed facility on Visko Park in Yangebup.

In November of 2004, the City contracted Property Resources Consulting to determine various land use options for the current site and to estimate a current realisation price of the preferred option.

**Submission**

N/A

## Report

### Current Bowling Club Site Options

The Property Analysis report of the Cockburn Bowling and Recreation Club property, prepared by Property Resources Consulting, identified the total land area as being 6.0562 hectares and is a reserve zoned for civic purposes under Council's Town Planning Scheme. The Bowling club site is comprised of four bowling greens, a brick and iron clubhouse, bituminised car park and a grassed area covering an area of 19,000m<sup>2</sup>. The area is subject to a lease between the City and the Club, which expires in 2016. The assumption is that the club will surrender the lease agreement on the basis that an alternative acceptable facility on another site can be negotiated.

### *Option 1 – Residential*

The Property Analysis of the Cockburn Bowling and Recreation Club property found that the highest and best alternative use for the property is medium to higher density residential. The report recommends lots of approximately 350 to 400 m<sup>2</sup> each with possibly one or two higher density group housing sites of up to 1,000 m<sup>2</sup> each.

### *Option 2 – Aged Care Accommodation*

The consultants also identified a possible demand for aged care accommodation use, being in close proximity to shopping facilities and transport routes. The property is ideally located for a residential development being situated with close proximity to shopping facilities and transport routes and local service amenities. The access road off Rockingham road aligned with large mature trees would provide a unique entrance statement to a new subdivision.

### *Option 3 - Commercial*

The report found that commercial use of the whole site would not be a viable proposition due to other competing commercial businesses in the area, namely the adjacent Phoenix Park Shopping Centre. However, there may be scope on the site to maximise the usable frontage to Rockingham Road for a small amount of commercial development. If this were to occur it is likely that only the section fronting Rockingham road (say with a depth of up to 100 metres) would be viable for commercial use with the balance of the site suited to a residential zoning. However, if the current Bowling Club facility were removed, the lease area would no longer be a constraint and Council would then have the flexibility to rearrange the total land area. However, the consultants considered the demand for commercial zoned land would still be limited and would not achieve the prices achievable from a residential subdivision.

### *Option 4 – Mixed Use Site*

There could be demand for a small office building of approximately 1,000 square metres and this could be considered in a mixed-use site for a high-density residential apartment complex, similar to Subi

Centro. This could be situated overlooking the car parking area, however, such a building, say a two level building, would only require a site of approximately 700 to 1000 square metres. Due to a likely limited demand for office space this is seen to be the least preferred option.

The Estimated Realisation Price of the site was calculated by considering sales of other similar properties. A hypothetical subdivision of the land occupied by the Bowling Club provided by PRC is as follows (as at August 2005):

Total site area	19,000m <sup>2</sup>
Less 10% POS	1,900m <sup>2</sup>
Less roads 10%	<u>1,900m<sup>2</sup></u>
<b>Development area</b>	<b>15,000m<sup>2</sup></b>
Average lot size	350m <sup>2</sup>
Total Lot yield	43m <sup>2</sup>
Average selling price	\$145,000
Reflects \$357/m <sup>2</sup>	
<b>Gross realisation</b>	<b>\$6,235,000</b>
Less development costs	\$1,935,000
Based on \$40,000/m <sup>2</sup>	
Less Profit and Risk 20%	\$1,265,000
Less selling cost 3%	\$187,000
<b>Residual Land Price</b>	<b>\$2,848,000</b>
Reflects \$150/m <sup>2</sup>	

The consultants considered the current estimated realisation of the subject site (based on a medium density residential zoning) to be in the range \$2,600,000 to \$3,100,000 with a likely price of approximately \$2,848,000 for an out right sale. Council would be able to increase its return on the land by arriving at an alternative development arrangement such as joint venture partnership. The consultants noted that the final price would be dependent on the site density zoning.

#### Proposed Bowling Club

The project brief for the appointed architect included provision of a new building located at Visko Park in Yangebup to accommodate approximately 360 members at any one time to participate in outdoor lawn bowling and social activities, including TAB betting. The current facility is 860m<sup>2</sup> and the proposed facility is 800m<sup>2</sup> of enclosed area and 420m<sup>2</sup> of unenclosed area. The required facility is to include a hall, lounge/dining area, bar, kitchen, cool room, meeting rooms and storage area with amenities. The hall will have the capacity to be hired out for private functions and all habitable areas are to be air-

conditioned. Externally, provision should be made for four bowling greens (2 lawn and 2 synthetic) with shade areas, outdoor barbeque and activity area, service areas for refuse bins and the storage of soils, reticulation piping, machinery and equipment appropriately screened. Provision will be made for an access road to the building and car parking areas for 40 cars including 2 bays for disabled persons. Provision will be made for Disabled Access to Australian Standard 1428.

*Relocation to Visko Park*

Visko Park is vested in the City fee simple and is zoned 20A Reserve for Public Recreation purposes. This vesting would not allow for a Bowling Club which essentially would be for exclusive use for members and against the intent of the regulations and requirements of a 20A Reserve. However, it is possible to seek approval from the WA Planning Commission for the vesting of a portion of the land to be for the purpose of a Bowling Club. For this to occur the WA Planning requirements would be to obtain extensive community consultation, the results of which would then form the basis of the submission to the WA Planning Commission.

*Budget Cost Indication (4/3/2005 prepared by Quantity Surveyors)*

<b>Item</b>	<b>Amount (\$)</b>
<ul style="list-style-type: none"> <li>• Building (including covered alfresco area, verandah and spectator seating) 1,650,000</li> </ul>	1,650,000
<ul style="list-style-type: none"> <li>• External               <ul style="list-style-type: none"> <li>- Earthworks and Site Preparation 50,000</li> <li>- Bowling Greens                   <ul style="list-style-type: none"> <li>o Bowling Green No. 2 Grass 200,000</li> <li>o Bowling Green No. 2 Synthetic 300,000</li> </ul> </li> <li>- Tennis Courts                   <ul style="list-style-type: none"> <li>o No. 4 Bitumen/Flexipave 100,000</li> </ul> </li> <li>- Flood Lighting Bowling Greens &amp; Tennis Courts 50,000</li> <li>- Car Parking, Access Road &amp; Service Yards 300,000</li> <li>- Landscaping &amp; Paving Allowance 100,000</li> <li>- Service Connections 150,000</li> <li>- Public Address &amp; Security Allowance 50,000</li> <li>- Site Fencing &amp; Gates 50,000</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Other Project Costs               <ul style="list-style-type: none"> <li>- Consultants Fees 300,000</li> <li>- Loose Furniture &amp; Equipment Allowance 100,000</li> <li>- Construction Contingency 100,000</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Exclusions               <ul style="list-style-type: none"> <li>- Cost Escalation</li> <li>- Bore</li> </ul> </li> </ul>	
<b>Total Project Cost</b>	<b>3,500,000</b>

Recent building cost increases have been significant with an escalation of 15% per annum for anticipated on the above figure for the first year.

### *Conclusion*

While the bowling club premises currently meet basic club needs the building infrastructure is becoming progressively run down. Substantial expenditure on the building would be required to bring it up to a good standard suitable for the bowling club into the future. The long term retention of the club on the site would inhibit the ability for Council to maximise the opportunities it has for the rest of the site. Furthermore the City would have two (2) bowling clubs in the north west area of the City in close proximity to each other.

Council's best long term interest is for the bowling club to move from its present site. The question is whether this can be facilitated now or left until the lease expires in 2016.

At the expiration of the lease, the Council of the day could require the bowling club to vacate the premises. A situation could arise that the bowling club without a premises would then need to dissolve.

An option for Council is to advise the Cockburn Bowling Club that it is not prepared to assist in the relocation of the Club to Visko Park or another location. The likely result of this action is that the Bowling Club would remain in their existing location until the expiration of the lease.

Another option open to the City would be to use a portion of funds generated by the sale of land vacated by the existing Bowling Club to go towards construction of a new facility on Visko Park as a means of funding the project. A conventional Department of Sport and Recreation practice is for the City to contribute one-third of the cost of new facilities, seek funds from Community Sport and Recreation Facilities Fund (CSRFF) for one-third and the remaining funds to be provided by the Bowling Club. This could be achieved by a loan taken out by the Bowling Club.

An important consideration for Council is the development of a comprehensive concept plan for the use of the land on which the Civic Centre is located, particularly if the Cockburn Bowling Club relinquishes its current lease. It is proposed that if the Council does support the relocation of the Bowling Club it instigates the development of a concept plan and business plan for the future use of the site.

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

"To construct and maintain community buildings, which are owned or managed by the Council, to meet community needs"

"To deliver services and to manage resources in a way that is cost effective without compromising quality"

### **Budget/Financial Implications**

There are no funds available or identified in forward financial plans for the City to undertake any works associated with the Cockburn Bowling Club premises. Should the Bowling Club relinquish the lease of its current premises, funds could be made available through the sale of the land and used as a contribution toward new facilities for the Club. Should Council decide to enter a joint development arrangements for the land funds for building works would need to be accessed for the project to proceed.

### **Legal Implications**

Sections. 3.58 and 3.59 of the Local Government Act, 1995, refer.

### **Community Consultation**

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

The City has invited representatives from the Cockburn Bowling and Recreation Club to several meetings that have discussed concept plans with the appointed architect. Their feedback has been valuable and taken into consideration.

Should Council decide to proceed with the sale of land associated with the current bowling club it would be required to proceed in accordance with Section 3.59 of the Local Government Act 1995 which has public notification requirements.

Furthermore, should the Council seek to locate a new bowling facility on Visko Park, it would be required to provide public notification of works intended.

### **Attachment(s)**

N/A

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

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

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

Nil.

### 17.3 (OCM 08/09/2005) - MEMORIAL HALL REFURBISHMENT AND REDEVELOPMENT (8136B) (RA)

#### RECOMMENDATION

That Council:

- (1) place on its 2006/07 budget for consideration the sum of \$2,557,140 towards the cost of the refurbishment and redevelopment of the Memorial Hall and surrounding precinct; and
- (2) note the submission of applications to the Department of Culture and Arts, Lotterywest and Department for Veterans Affairs towards the cost of refurbishing and redevelopment of the Memorial Hall and the surrounding precinct.

#### COUNCIL DECISION

#### Background

At its meetings of the 19 November 2002 Council resolved to appoint a suitably qualified consultant to develop concept plans for the refurbishment of Memorial Hall.

Council, at its meeting of the 15 July 2003, considered and resolved to upgrade the Memorial Hall as follows:

- “(1) *require the Architect contracted for the Memorial Hall project to develop concept plans and usage options that:*
1. *Are cognisant of and in accordance with the Conservation Plan for the Memorial Hall, as attached to the Agenda.*
  2. *Allow for a facility that is suitable for cultural/arts activities and/or for functions for at least 100 people.*
- (2) *on the completion of the concept plans and usage options, instigate a public consultation process to include a consultative workshop with stakeholders prior to the matter being submitted to Council for its consideration;”*

The contracted architect, Palassis Architects, gave a briefing to Elected Members and senior staff on the concept plans on the 14 October

2003. A similar briefing was provided to interested community members on the 20 October, 2003.

A report was presented to Council on 15 June 2004, indicating the need for at least \$750,000 to be contributed by Council, with the total project cost being \$1,350,000. At its meeting of 15 June 2004, Council resolved that:

- (1) *Council commit to the refurbishment and additions to the Memorial Hall and the landscaping of the property for the total project as identified by the consulting architect for 2006/07; and*
- (2) *the plans prepared for these works form the basis of the Structure Plan for the Memorial Hall Precinct.*

### **Submission**

N/A

### **Report**

The redevelopment of the Memorial Hall situated on the corner of Carrington Street and Rockingham Road, Hamilton Hill has been placed on Council's previous Principal Activities Plan indicating works to be completed in 2006/07. The City has submitted applications to the Department of Culture and the Arts (DCA), Lotterywest and the Department of Veterans Affairs (DVA). These applications need to be urgently applied as the DCA application closes in September and the DVA application period runs at six months. This project has been highlighted as a significant restoration project for the City, as indicated in the City's Cultural Action Plan 2005 – 2008.

In October 2003 the contracted architects, Palassis Architects, provided a set of drawings and an indicative cost to the City of Cockburn for the redevelopment of Memorial Hall and grounds. This includes the construction of a lesser hall, amenities triangle (including toilets and kitchen) and 'green' (dressing) rooms. The concept design of the new buildings is a sculpture in the park, with contemporary buildings that provide juxtaposition against the heritage value of Memorial Hall.

The refurbishment of Memorial Hall includes the removal of the 1960's and 1970's 'wings' and conservation work to the exterior and interior.

Subsequently the design has been developed further after input from Elected Members and in consultation with various user groups and the community.

The new design, provided in February 2005, is generally similar to the October 2004 design, but with some specific modifications to meet user



needs. Generally these improve the quality and usefulness of the space, with some attendant increase in cost.

In addition to changes in the design there have been considerable increases in construction costs since October 2003. The escalation in this period, as estimated by Rawlinsons Australian Construction Handbook 2005 exceeds 15%. Further escalation may be expected in the period between now and agreement of a contract with a builder.

### **Project costs**

#### *Site works and Services*

Roads, Footpaths & paved areas:	\$145,515
Landscaping:	\$50,000
Relocate War Memorial:	\$20,000
External lighting & power:	\$30,000
Site clearing:	\$20,000
External storm water drainage:	\$10,000
External Sewer Drainage:	<u>\$20,000</u>
	<i>sub total</i> <u>\$295,515</u>

#### *Main Hall*

Alterations & renovations to existing buildings:	\$98,000
Electric lights & power:	\$51,975
External walls:	\$121,650
Roof:	\$45,000
Wall Finishes:	\$6,000
Floor Finishes:	\$8,910
Staircases:	\$12,500
Ceiling Finishes:	\$8,910
Upper floors:	\$11,900
Special Provisions:	\$200,000
(lighting, sound system, air conditioning, seating)	
Preliminaries:	<u>\$120,000</u>
(scaffolding, necessary protection)	
	<i>sub total</i> <u>\$684,845</u>

#### *Green Rooms*

Substructure:	\$10,500
Roof:	\$18,200
External Walls:	\$45,375
Internal Walls:	\$6,125
Floor Finishes:	\$7,000
Ceiling finishes:	\$4,550
Fitments:	\$15,000
Sanitary fixtures & plumbing:	\$6,000
Electric light & power:	\$15,400
Ventilation:	<u>\$1,500</u>
	<i>sub total</i> <u>\$129,650</u>

*Amenities triangle*

Substructure:	\$19,200
Roof:	\$25,600
External Walls:	\$54,750
Internal Wall:	\$16,200
Floor Finishes:	\$12,800
Ceiling Finishes:	\$8,320
Fitments:	\$90,000
Sanitary Fixtures & plumbing:	\$15,000
Electric Light & Power:	\$28,800
Ventilation:	<u>\$2,000</u>
	<i>sub total</i> <u>\$272,670</u>

*Lesser "Drum" Hall*

Substructure:	\$22,605
Roof:	\$35,620
External Walls:	\$62,150
Internal walls:	\$18,000
Floor finishes:	\$13,700
Ceiling finishes:	\$8,905
Fitments:	\$30,000
Electric light & power:	\$34,000
Special Provision (hanging system):	<u>\$12,000</u>
	<i>sub total</i> <u>\$236,980</u>

<b>Contingencies</b> Calculated at 10%:	\$160,000
<b>Preliminaries</b> Builders preliminaries	<u>\$260,000</u>
	<b>\$2,040,000</b>

Total Building Works (Ex GST July 2005)

Escalation 15% (Ex GST July 2005)	<u>\$306,000</u>
	<b>\$2,346,000</b>

Professional Fees 9%	<u>\$211,140</u>
Projected Total Project Cost	<b><u>\$2,557,140</u></b>

A contingency amount of 10% has been added to allow for design changes and unforeseen works.

Architectural fees, as per the contracted tender document have been calculated at 4.5% of the total project cost. It is expected that other professional fees including Quantity Surveying, structural, electrical, hydraulic, mechanical, landscape and acoustic engineers fees will also be calculated at 4.5% of the total project cost.

A contingency amount of 10% has been added to allow for design changes and unforeseen works.

## Hall Usage

Currently the newly formed Phoenix Theatre group is using Memorial Hall as a base for their activities and is keen to utilise the new refurbishment of the hall as a theatre space. The Harbour Theatre group from Fremantle would consider moving to Memorial Hall when their lease expires with the Princess May Centre in 2007 and have also made an approach.

It is envisaged that, by the completion of the overall project, Hamilton Hill Memorial Hall will become the location of a broader and more diversified range of cultural and arts resources and opportunities for all residents in the City of Cockburn. There is currently no arts/cultural centre in the City of Cockburn and establishing a new cultural/arts precinct at Memorial Hall will have city wide benefits. The arts sector contributes to a region's sense of identity and purpose and the creation of a cultural/arts precinct will help to create and maintain an active arts community in the City of Cockburn. Council officers have reported requests for flexible gallery display space and performing arts facilities.

Improvements to the facilities at Memorial Hall increase the opportunities for other uses of the hall by the community. By creating the lesser hall, which can be used as a stand-alone facility the other uses are increased. The Main and Lesser Halls could be used for a range of contained sporting and leisure activities, cultural & art classes and activities, performance & exhibition space and community functions & meetings. These four spheres of use cover a large range of activities that takes full advantage of a workable and flexible space for use by the wider community.

There is the option for Council not to construct the lesser hall which would save in the vicinity of \$240,000 in construction costs. With this option there would be no place for patrons to congregate during theatre performances. There would be limited opportunities in the main for other users such as income generating receptions, Marshal Arts and the like during rehearsal periods.

Administration has been in contact with the Department of Culture and the Arts in regards to the Community Cultural and Arts Facilities Fund (CCAFF). The fund supports local decision-making and input into developing community cultural facilities with an arts and cultural focus. Initial indications are favourable, but all submissions are made on a competitive basis. The Community Cultural and Arts Facilities Fund will only contribute a maximum one third of grant eligible project costs, including professional fees, but excluding GST. The CCAFF will not provide funds towards the moving of the War Memorial, external lighting or car parking.

External funds may also be sourced from the Department of Veterans Affairs and Lotterywest in regards to costs associated with the moving of the War Memorial.

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

“To conserve the character and historic value of the human and built environment”

“Maintaining and providing roads, parks and community buildings to acceptable standards”

### **Budget/Financial Implications**

The City expended \$41,538 in the 2004/05 financial year on the Memorial Hall of which \$16,041 was for depreciation, \$19,424 on maintenance, cleaning, utilities and insurance, \$3,353 on grounds maintenance, including the War Memorial and \$2,720 for the purchase of chairs and tables. A total of \$9,662 income was received in the same financial year. It is expected that with the expanded use of the Memorial Hall and the development of a Cultural and Arts precinct, the income from the hiring and use of the hall will increase considerably. Further to this the expenditure costs for the Main Hall will reduce as the building refurbishment will increase the quality of the structure and internal fittings, reducing costs associated with plumbing, electrical work and general maintenance. Up graded fittings and fixtures will also reduce ongoing replacement costs of items such as chairs.

This project could be partially funded by the Department of Culture and the Arts, as a Forward Planning Grant, from the Community Cultural and Arts Facilities Fund (CCAFF). The Forward Planning Grants are awarded over three financial years, though Council can expend the monies and be reimbursed for the costs, after the application is approved.

Other external funding includes up to \$4,000 from the Department of Veterans Affairs and up to a third of the total project cost - \$6,600 from Lotterywest to move the War Memorial. GST is not allocated with these grants.

Further Community Facilities funding opportunities are currently being explored with Lotterywest.

Potential contributions from each funding body would include:

Total City of Cockburn Contribution (excluding GST):	\$2,069,379
Total potential CCAFF Contribution (excluding GST):	\$477,161
Total potential Lotterywest Contribution (excluding GST):	\$6,600
Total potential DVA Contribution (excluding GST):	\$4,000

*Total of funding sought* \$2,557,140

This figure is for the project to start in July 2007.

### **Legal Implications**

N/A

### **Community Consultation**

The City and Palassis Architects held two community meetings on the 25<sup>th</sup> of August 2004 and 23<sup>rd</sup> of February 2005 to discuss the proposal with community members, user groups, theatre groups, artists and art/theatre industry representatives to gather information required to develop the initial plans more fully to make it a workable space and to assist with the costing of the project.

The City's Cultural Advisory Committee, which has substantial community membership were an integral part of the two community meetings mentioned above.

A meeting with representatives from the Phoenix Theatre Group was held in November 2004 to discuss the requirements for making the main hall a functional theatre space was also held and these considerations have been implemented into the current plans.

### **Attachment(s)**

N/A

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

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

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

Nil.

**17.4 (OCM 08/09/2005) - NAVAL BASE HOLIDAY ACCOMMODATION - APPLICATION FOR CONSENT TO CARRY OUT WORK (1914) (SF) (ATTACH)**

**RECOMMENDATION**

That Council advise Paul Babich and David Lambasa that the application to construct a new chalet on Site 409, is refused due to the impact the dimensions of the structure will have on surrounding sites.

**COUNCIL DECISION**

**Background**

On the 27<sup>th</sup> July 2004 Mr Paul Babich and Mr David Lambasa of Site 409 forwarded an application, number 31, to Council to demolish their existing chalet and build a new structure. The proposed structure fell within the guideline sizes of the maximum floor space dimensions of 5.2m x 5.2m and a maximum height of 3.0m, as agreed to by both the City of Cockburn and the Department of Planning and Infrastructure and was passed for construction by Council staff.

Prior to a similar application considered at the Council Meeting held on 16 December 2003, Elected Members were informed of the consent process which would now be required to be complied with before approvals for building renovations / other works would be granted to chalet owners at the Naval Base Caravan Park.

Attached is a copy of the procedures, which have been agreed to in consultation with the relevant State Government agencies.

The requirements are quite prescriptive to ensure certain standards are maintained at the Park.

**Submission**

On the 20 July 2005 Mr Babich and Mr Lambasa submitted a new application with plans to construct the new chalet. The plans show the floor and height measurements exceed the maximum sizes allowed by Council. The plans also show a below floor storage area which raises the internal floor height over 1 metre throughout half the chalet. Council staff would not pass the new structure and Mr Babich and Mr Lambasa asked for the decision to be presented to Council.

## Report

On the 2 March 2005 following complaints and an inspection of the site, a letter was sent to Mr P Babich and Mr D Lambasa asking them stop any future construction of their new chalet as the structure being built did not match the details on the application form or plans provided to Council. Mr Babich and Mr Lambasa were asked to ensure the structure matched the measurements shown on their plans or submit a new applications if they wish to alter the structure from the approved plans.

On the 15 March 2005 following a site inspection, which showed further work had been carried out on the structure, the external ground height had been raised by adding sand to cover most of the brick footing which lifts the chalet approximately half a metre and due to the new gradient of the ground parking has been reduced. A second letter was then sent to Mr Babich and Mr Lambasa asking for construction on the site to stop until the issue could be resolved. Mr Babich and Mr Lambasa were informed that if the new structure was not approved by Council it would have to be removed or modified to meet the approved plans.

Mr Babich and Mr Lambasa had supplied an application letter to support their application with signatures from a number of the surrounding chalet owners stating they have no objection with the proposed partly constructed structure.

It has been noted by Council staff that many chalet owners do not want confrontation with other chalet owners. One of the chalet owners who complained to Council has signed the above letter.

The Guidelines, which were agreed to in consultation with the relevant State Government agencies, set the chalet sizes to:

- (1) ensure there would be limited visual obstructions;
- (2) maximise the space around each chalet to allow for safety in case of an emergency; and,
- (3) allow adequate parking space for the large number of vehicles and boats that frequent the reserve during the year.

The guidelines state: *“The Holiday Accommodation may be an enclosed building and have a maximum overall floor dimension of 5.2m x 5.2m and a maximum height of 3m or thereabouts.”* The lease Memo of Agreement which is signed by each chalet owner per year states the accommodation must only be single storey.

**Strategic Plan/Policy Implications**

Key Result Area “Maintaining Your Community Facilities” refers.

**Budget/Financial Implications**

N/A

**Legal Implications**

As stipulated in a Memorandum of Agreement, applicable to all Chalets located on Reserve 24308, between the Department of Planning and Infrastructure (land owner), the City of Cockburn and individual Chalet owners

**Community Consultation**

N/A

**Attachment(s)**

1. Design and Building/Development/Other Works Guidelines for Reserve 24308, described as the Naval Base Caravan Park, Cockburn Road, Henderson
2. Building Plans for Chalet for Site 409.
3. Letter of support from applicants.
4. Naval Base Holiday Accommodation Association Letter 23-02-05

**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 September 2005 Council Meeting.

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

Nil.

**17.5 (OCM 08/09/2005) - ROTARY PARK LOOKOUT - LOT 38L KING STREET, COOGEE (1903) (RA) (ATTACH)**

**RECOMMENDATION**

That Council receive the report on the vesting of Lot 38L King Street, Coogee.



**COUNCIL DECISION****Background**

Council has previously agreed to take responsibility for the management and maintenance of the regional open space to the east of the Port Coogee Marina project. The reserve on which the Cockburn Lookout is located is vested with the WAPC, who will in due course transfer the vesting of the land to the City.

**Submission**

At its meeting of the 19 April 2005 Council resolved to seek a report under matters for investigation without debate as follows:

*“Clr Kevin Allen requested that Officers investigate the procedure of how Council can have part of the Regional Park, adjacent to the Rotary Park Lookout Car Park, vested into the City’s care so that it can be turned into a reserve for local community use. The investigation to also include possible time frames.”*

**Report**

Council’s agreement in taking up responsibility for the region resource was conditional on a number of requirements including the development of a landscape plan for the area. This requirement was conveyed to the Western Australian Planning Commission who subsequently agreed to this condition.

A draft landscape plan has been submitted by the developer and is under consideration by officers of the City. The approval process is likely to take several more months following which time the area in question will be transferred to the management of the City.

The area of land on which the lookout is situated is leased by Council from the Western Australian Planning Commission (W.A.P.C.) (see attached plan). The process of transferring this land from the W.A.P.C. to the City has begun but the experience has been that this process can take in excess of a year. Notwithstanding this the Council is able to carry out works in the leased area.

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

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.

### **Budget/Financial Implications**

There are no funds available in the 2005/06 Municipal Budget for works in the area vested in the Western Australian Planning Commission (WAPC) (Rotary Lookout lot). The developer will be responsible for cost of works within the adjoining Coogee Public Open Space area.

### **Legal Implications**

N/A

### **Community Consultation**

The plans for the development of the Port Coogee Marina and associated regional reserve have had extensive community consultation.

### **Attachment(s)**

Site Plan

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

N/A

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

Nil.

## **18. EXECUTIVE DIVISION ISSUES**

### **18.1 (OCM 08/09/2005) - PROPOSED MOTIONS TO NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT ON NATIONAL PACKAGING COVENANT AND EXTENDED PRODUCER RESPONSIBILITIES (1332) (BKG)**

#### **RECOMMENDATION**

That Council sponsor the following motions to the National General Assembly of Local Governments:

- (1) that this National General Assembly call on the Commonwealth and State governments to clarify the commitment they made through the Environmental Protection and Heritage Council on 1

July 2005 to investigate economic instruments as alternatives to the National Packaging Covenant;

- (2) that this National General Assembly call on the Commonwealth and State Governments to ensure that the investigation process demonstrates the following characteristics:
  1. Is adequately resourced by virtue of an explicit commitment of funds.
  2. Has input from key stakeholders, including Local Government, Industry and NGOs.
  3. Uses transparent and peer reviewed investigation methods.
  4. Delivers recommendations early enough to allow implementation, if necessary, of a replacement for the Covenant immediately following the 2008 mid-term review,
- (3) that this National General Assembly call on the Commonwealth and State governments to develop, through the Environmental Protection and Heritage Council, a comprehensive approach to ensuring appropriate industry involvement in the management of their products at end of life, based on the following:
  1. Overarching objectives for the management of end-of-life products in general.
  2. A Co-Regulatory Framework for Product Stewardship.
  3. A framework within which Extended Producer Responsibility Schemes can be introduced and coordinated at a National Level.
- (4) clear guidelines to establish the interaction between the two frameworks.

#### **COUNCIL DECISION**

## **Background**

The Western Australian Local Government Association has requested that the City of Cockburn sponsor a motion to the 2005 National General Assembly of Local Government in November 2005.

The motions are a request from the Municipal Waste Advisory Council on Extended Producer Responsibility and National Packaging Covenants. This Council is part of the Western Australian Local Government Association and has responsibility for advice on waste and recycling matters. Motions need to be recommended by an individual local government and not the Association representing local government, and as the motions have to be submitted by 9 November 2005, the City of Cockburn has been requested to facilitate the process as it has a meeting on 8 November 2005.

## **Submission**

A request has been received from the Western Australian Local Government Association requesting the City of Cockburn sponsor a motion on extended producer responsibility and the National Packaging Covenant at the General Assembly of Local Government to be held in November 2005.

## **Report**

### Motion 1 & 2

To encourage recycling in Australia a National Packaging Covenant was signed in 1999. This Covenant places responsibility on industry to move towards taking more responsibility for the recycling of packaging material.

The Environmental Protection and Heritage Council (EPHC) has committed to investigate alternative instruments to the NPC, in case the NPC fails. The National General Assembly provides a timely opportunity to pressure the EPHC for details of that investigation process and to put forward elements which Local Government will wish to see included in the process. It may also help to raise the profile of the investigation of alternatives among Local Governments Nationally.

### Motion 3

This motion concerns extended Producer Responsibility (EPR). Extended producer responsibility is similar to the National Packaging Covenant but it is usually with a mandatory obligation rather than with the voluntary participation of the National Packaging Covenant.

The compulsory Deposit legislation in existence in South Australia for glass bottles is an example of the Extended Producer Responsibility concept.

Local Governments have been generally supportive of the principle of EPR, although there are still few examples of EPR schemes in Australia. The State and Federal Governments have indicated that they prefer to pursue the less controversial approach of Product Stewardship, which focus on voluntary industry schemes. While voluntary schemes have their place, it may be appropriate for State and Commonwealth Governments to create a framework for mandatory EPR schemes in order to provide an alternative means of investigation process and to put forward elements which Local Government will wish to see included in the process. It may also help to raise the profile of the investigation of alternatives among Local Governments nationally.

The 2005 National General Assembly of Local Governments has called for motions to be put forward for discussion on 8 November 2005. Issues of National Significance for Local Government can be suggested by any Local Government. Selected motions will be listed for debate by Council representatives from across the Country. The cut off date for submission of draft motions is 9 September 2005. A late request by the Municipal Waste Advisory Council has been received for the City of Cockburn to sponsor a motion concerning Extended Producer Responsibility (EPR).

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

To manage the City's waste stream in an environmentally acceptable manner.

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

Nil.

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

N/A

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

Nil.

**18.2 (OCM 08/09/2005) - CHIEF EXECUTIVE OFFICER PERFORMANCE AND SENIOR STAFF KEY PROJECTS APPRAISAL COMMITTEE (1192) (SC)**

**RECOMMENDATION**

That Council:

- (1) pursuant to s5.8 of the Local Government Act 1995 (WA) ("the Act") establishes the Chief Executive Officer Performance and Senior Staff Key Projects Appraisal Committee;
- (2) in accordance with s5.9 of the Act, clause 17.7 (a) and (b) of Council's Standing Orders, and contract of employment with the Chief Executive Officer, the Committee comprises of the Mayor and 4 Elected Members of Council;
- (3) appoint Mayor Lee and Clrs \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ as members of the Committee and Clr \_\_\_\_\_ as the Deputy member of the Committee
- (4) adopt the Terms of Reference for the Committee as follows:
  1. Review the Performance of the Chief Executive Officer, in accordance with the terms of his contract, and provide recommendations to Council in relation to his remuneration package; and
  2. Assist the Chief Executive Officer in the finalisation of appropriate Key Projects for the Senior Staff and assess the outcomes in line with the KPI Achievement Programme; and
- (5) require the Chief Executive Officer to allocate the necessary administrative support for the purposes of the Committee.

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

**COUNCIL DECISION**

## **Background**

Council is required under the Chief Executive Officer's Contract of Employment to appoint a Committee to report on the performance of its Chief Executive Officer (CEO). The previous committee responsible for the Chief Executive Officer's appointment and appraisal was dissolved with all other committees prior to the last Council election. A new committee is required, but the Terms of Reference for this is to be expanded to provide guidance to the Chief Executive Officer on the performance assessment of senior staff.

## **Submission**

N/A

## **Report**

At the Ordinary Council Meeting of 21 September 2004 the contract for the Chief Executive Officer was ratified. Mr Stephen Cain was appointed to this position, commencing work from 8 November 2004. The contract requires a Performance Review Committee to carry out a number of tasks in relation to his performance. This Committee is defined as '*the Mayor and other Elected Members formed as a Committee for the purposes of reviewing the performance of the Employee*'. This Committee will continue to monitor the performance of the Chief Executive Officer in accordance with the provisions of his contract.

The Chief Executive Officer has also proposed the amendment to the process of selecting Key Projects for the Senior Staff, as required in their contracts of employment. The new process will involve each senior staff member working with the Chief Executive Officer to select a number of projects, with these short-listed before being further refined with the Council Performance Appraisal Committee. Each of the Senior Staff will have one assigned project that also relates to the performance tasks for the Chief Executive Officer. Achievement of the assigned tasks will form part of both the Chief Executive Officer's and Senior Staff appraisal, with outcomes linked to an incentive achievement scheme.

## **Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

## **Budget/Financial Implications**

The budget has provision for salary increases for all staff, including the KPI achievement plan.

**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.

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

Nil

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

Nil

**23. CONFIDENTIAL BUSINESS**

Nil



**24. (OCM 08/09/2005) - 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**

**25. CLOSURE OF MEETING**

Nil