

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 JULY 2003 AT 7:00 PM

	Page
1. DECLARATION OF MEETING.....	1
2. APPOINTMENT OF PRESIDING MEMBER (IF REQUIRED)	1
3. DISCLAIMER (READ ALOUD BY PRESIDING MEMBER)	1
4. ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (BY PRESIDING MEMBER)	2
5. APOLOGIES AND LEAVE ABSENCE	2
6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
7. PUBLIC QUESTION TIME	2
8. CONFIRMATION OF MINUTES.....	5
8.1 <u>(MINUTE NO 2074)</u> (OCM 15/07/2003) - ORDINARY COUNCIL MEETING - 17/06/2003.....	5
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	5
10. DEPUTATIONS AND PETITIONS	5
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED)	5
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER	5
13. COUNCIL MATTERS.....	5
13.1 <u>(MINUTE NO 2075)</u> (OCM 15/07/2003) - TENDER FOR LEGAL SERVICES (RFT20/2003) (ATC).....	5
13.2 <u>(MINUTE NO 2076)</u> (OCM 15/07/2003) - CO-ASSIST COUNCIL DELEGATE (8700) (RA)	9
13.3 <u>(MINUTE NO 2077)</u> (OCM 15/07/2003) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE - 1 JULY 2003 (1054 (RA) (ATTACH)	10

	<u>(MINUTE NO 2078)</u> (OCM 15/07/2003) - ITEM 13.1 - POLICY ACS3 - APPROVAL TO CONDUCT CIRCUSES (1054) (CLR REEVE-FOWKES)	12
14.	PLANNING AND DEVELOPMENT DIVISION ISSUES	13
14.1	<u>(MINUTE NO 2079)</u> (OCM 15/07/2003) - POSSIBLE CLOSURE OF HOPE ROAD, BIBRA LAKE - SURVEY RESPONSES (9701; 450009) (SMH/AJB) (ATTACH).....	13
14.2	<u>(MINUTE NO 2080)</u> (OCM 15/07/2003) - PROPOSED PEDESTRIAN ACCESSWAY CLOSURE - BETWEEN BECKETT CLOSE AND ROCKINGHAM ROAD, MUNSTER (450498) (JW) (ATTACH).....	19
14.3	<u>(MINUTE NO 2081)</u> (OCM 15/07/2003) - FRANCISCAN MONASTERY - LOT 15; 302 HENDERSON ROAD, MUNSTER - OWNER: ASSOCIATION OF THE IMMACULATE MEDITRIX (INC) - APPLICANT: W J FRANCIS (4411541) (SM) (ATTACH)	25
14.4	<u>(MINUTE NO 2082)</u> (OCM 15/07/2003) - SWAN CATCHMENT COUNCIL MEMBERSHIP - NATURAL HERITAGE TRUST GRANTS (CB) (9331) (ATTACH).....	31
14.5	<u>(MINUTE NO 2083)</u> (OCM 15/07/2003) - PROPOSED SUBDIVISION - LOT 12 MAYOR ROAD, MUNSTER - OWNER: M A MASTAGLIA - APPLICANT: D MASTAGLIA (122200) (ACB) (ATTACH)	36
14.6	<u>(MINUTE NO 2084)</u> (OCM 15/07/2003) - COOLBELLUP TOWN CENTRE PRECINCT REZONING - AMENDMENT NO 10 TO TOWN PLANNING SCHEME NO 3 (9624) (AJB)	41
14.7	<u>(MINUTE NO 2085)</u> (OCM 15/07/2003) - LOCAL COMMERCIAL STRATEGY - SCHEME AMENDMENT (9601) (AJB).....	49
14.8	<u>(MINUTE NO 2086)</u> (OCM 15/07/2003) - PROPOSED STRUCTURE PLAN - LOTS 132 & 133 JANDAKOT ROAD AND LOT 135 ARMADALE ROAD, BANJUP - OWNER: CSR READYMIX - APPLICANT: WHELANS (9655) (CP) (ATTACH).....	54
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES	60
15.1	<u>(MINUTE NO 2087)</u> (OCM 15/07/2003) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)	60
15.2	<u>(MINUTE NO 2088)</u> (OCM 15/07/2003) - PRINCIPAL ACTIVITIES PLAN - 1 JULY 2003 TO 30 JUNE 2007 (5406) (ATC) (ATTACH)	61
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	63
16.1	<u>(MINUTE NO 2089)</u> (OCM 15/07/2003) - TENDER NO. 11/2003 - SUPPLY AND LAYING OF HOT ASPHALT ROAD SURFACING (4437) (IS) (ATTACH)	63

16.2	<u>(MINUTE NO 2090)</u> (OCM 15/07/2003) - SOUTHERN METROPOLITAN REGIONAL COUNCIL - ESTABLISHMENT AGREEMENT REVIEW (4904) (BKG) (ATTACH).....	65
16.3	<u>(MINUTE NO 2091)</u> (OCM 15/07/2003) - TENDER NO. 18/2003 - CLEANING OF PUBLIC BUILDINGS (4435) (GG) (ATTACH).....	68
17.	COMMUNITY SERVICES DIVISION ISSUES.....	71
17.1	<u>(MINUTE NO 2092)</u> (OCM 15/07/2003) - CIVIC CENTRE AND MEMORIAL HALL (4605; 8406) (RA) (ATTACH)	71
17.2	<u>(MINUTE NO 2093)</u> (OCM 15/07/2003) - MINUTES OF THE SPECIAL BUSH FIRE ADVISORY COMMITTEE MEETING - 30/06/2003 (1550) (RA) (ATTACH)	77
17.3	<u>(MINUTE NO 2094)</u> (OCM 15/07/2003) - MEMORANDUM OF UNDERSTANDING BETWEEN FESA AND THE CITY OF COCKBURN FOR THE SOUTH COOGEE VOLUNTEER BUSH FIRE BRIGADE (1562) (RA) (ATTACH).....	81
17.4	<u>(MINUTE NO 2095)</u> (OCM 15/07/2003) - SUCCESS COMMUNITY FACILITIES (8136A) (RA).....	83
18.	EXECUTIVE DIVISION ISSUES	90
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	90
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING.....	90
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS	90
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....	90
23.	CONFIDENTIAL BUSINESS.....	90
24.	<u>(MINUTE NO 2096)</u> (OCM 15/07/2003) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995).....	91
25	CLOSURE OF MEETING.....	91

CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 15 JULY 2003 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Ms L Goncalves	-	Councillor
Mrs S Limbert	-	Councillor
Mr M Reeve-Fowkes	-	Councillor
Mrs V Oliver	-	Councillor

IN ATTENDANCE

Mr R. Brown	-	Chief Executive Officer
Mr R. Avard	-	Acting Director, Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr A. Blood	-	Manager, Strategic Planning
Mr B. Greay	-	Director, Engineering & Works
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr C. Ellis	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil

3. DISCLAIMER (Read aloud by Presiding Member)

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



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

Nil

5. APOLOGIES AND LEAVE ABSENCE

Clr A. Edwards - Apology
Clr K Allen - Apology

6. ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

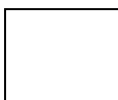
Nil

7 PUBLIC QUESTION TIME

Patrick Thompson, Spearwood spoke in relation to the setting up of private security patrols being proposed in Cockburn. He said that in reading the Cockburn Gazette he found that the Mayor was interested in having extra police in the area to conduct the security patrols. Mr Thompson suggested that perhaps the City could provide some sought of administrative back-up to the police rather than putting on extra police as much of their time is spent preparing paperwork and not on patrolling the area. Mayor Lee responded that although the idea of allocating extra police was considered, unfortunately the Commissioner of Police allocates resources as he sees fit and cannot make such a commitment.

Mr Thompson's second question was the proposal of a Childcare Centre on Rockingham Road. In response to inviting submissions, Mr Thompson suggested that this was not a proper location for a childcare centre. His concern was that this was being proposed between the Hamilton Hill Cattery and a scrap yard. He felt that there were better locations for a Childcare Centre to be established. Mayor Lee thanked Mr Thompson for his comments, and assured him that the City Planners and Council will certainly take into consideration the point raised when considering the matter.

Bert Renner, Spearwood sought clarification about water tanks being installed on properties. He queried whether a house could be sold which had a water tank installed on a property without a licence? Mayor Lee responded that in consultation with the Planning Section, it was his understanding that, should the water tank of 1,000 litres be installed and has electrical connections and mounted on a platform, then a licence would be required, as this could prove to be a safety issue. If the water tank is free standing on the ground with no electrical connections of any sort, then a licence would not be necessary.



Mr Renner also mentioned that there was some bad odour near Cocos Drive in Bibra Lake. He wasn't sure where exactly it was coming from. He requested Council to investigate the matter. Mayor Lee replied that the EPA has a 24 hour contact number, but also requested Mr Renner to contact Council's Health Section the following morning if he noted an odour and they will investigate the matter.

Colin Crook, Spearwood queried matters on the Agenda Item 15.2 - Principal Activities Plan. His question was what were the differences between the Draft Principal Activities Plan that was presented to Council at its May Meeting as compared to the Plan attached to the Agenda? Director, Finance and Corporate Services responded that the changes were, increased costs in public liability, minor changes in financial services cost allocations. The main change to the Plan was that of the Community Facilities at Success. Mr Crook mentioned that he found that the money of \$500,000 allocated to the enhancements for Coogee Beach were put back a year. He also mentioned that the City is to derive \$6.0M in the proposed Budget from sale of land. He queried which were the landholdings to be sold.

Mayor Lee replied that there will be a report being presented to Council during the year on Council's landholdings. Council has a number of commitments to produce some community infrastructure and the funding for this will be by the sale of some land assets. When the report is presented to Council, it will decide at that time as to what options are available for the sale of this land.

Adam Breslin, Lennon Brothers Circus tabled a letter in relation to the way in which Lennon Brothers conduct their circuses. He briefly outlined what regulations they abide by to be able to conduct circuses around Australia. He requested all Elected Members to consider the facts as presented.

Mayor Lee thanked Mr Breslin for his comments.

Ray Bart, Coogee tabled a letter from the Hon. Cheryl Edwardes, Member for Kingsley, in relation to Stardust Circus, which comprised a series of questions, to which the Mayor responded to a couple of them as follows:

Q1. Whether a certificate from a qualified Structural Engineer certifying that the temporary structures including the seating and animal training performance cages are safe and secure?

A.1 Mayor Lee responded that Council was provided with a Certificate.

Q2. Was the Policy implemented without it being adopted by Council?



A2. No. The Policy can only be established at Council. The Policy Committee does not have delegated authority to establish a policy.

Mayor Lee requested the Acting Director, Community Services as to whether he had any input to make to the rest of the queries outlined in Ms Edwardes' letter, to which he replied that, he felt it was best that a comprehensive reply to Cheryl Edwardes' letter was made in writing.

Mary Churchill, Hamilton Hill also expressed her views on circuses. She requested Council to concentrate on things to improve the City. She urged Council to make an informed decision when considering the matter, as this does not benefit Council in any way. She said that there were quite a few Councils who have already banned circuses from performing within their districts and therefore requested Council to do the same.

Mayor Lee thanked Ms Churchill and said that the matter will be deliberated upon at the appropriate time.

A **ratepayer** of Kalamunda also opposed the performance of animals in circuses and felt it was morally wrong to encapture such animals for life from their natural habitat.

Mayor Lee thanked her for her comments and said the Council will give consideration to the matter when the item is dealt with later in the meeting.

Danielle Lennon, spokesperson for Lennon Brothers Circus presented Council with some written facts about Circuses. She requested Council to please consider all options prior to making a decision.

Mayor Lee thanked Ms Lennon for her comments.

Helena Street, Charity Worker, presented Council with some statistics in relation to circuses - the patronage received, donations made, the number of patrons supporting circuses by way of signing a petition to list a few. She urged Council to make a decision on fact, not fiction.

Mayor Lee thanked Ms Street for her contribution and mentioned that the matter is before Council tonight and will be deliberated on at the appropriate time.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2074) (OCM 15/07/2003) - ORDINARY COUNCIL MEETING - 17/06/2003

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 17 June 2003, be accepted as a true and accurate record.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 DEPUTATIONS AND PETITIONS

The Presiding Member advised that a petition was received which was signed by the residents of Cassio Place, Hamilton Hill, requesting to close the walkway between Cassio Place through to Erpingham Street. The petition had been forwarded through Clr Edwards.

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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 2075) (OCM 15/07/2003) - TENDER FOR LEGAL SERVICES (RFT20/2003) (ATC)

RECOMMENDATION

That Council:

(1) accept Tender No. RFT20/2003 for the provision of legal



services for the City of Cockburn, to form a panel from the following firms for a period of one year commencing 1 July 2003:

1. Jackson McDonald
2. McLeods
3. Mullins Handcock;
4. Minter Ellison; and

- (2) appoint the firm of McLeods to act on a retainer basis for legal advice for a period of one year commencing 1 August 2003.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that Council:

- (1) accept Tender No. RFT20/2003 for the provision of legal services for the City of Cockburn, to form a panel from the following firms for a period of one year commencing 1 July 2003:

1. Jackson McDonald
2. McLeods
3. Mullins Handcock;
4. Minter Ellison; and

- (2) appoint the firm of McLeods to act on a retainer basis for legal advice for a period of one year commencing 1 August 2003; and

- (3) direct the Chief Executive Officer to provide a quarterly report in "Elected Members Newsletter" on Council's year-to-date expenditure at each panel firm.

CARRIED 8/0

Explanation

Council needs to be informed on the effectiveness of the new panel system by monitoring its usage of each panel firm's services.

Background

At its meeting on 15 April 2003, Council decided to call tenders for the provision of legal services for the period of one year on the basis of the appointment of a panel.



The results of the tender and recommendation were submitted to Council at its Meeting on 17 June 2003. At that meeting Council decided that:

- (1) *the matter be deferred to the July Council Meeting to enable Elected Members to consider further information; and*
- (2) *Elected Members be provided with copies of the complying tender offers if requested.*

Copies of the tender documents were supplied on request to Deputy Mayor Graham and Councillor Allen.

Submission

Nine tenders were received in response to the advertised tender request. These were from the following firms:

1. Marks & Sands
2. Watts & Woodhouse
3. Maltman & Associates
4. Kott Gunning
5. Jackson McDonald
6. McLeods
7. Deacons
8. Minter Ellison
9. Mullins Handcock

Report

Tenders for the provision of legal services for the City of Cockburn were advertised in the West Australian and closed on 3 June 2003. Cllr Allen has requested that the tender results be presented to Council for decision.

Nine (9) tender responses were received but only six (6) of those fully complied with the criteria set out in the tender document. The six firms whose tender complied were:

- a. Jackson McDonald
- b. Mcleods
- c. Mullins Handcock
- d. Marks & Sands.
- e. Deacons
- f. Minter Ellison

The purpose of the tender was to select a panel of firms which were suitable to provide legal services for the City of Cockburn. The qualitative criteria used in the evaluation process was:



- a. Demonstrated experience in supplying similar services to local governments (40%).
- b. Skills and experience of key personnel (40%).
- c. Tenderers' resources (10%).
- d. A demonstrated understanding of the required tasks (10%).

The results of the evaluation of the tender is set out in the following table:

Qualitative Criteria	Mullins Handcock	Minter Ellison	Deacons	McLeods	Marks & Sands	Jackson McDonald
Demonstrated experience in supplying similar services to Local Governments	29.5	32.5	15	35	13.5	30
Skills and experience of key personnel	30	34	18.5	35.5	16.5	31.5
Tenderers' resources	7	8.75	5.5	7.75	5.5	8.25
A demonstrated understanding of the required tasks	7.75	8.75	7.25	8.75	7.5	8.25
TOTAL	74.25	84	46.25	87	43	78

While price was not a criteria in selecting suitability to be part of a panel, price will be taken into account by Administration when determining which firm is best used for a particular purpose.

After evaluating the tenders from those firms, it is believed that Jackson McDonald, Mcleods, Mullins Handcock and Minter Ellison would all be suitable firms to form a panel of legal advisors for Council. Marks and Sands and Deacons' experience in local government matters were limited and is therefore not considered suitable in regard to this tender. Of the four firms considered suitable, only McLeods provided information on operating on a retainer basis. Mcleods has successfully operated on a retainer basis with the City of Cockburn for a number of years and it is considered appropriate for this arrangement to continue.

Strategic Plan/Policy Implications

"Managing Your City" refers.

Budget/Financial Implications

Funds are contained in Council's annual budget for legal services.



Legal Implications

The firms appointed would be available to provide legal advice to Council.

Community Consultation

N/A

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

Nil.

13.2 (MINUTE NO 2076) (OCM 15/07/2003) - CO-ASSIST COUNCIL DELEGATE (8700) (RA)

RECOMMENDATION

That Council appoint the Social Services Manager - Gail Bowman, as its delegate to the Co-Assist (Inc) and advise Co-Assist accordingly.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr V Oliver that the matter be deferred for advice on Council representation on the Co-Assist Committee.

CARRIED 8/0

Explanation

Council needs to be assured that its appointment of delegate(s) to Co-Assist is in accordance with their Constitution.

Background

Council at its Special meeting of 6 May 2003, appointed Elected Member Sue Limbert and the Social Services Manager Gail Bowman as delegates to the Co-Assist (Inc) committee.

Submission

Co-Assist has written to the City requesting that Council nominate only one delegate to its committee as the association's constitution only allows for one Council delegate.



Report

Co-Assist receives grants from Commonwealth and State authorities to provide for those who are under financial stress for various reasons. This is an important community service. The meetings of the committee are usually held during the day and hence an officer is readily able to attend. Clr Limbert is prepared to step aside and to have an officer of the City on the committee.

Strategic Plan/Policy Implications

Key result area "Managing Your City applies."

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

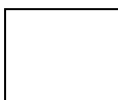
Nil.

THE PRESIDING MEMBER PRESENTED THE MINUTES OF THE DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE OF 1 JULY 2003 AND AFFORDED THE OPPORTUNITY TO ALL ELECTED MEMBERS FOR MATTERS TO BE WITHDRAWN. CLR REEVE-FOWKES WITHDREW ITEM 13.1

- 13.3 (MINUTE NO 2077) (OCM 15/07/2003) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE - 1 JULY 2003 (1054 (RA) (ATTACH)**

RECOMMENDATION

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee dated 1 July 2003, and adopts the recommendations contained therein.



COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr S Limbert that the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 1 July 2003 be received and that the recommendation for Item 13.1 be dealt with separately.

CARRIED 8/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 1 July 2003. The Minutes of the meeting are required to be presented to Council and its recommendations considered by Council.

Submission

The Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting is attached to the Agenda. Items dealt with at the Committee Meeting form the Minutes of that meeting.

Report

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

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

Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.



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

Committee Minutes refer.

(MINUTE NO 2078) (OCM 15/07/2003) - ITEM 13.1 - POLICY ACS3 - APPROVAL TO CONDUCT CIRCUSES (1054) (CLR REEVE-FOWKES)

COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr A Tilbury that:

- (1) the Committee recommendation be rejected;
- (2) the current Policy be amended to reflect the following:

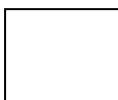
Purpose:

To identify the extent that the City of Cockburn may permit the use of animals in circuses.

Policy:

That Council with performing animals be approved on land owned or controlled by the City of Cockburn subject to:

- (a) The use of wild or non-domesticated animals such as the big cats (eg. tigers, lions, leopards, pumas, cougars, bears, buffalo, elephants, hippopotamus and primates not be permitted.
- (b) The use of non-wild domestic animals with a good working relationship with humans be permitted.
- (c) The Circus complies with the relevant Animal Welfare Act - Code of Practice for the conduct of circuses in Western Australia.
- (d) The Circus demonstrates full compliance with all requirements of Public Liability Insurance with the insurance to be with an Australian Prudential Regulatory Authority (APRA) approved company. Certification must be presented with the application and must comply with the City's requirements.
- (e) The Circus having in place a suitable Management Policy, Emergency Procedures and Safety Policy to ensure the full safety of the public to the satisfaction of Council.



- (3) the Delegated Authority - ACS3 be amended to reflect the above.

**MOTION LOST ON PRESIDING MEMBER'S
CASTING VOTE 4/4**

MOVED Cllr S Limbert MOVED Deputy Mayor R Graham that Council:

- (1) confirm its decision of 15 April 2003, relative to Policy ACS3 - Approval to Conduct Circuses, with or without animals to operate within the City of Cockburn;
- (2) investigate the implementation of more effective policies and procedures to be adhered to by applicants for approval pursuant to the policy; and
- (3) refer the policy back to the Delegated Authority, Policies and Position Statements Committee to action (2) above and to review the policy further.

CARRIED ON PRESIDING MEMBER'S CASTING VOTE 4/4

**CLRS TILBURY, REEVE-FOWKES AND WHITFIELD REQUESTED
THAT THEIR VOTES AGAINST THE MOTION TO BE RECORDED**

Explanation

The recommendation is considered a little ambiguous and needs further review. Point (3) clarifies the matter.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES

14.1 (MINUTE NO 2079) (OCM 15/07/2003) - POSSIBLE CLOSURE OF HOPE ROAD, BIBRA LAKE - SURVEY RESPONSES (9701; 450009) (SMH/AJB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) agree in principle with the closure of that portion of Hope Road between Progress Drive and the Cockburn Wetland Education Centre and the unmade Dixon Road;



- (3) require the preparation of reports on the following for further consideration by Council:
 1. Traffic Study which investigates the local traffic impacts that would result from the closure of Hope Road.
 2. indicative cost of associated road works and environmental remediation;
- (4) advise those who made submissions accordingly.

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr S Limbert that Council:

- (1) defer consideration of this item to a future meeting of Council; and
- (2) write to the Minister for the Environment requesting its letter to the EPA of 20 March 2003 be answered and a strategic assessment under Section 11 of the Environmental Protection Act be investigated for Hope Road, Farrington Road and the implications of Progress Drive, addressing both environmental and social impacts.

CARRIED 8/0

Explanation

Elected Members require more time to consider both the results of the community consultation process and the environmental and social issues involved before making an in-principle decision. Council also requires an answer to its unanswered letter to the EPA.

Background

Council at its meeting held on 18 March 2003 considered a report which recommended that the closure of Hope Road be initiated. The reason for the report and recommendation arose from a report prepared by the EPA on the possible environmental implications associated with the construction of Roe Highway Stage 8. The EPA Bulletin 1088, was prepared for the Minister for the Environment at the request of the Minister for Planning and Infrastructure in February 2003 under Section 16(j) of the EP Act. The report recommended the downgrading of Hope Road.



The Council resolved as follows:-

- (1) *receive the report;*
- (2) *acknowledge that EPA Bulletin 1088 recommends Hope Road be downgraded to strengthen ecological linkages between North Lake and Bibra Lake;*
- (3) *write to the EPA, clarifying the intended meaning of "downgrading" as expressed in para 63 of EPA Bulletin 1088;*
- (4) *survey residents of North Lake and Bibra Lake localities using a letter-box drop survey form, to provide an opportunity for community comment on whether Hope Road should remain open or be closed;*
- (5) *provide an information sheet, along with the survey in (4), outlining benefits and disadvantages of closing Hope Road; and*
- (6) *advise the Minister for Planning and Infrastructure that in the event that the Roe Highway Stage 8 reservation is deleted from the Metropolitan Region Scheme, that the reserve be included in the Parks and Recreation Reserve to protect the regionally important upland vegetation as described in the Environmental values associated with the alignment of Roe Highway (Stage 8) advice on pages 10, 11, 13 and 16 of EPA Bulletin 1088 dated February 2003."*

In response to the Council decision:-

- A letter was sent to the EPA on 20 March 2003 seeking clarification on the intended meaning of "downgrading" of Hope Road. At the time of writing this report no response had been received.
- A survey of 2700 households in the Bibra Lake and North Lake localities was conducted with the closing date the 25 April 2003.
- A letter was sent to the Hon. Minister for Planning and Infrastructure on 20 March 2003, advising the Council position on the future of the Roe Highway Stage 8 reservation should the highway not be built, to which an acknowledgement was received on 16 April 2003.
- Due to complaints that some residents in North Lake had not received the survey, an additional 330 surveys were circulated to North Lake households located between Progress Drive and North Lake Road. The closing date for the survey was extended to 16 June 2003.

Submission

At the close of the public submission period 1082 submissions had been received.



Of these 517 or 48% supported the closure of Hope Road, and 565 or 52% opposed the closure.

Of all the submissions 818 or 76% were from Bibra Lake and 239 or 22% were from North Lake. Submissions from other areas amounted to 25 or 2%.

Of the Bibra Lake submissions 356 or 44% supported the closure of Hope Road and 462 or 56% opposed the closure.

Of the North Lake submissions 143 or 60% supported the closure of Hope Road and 96 or 40% opposed the closure.

7 late submissions were received to close Hope Road, but these were received too late to be included in the final figures.

136 submissions contained the name of more than one person. The survey form stated that a photocopy of the form is to be used where more than one resident from the household wants to participate in the survey. Accordingly, where multiple names were stated this has only been recorded as a single vote.

A copy of a submission from the City of Melville is attached for information.

A copy of the survey pro-forma is also attached.

Report

As noted, some 3030 surveys were sent to residents in the affected localities of Bibra Lake and North Lake inviting comments on the proposal to close that section of Hope Road between Progress Drive and the Cockburn Wetland Education Centre to enable the reintegration of Bibra Lake and North Lake as a single environmental unit and strengthen the ecological linkages. At the close of the advertising period 1082 responses representing 35.7% of those surveyed had been received.

Of the responses received 517 or 48% supported the closure with 565 or 52% against. Generally surveys only attract responses from those opposing a proposal. In this instance there was strong support from those responding to the survey and it is considered that the majority of those not responding do not have any major objections. On the basis of those surveyed only 19% objected to the proposed closure. The survey itself does not provide any strong direction as to the decision Council should make.

The City of Melville has expressed strong objection to the proposed closure in numerous letters stating that the EPA Bulletin was very brief



and lacking detail, that a future Liberal Government has stated that if they are re-elected they are likely to construct Stage 8 on the Hope Road alignment with the clear implication that the proposed closure action would make this more difficult or unnecessary and that the proposal is premature because the current issues relevant to the regional road network and the Roe Highway are yet to be resolved. In summary Melville considers the proposal to be deliberately obstructive to the process of sustainable development and triple bottom line assessment in the long term. A copy of the relevant letters are included in the Agenda attachments.

The Director Planning and Development has previously reported to Council on the inadequacies of the EPA Bulletin. Notwithstanding this, Council resolved to oppose Roe Highway Stage 8 on the strength of the EPA Bulletin and the views of some members of the community.

It is agreed with the City of Melville that the closure of Hope Road may make it harder for a future Liberal Government to implement the Roe Highway on the Hope Road alignment. However the construction of the Roe Highway west of the Kwinana Freeway through the Bibra Lake/North Lake area is not consistent with Council's current position of opposition to Roe Stage 8 and accordingly whether or not the closure makes it more or less difficult for a future Liberal Government to implement such alternative is not material or a driving factor.

It is also noted that Hope Road is a local issue not a regional road issue and that if the Roe Highway was to have been constructed then Hope Road would have been closed as a local road as part of the Roe Highway extension and accordingly the end result at the local level would be exactly the same result as the current proposed closure.

The proposal is not deliberately obstructive as asserted by the City of Melville but based on environmental principles expressed by the EPA in Bulletin 1088 and the general community view that the wetlands of Bibra Lake and North Lake should form a continuous environmental precinct with strengthened ecological linkages which has been the basis of Council's opposition to Roe Highway Stage 8.

In numerous submissions concern has been expressed about the intersection of Progress Drive and Farrington Road and the ability to turn right into Farrington Road, what impact the closure of Hope Road may have on this, and the current need to upgrade the intersection including the dualling of that section of Farrington Road. Traffic volumes on Progress Drive and Farrington Road may increase as a result of the closure of Hope Road and accordingly it is considered that a traffic study should be commissioned to determine the local traffic impacts and a future report presented to Council for consideration. The same also applies to the intersection of Bibra Drive and North Lake Road. Rectification of the problems at these intersections will resolve the reasons some people did not support the closure.



It was also suggested that Progress Drive be closed at the Hope Road end. This would significantly restrict access to recreation facilities and the proposed kiosk at Bibra Lake and is not supported.

Having considered the outcomes of the survey and taking into account Council's previous stand on the environmental importance of the Bibra Lake/North Lake conservation reserves and the environmental advantages that would result from the area being integrated, it is recommended that Council support the proposed closure of Hope Road, that a local traffic impact assessment be undertaken and indicative costings of both associated road works and environmental remediation be prepared for further consideration by Council.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*

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."*

Budget/Financial Implications

Should the Council decide to proceed with the closure of the western portion of Hope Road, the length of road proposed to be closed is approximately 600m. To remove the road pavement will cost in the order of \$12,000 and the aggregate retrieved can be re-used as a base for paths and parking areas. Other associated road works that may be required have not been determined at this time.

The soil that has been under the road for many years is suitable for direct seeding which will cost around \$6,000 to apply and about \$3,000 to maintain over subsequent years. The revegetation of the verge could cost \$50,000 to install and about \$34,000 to maintain for the first 3 years. The total cost of the rehabilitation could be in the order of say \$105,000 for capital works and maintenance.

This estimate assumes that the existing utility services, such as electricity and water will remain within the reserve area.



Should the closure proceed, the Council would need to consider providing the funds in future budgets.

Funds for the Study will be drawn from the Chief Executive Officer's Consultancy Account.

Legal Implications

A road is closed under the provisions of the Land Administration Act. This requires the local government to contact the servicing agencies, to advertise the proposal in the local newspaper and if necessary to erect signs on that section of the road proposed to be closed. A public submission period of 35 days applies. This process will not be commenced until the Council has considered the results of this survey.

The local government makes recommendations to the Department of Land Administration which makes the final decision.

Community Consultation

A survey of 3030 households was conducted. The closing date, was the 25 April 2003, but was extended to 16 June 2003 for residents in North Lake between Progress Drive and North Lake Road.

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

Nil.

14.2 (MINUTE NO 2080) (OCM 15/07/2003) - PROPOSED PEDESTRIAN ACCESSWAY CLOSURE - BETWEEN BECKETT CLOSE AND ROCKINGHAM ROAD, MUNSTER (450498) (JW) (ATTACH)

RECOMMENDATION

That Council:

- (1) not initiate procedures to close the pedestrian accessway between Beckett Close to Rockingham Road, Munster as it provides convenient access to and from the major public transport routes in Rockingham Road, and will provide convenient access to the proposed transit interchange along Yangebup Road between Rockingham and Stock Roads;
- (2) investigate the options to improve the security and function of the pedestrian accessway; and
- (3) advise the applicant of Council's decision.



COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

N/A

Submission

A request to close the PAW between Beckett Close and Rockingham Road was received on 8 October 2002 from the owner of 564 Rockingham Road (letter attached).

The letter states:

“I have had two house break-ins in the last six months. Graffiti, broken bottles, syringes found in the alleyway and my backyard. Vandalism to the bus stop and nearby oval all due to the quick access of offenders from Rockingham Road to oval and rest of Munster area and number of houses broken into in Beckett Close, all due to this alleyway. Numerous times people have jumped the fence into my backyard. One incident we have had a large child swing thrown into joining property at alleyway. “

Further to this, the letter states *“I am very concerned about my welfare and life with this existing alleyway next to my house and the constant stress and fear my mother and me are having living next to this alleyway”.*

Council’s Policy APD 21 – *Pedestrian Accessway Closures* requires that residents seeking to have a PAW closed make a written request to Council for the PAW closure signed by at least two of the residents abutting the PAW, with supporting justification for the closure. The application for the closure was signed by both adjoining residents.

The written request should also provide advice that should the PAW closure be agreed, the owners adjoining or abutting the PAW will be prepared to purchase the land and meet all costs associated with its closure. The applicant indicated their willingness to buy the accessway for a reasonable amount in her letter; however, a formal advice could reasonably be imposed as a condition of any agreement to initiate procedures to close the PAW.



Report

The Beckett Close PAW is approximately 35-metres long and 3-metres wide and is flanked by fibrous cement fencing approximately 1.8 metres in height. At the time of inspection there was rubbish along the accessway and graffiti on the fence.

Council's Policy APD 21 provides a framework for evaluating proposals to close a PAW. In considering the application, Council should:

- balance the negative impacts experienced by residents living near a PAW against the wider community need for it;
- ensure that efficient and effective pedestrian/cyclist movement systems will not be adversely effected by closing a PAW.

The details of the assessment are as follows:

The Location

400m and 800m Walkable Catchment to Community Facilities and Primary School (see Agenda attachments)

The nearest school to the PAW is Saint Jerome's Primary School, which is located approximately 500 metres north of the western entrance to the PAW. The closure of the accessway will not result in an increased walking distance to the school from properties both within Beckett Close and along Rockingham Road.

The cable water skiing park is located adjoining Saint Jerome's Primary School to the west. The closure of the PAW will not affect local people's accessibility to the park.

Shops – The Spearwood shopping centre is the closest shopping centre, which is located outside of the 800 metres walkable catchment distance to the accessway. The closure of the PAW will not affect local residents' accessibility to the shopping centre.

There is a childcare centre located approximately 220 metres north of the eastern entrance to the PAW at the corner of Beckett Close and Asquith Street. Again, the closure of the accessway will not result in an increased walking distance to this childcare centre from properties both in Beckett Close and along Rockingham Road.

Bus Routes and Stopping Points (see Agenda attachments)

The bus routes servicing this area are the 136, which runs between Success and Fremantle, and 920 which runs from Fremantle to Rockingham, as well as 881 which runs from Perth to Munster,



136 and 920 bus services run along Rockingham Road with bus stops at either side of Rockingham Road at the vicinity of the accessway. 881 bus route runs through Asquith Street and has one bus stop at the corner of Asquith Street and Beckett Close.

For most of the dwellings in Beckett Close, the shortest access route to the 136 and 920 bus services is via the PAW and Rockingham Road. Depending on where a house is situated within Beckett Close, the walking distance is approximately between 60 and 300 metres to the Fremantle direction bus stop, and between 120 and 360 metres to the Success and Rockingham direction bus stop. In the event of the PAW being closed, the alternative access route to the bus services will be through Beckett Close, Asquith Street and Rockingham Road. This would result in approximate 26 properties in Beckett Close being excluded from 400 metres walkable distance to the bus stops and a substantial increase in those residents' walking distance, for example, an additional walking distance of approximately 400 metres to the Fremantle direction bus stop, and 300 metres to the Success and Rockingham direction bus stop.

The closure of the PAW will not affect the local residents' walkable accessibility to the 881 bus service.

It should also be noted that a bus transit interchange is proposed along Yangebup Road between Rockingham and Stock Road as part of the City's public transport strategy. The closure of the PAW will substantially decrease residents' accessibility to this future transit interchange from Beckett Close due to an approximately 500 metres additional walking distance to this facility (see Agenda attachments).

Public Open Space

The nearest area of POS to the Beckett PAW is Santich Park located to the north east. The closure of the accessway would affect some residents' accessibility to the park from Bacich Mews and Rockingham Road by an increased walking distance by approximately 150 metres. However, it is not considered as a substantial impact given that the properties in Bacich Mews would be still within the 400 metres walkable distance to the park.

The Role of the PAW

The Beckett Close access way does not form part of Cockburn Bike Plan network. However, it provides a short cut for people living in the vicinity to access bus stops, and more importantly the proposed transit interchange along Yangebup Road. The closure of it will affect residents' walkability to these facilities from Beckett Close with a substantial increase in walking distance.



Proximity to Senior's Accommodation/Aged Care Facilities

There is no dedicated aged care accommodation in the vicinity of the PAW.

The degree of nuisance experienced by residents living near the PAW

A site inspection of the PAW found that there was rubbish along the accessway and graffiti on the adjoining fence, but not a large amount. It is not possible without extensive surveillance of the PAW to substantiate residents' claims of nuisance, however there is nothing to suggest that their concerns are without foundation or are not genuine.

Availability of alternative access routes

With the closure of the PAW, the alternative access route for Beckett Close residents to the 136 and 920 bus services will be through Beckett Close, Asquith Street and Rockingham Road. This would substantially increase their walking distance as discussed before.

Options for alternatives to closure of the PAW

The current fencing is approximately 1.8m in height along the boundaries of adjoining Lots 509 and 510 Beckett Close. Works on the PAW such as improving lighting, accessway cleaning, graffiti removal, restricting access or increasing the fence heights are options that would improve the amenity of this PAW.

Other Considerations

It has not been substantiated whether any mains services such as sewer, water supply, electricity, telephone or drainage infrastructure will be affected by the closure of the PAW. This can be addressed through the public consultation process should Council seek to initiate closure of the PAW.

Summary of Assessment

Based on the above assessment and following the provisions of APD21, it is considered that it would not be appropriate to initiate proceedings to close the PAW for the following reasons:

- The Beckett Close to Rockingham Road PAW plays an important role in increasing local residents' accessibility to the bus services and the proposed transit interchange along Yangebup Road between Rockingham and Stock Road.
- Closure of the PAW would result in pedestrians having a substantially increased walking distance to the facilities mentioned above.



It is therefore recommended that the Beckett Close to Rockingham Road PAW not be closed. However, alternative work should be investigated to improve the amenity of this PAW such as improving lighting, PAW cleaning, graffiti removal, restricting access, or the owners increasing the height of the fence to minimise the nuisance experienced by residents of the adjoining properties.

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 are convenient and safe for use by vehicles, cyclists and pedestrians."

The Planning Policies which apply to this item are:-

SPD 4 'Liveable Neighbourhoods'
APD 21 Pedestrian Access Way Closures

Budget/Financial Implications

Nil at this time. There may be future costs depending on the outcome of the review of the state of the PAW and possible improvement works. This will be the subject of a future submission to Council.

Legal Implications

N/A

Community Consultation

Nil to date. Consultation will be undertaken if Council resolves to proceed with the closure of the PAW.

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

Nil.



**14.3 (MINUTE NO 2081) (OCM 15/07/2003) - FRANCISCAN MONASTERY
- LOT 15; 302 HENDERSON ROAD, MUNSTER - OWNER:
ASSOCIATION OF THE IMMACULATE MEDITRIX (INC) -
APPLICANT: W J FRANCIS (4411541) (SM) (ATTACH)**

RECOMMENDATION

That Council:

- (1) approve the application to establish a Monastery at Lot 15 (302) Henderson Road, Munster subject to the following conditions:

STANDARD CONDITIONS

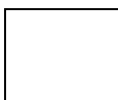
1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. A landscape plan must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
 - (1) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area being in conformity with the City of Cockburn Greening Plan;
 - (2) any lawns to be established;
 - (3) any natural landscape areas to be retained;
 - (4) those areas to be reticulated or irrigated; and
 - (5) verge treatments.
6. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
7. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.



8. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
9. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.
10. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
11. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the Council.

SPECIAL CONDITIONS

12. A remnant vegetation buffer of 10 metres being provided along the Henderson Road frontage and supplemented by additional planting to the City's satisfaction where required, to ensure that the proposed structures are screened from view of Henderson Road.
13. This approval does not include approval for the 'future grotto' shown on the submitted plans.
14. The applicant preparing and implementing the requirements of a Bush Fire Management Plan in accordance with the specifications of Fire and Emergency Services (FESA) and the Council for ongoing protection of the development.
15. No parking to occur at any time on the road verge to Henderson and Russell Roads.
16. A guaranteed supply of potable water to provide for the needs of a maximum of 8 residents.



17. No vehicular access will be permitted to Russell Road.

FOOTNOTES

1. Applicant should submit two copies of the proposed plans to Fire and Emergency Services Australia (FESA) for approval. A stamped approved copy of these plans must be submitted as part of the Building Licence application.
2. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
3. The development is to comply with the requirements of the Building Code of Australia.
4. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
5. This development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, in the Public Building Regulations 1992. An application to construct, extend or alter a public building is to be submitted with the Building Licence application. Refer to attached application form.
6. The use of the premises must comply with the *Health (Food Hygiene) Regulations 1993* and Chapter 3 of the Australia New Zealand Food Standard Codes (Australia Only).
7. The proposed septic installations must comply with the requirements of the Government Sewerage Policy and the Health Act 1911. Application for approval of the construction of septic tanks to be made to the City's Health Services.
8. The development must include the installation of an approved effluent disposal system prior to occupation.
9. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.

10. The Council takes no responsibility or liability in respect to maintenance and reinstatement of any verge area landscaped as a condition of approval.
11. The applicant is advised that:
 - (1) Land on the southern side of Russell Road is earmarked for future industrial development as part of the Hope Valley-Wattleup Redevelopment Area.
 - (2) The subject land is within the Basic Raw Materials Resource Area and specifically; land immediately south of Russell Road is identified as an extraction area for limestone.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr L Goncalves that the recommendation be adopted, subject to Point (2) of the Standard Conditions to read as follows:

STANDARD CONDITIONS

2. Nothing in the approval of these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.

CARRIED 8/0

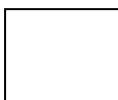
Explanation

Minor change to the recommendation due to a typographical error.

Background

ZONING:	MRS:	RURAL
	TPS3:	RURAL
LAND USE:	VACANT	
LOT SIZE:	2.2865ha	
USE CLASS:	PLACE OF WORSHIP ("A" USE – DISCRETIONARY)	

Mr Francis ("the applicant") on behalf of the Association of the Immaculate Mediatrix (Inc) received Council approval in July 2002 for



the establishment of a Monastery comprising 12 bedrooms, meeting rooms, chapel, workshop, library, dining hall and associated wet areas.

Since planning approval was granted the Franciscans of the Immaculate have had to reconsider the size of the original project on the grounds of cost and functionality. Consequently, the project has been amended to a smaller and more compact design. The proposal has been amended to such an extent that it was determined appropriate that a new application for planning approval be made.

Submission

Accordingly, the applicant on behalf of The Association of the Immaculate Mediatrix (Inc) has reapplied to Council seeking approval to establish a Monastery to the specifications of the submitted plans. The proposed Monastery comprises eight bedrooms, meeting rooms, chapel, workshop, library, dining hall and associated wet areas.

The buildings will be used for accommodating up to a maximum of 8 friars and for conducting spiritual and prayer meetings for small groups. The number of participants at these meetings will be between 20 and 30 and will last up to six hours. There will be 60-70 people probably six times a year attending devotions or mass in the Chapel. There will be no Sunday mass, as existing parishes will cater for these.

The proposal was not advertised for public comment, as the previous application, which was advertised to nearby and adjoining landowners received no objections. Further, the scale of the development is considerably smaller and its setback from boundaries is greater.

Report

The subject land contains a reasonably good vegetation cover with degraded sections around the perimeter. The best quality remnant bushland is located within the southern half of the block fronting onto Russell Road. The applicant proposes to retain over a third of the remnant vegetation of the block towards Russell Road and is prepared to be guided by the City to ensure as much vegetation is retained, while ensuring adequate fire protection. Council previously recommended a 20 metre perimeter fuel reduction zone be placed around the buildings and this has been incorporated in the revised plans. The reduction in size of the building will also provide for the protection of more remnant vegetation over the southern half of the block.

The proposal requires a minimum of 18 car bays to be located on site. The plan indicates 18 bays plus 3 disabled bays will be provided and this will be sufficient car parking to cater for the development on-site.



The reduced size of the proposed development and the repositioning of the car parking area to the south (downhill) of the buildings results in an increased setback from Henderson Road. This will allow increased screen planting and less disturbance, both visually and aurally to adjoining landowners.

Adequate provision must also be made for potable water supply to accommodate up to 8 friars and to provide for groups using the centre. A water supply from rainwater and a bore will be provided. Some water will also be needed to be reserved for fire fighting purposes and set out in more detail within a Bush Fire Management Plan.

Having due regard to all of the issues this proposal raises, it is recommended that the proposal be approved.

Strategic Plan/Policy Implications

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

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

The Planning Policies which apply to this item are:-

SPD1 Bushland Conservation Policy
APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A



Legal Implications

N/A

Community Consultation

The proposal was not advertised for public comment as the previous application for a larger scale development for the same use received no objections.

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

Nil.

14.4 (MINUTE NO 2082) (OCM 15/07/2003) - SWAN CATCHMENT COUNCIL MEMBERSHIP - NATURAL HERITAGE TRUST GRANTS (CB) (9331) (ATTACH)

RECOMMENDATION

That Council:

- (1) confirm its affiliation with the Swan Catchment Council for the purposes of obtaining funding at a regional level once the restructuring of the National Heritage Trust is complete; and
- (2) advise the Swan Catchment Council, South West Catchment Council, Town of Kwinana, Cities of Rockingham and Cockburn Sound Management Council accordingly.

COUNCIL DECISION

MOVED C/r V Oliver SECONDED Mayor S Lee that Council:

- (1) defer the matter; and
- (2) request the Swan Catchment Council and South West Catchment Council to make a presentation to Elected Members prior to Council making a final decision.

CARRIED 6/2

Explanation

Council is uncertain as to the catchment area it should be a member of to access available grant funds. Therefore the matter should be



deferred until representatives from both groups are able to make a presentation to Elected Members.

Background

Natural Heritage Trust funds, which in the past have been accessed by Council via various grant schemes, are now to be delivered at three levels: national investments, regional investments, and a local action component.

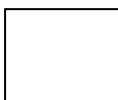
National Investments will cover national priorities, addressing activities that have a national or broad-scale, rather than a regional or local, outcome. This will include Commonwealth only activities, statewide activities and those that cross State, Territory and regional boundaries.

Regional Investments will become the principal delivery mechanism for the Trust. Under this model, investment is made on the basis of a regional natural resource management plan, incorporating the major natural resource management issues in the area.

Under the new structure regional communities, comprising landowners, industries, non-government organisations, local and State or Territory governments and other interested parties, will participate in putting together regional plans, to be called Accredited Natural Resource Management Plans, and deciding which are the most important issues for action and funding.

Arrangements for regional boundaries and regional bodies will usually depend on local geography and existing State or Territory arrangements. A State or Territory plan will be assessed against a set of criteria agreed to by the Natural Resource Management Ministerial Council. When these criteria are met the plan will be accredited. Once a plan has been accredited, a regional investment strategy will be developed detailing what funds are needed to implement the plan. These investment strategies will be used for the purposes of investment under the Trust and the National Action Plan for Salinity and Water Quality. The Commonwealth and the States/Territories will jointly agree on activities that are to be given funding at the regional level and which meet the main objectives of the Natural Heritage Trust.

Because of the restructuring it is necessary for Cockburn to confirm an affiliation with one of the two Natural Resource Management (NRM) Regions that we are eligible to join, these being either the Swan Region or South West Region. Confirming our affiliation is necessary so that we can contribute to the preparation of the Accredited Natural Resource Management Plans and have our issues listed for consideration in future funding applications.



Submission

As part of the accreditation process for regional NRM plans, regional groups must undertake an assessment of natural resource condition to enable a process of target setting to commence and the development of management actions to proceed. The issue of boundary definition needs to be addressed immediately to enable regional groups to specifically identify the extent of their areas and enable assessments of natural resources to be undertaken. To this end the City of Cockburn needs to confirm an affiliation with one of the two eligible Natural Resource Management Regions so that regional boundaries can be finalised.

Report

There are two regions that Cockburn is able to become affiliated with, the Swan Region, represented by the Swan Catchment Council who primarily deal with metropolitan catchment issues and the South West Region, represented by the South West Catchment Council that largely deals with rural catchment issues.

Cockburn is primarily a metropolitan Council but also has a good representation of rural properties. Although we are not strictly part of any particular catchment, as most of our drainage flows directly to the coast, our proximity to the Swan River and our metropolitan orientation has resulted in Cockburn being considered to be a sub region of the Swan Catchment Council as shown on the map in the Agenda attachments. There is only a small portion of land in the southeast corner of Cockburn that could be considered to be within the Peel-Harvey Catchment and thus part of the South West Region.

The Peel-Harvey Catchment Council and the Cockburn Sound Management Council would like Cockburn to become part of the South West Catchment Council. Their reasoning is because the Town of Kwinana and City of Rockingham are expected to be confirmed as members of the South West Catchment Council and Cockburn is considered to have a history of co-operation with Kwinana and Rockingham on common issues such as the management of Cockburn Sound. It must be noted that the majority of problems that affect the Sound are issues that emanate from urban industry as well as agricultural practices. At the time of writing this report the City of Rockingham and the Town of Kwinana had not yet made a final determination with regard to their choice of region.

As the Natural Heritage Trust restructuring is still taking place there are interim funding measures in place for this year to allow the momentum of past NHT funding programs to continue. A list of this years funding allocation to each of the Councils is listed below. The list gives an indication of what type of programs are funded in each of the two regions.



South West Region

\$100,000 for the Dumbleyung Strategic water management Strategy

\$36,000 for regional surface water management support

\$227,500 for Peel-Harvey river care action

\$153,000 for strategic support in the Blackwood Basin

\$30,640 for Peel –Harvey Catchment Council Administration

\$54,000 for the Peel-Harvey ICLIE Water Campaign

\$145,000 for the Western Dairying for tomorrow project

\$255,370 for the conservation and management of regional biodiversity projects

Total \$1,001,510

Swan Region

\$296,500 for recovery actions for nine threatened ecological communities

\$434,212 for community support roles – Catchment Groups

\$238,100 for the Perth Biodiversity Project

\$119,400 for the Western Swamp Tortoise recovery plan

\$140,908 for Community Education and Training

Total \$1,229,120

Although Cockburn has been considered to be part of the Swan Region we have been ineligible to apply for grants from the Swan Catchment Council. The logic for this was because Alcoa, in conjunction with Agriculture WA, already funded projects in this area. (See map attached to the Agenda). Cockburn was also ineligible to apply for grants available to the South West Region because Cockburn was not considered to be part of that region. Cockburn therefore has no history of accepting funds from either of the NRM Regions.

Should Council decide to become a member of either region both regions will need to be notified in writing of the decision. Each region has a local government working group and a local government liaison



officer who works with Councils and assists in the development of the management strategies.

Summary of reasons given by the Swan Catchment Council Facilitator as to why Cockburn should confirm their affiliation with the Swan Catchment Council are as follows:

- Cockburn is currently considered to be part of the Swan Catchment Council
- Cockburn largely covers urban suburbs and is within the Metropolitan Region Scheme boundaries thus, from a planning view point, it seems logical to be within the Swan Catchment Council which deals primarily with the Perth Metropolitan Region.
- The City of Cockburn contains a number of Bushforever sites and it is primarily the Swan Catchment Council that deals with the issues pertaining to these sites in the same way that it deals with them for other metropolitan Councils
- Issues relating to impacts on Cockburn Sound, which are primarily industrial, are best dealt with by the catchment Council that deals more with urban issues.
- There is significant downstream influence on Cockburn Sound carried by ocean currents that originate from the Swan-Canning Estuary. Management of impacts under this influence would be best dealt with within the same region.
- Common issues relating to drainage and water quality

Summary of reasons given by Peel-Harvey Catchment Council as to why Cockburn should become affiliated with the South West Catchment Council are as follows:

- History of working with Kwinana and Rockingham on common issues relating to Cockburn Sound.
- Common issues relating to drainage and water quality

To continue our affiliation with the Swan Region would probably be the most suitable outcome for Cockburn as it this would seem to give the best opportunities in terms of gaining grant funding. Cockburn is within the Metropolitan Region Scheme boundary and has more in common with other metropolitan Councils than with the rural Councils who largely make up the South West Catchment Council. It would seem that the likelihood of obtaining funding would be greater when competing with other metropolitan Councils rather than rural Councils. The focus in many of the rural Councils will predominantly be rural issues such as increasing salinity and these will most likely be seen as the priority



when it comes to the disbursement of funds. The inclusion of Cockburn into the South West Region seems only to be of benefit to other organisations such as Cockburn Sound Management Council and Department of the Environment for ease of management rather than for any other reason.

Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

14.5 (MINUTE NO 2083) (OCM 15/07/2003) - PROPOSED SUBDIVISION - LOT 12 MAYOR ROAD, MUNSTER - OWNER: M A MASTAGLIA - APPLICANT: D MASTAGLIA (122200) (ACB) (ATTACH)

RECOMMENDATION

That Council advise the applicant that the City is prepared to support the proposed subdivision of Lot 12 Mayor Road, Munster, subject to receipt of written advice and acceptance of the following:-

- (1) the owner entering into a legal Deed of Agreement as follows:
 1. The land required for Beeliar Drive, including the widening of Mayor Road, to be transferred to the Crown free of cost at the time of creating proposed Lot 2.
 2. Open Space in respect to proposed Lot 2 will be provided as part of the future subdivision of the balance of existing Lot 12, that is, proposed Lot 1.



3. To ensure that no vehicular access onto Mayor Road will be permitted upon the future subdivision of the balance portion of land, which must make provision for rear access to proposed Lot 2.
 4. No further subdivision of proposed Lot 1 (3.5216ha) until such time as a revised structure plan and overall plan of subdivision has been approved for the land;
 5. Granting an easement to Council over the area of the board-walk into Market Garden Swamp to formalise public use of the facility; and
- (2) the owner agreeing to meet all costs associated with the preparation and execution of the legal Deed of Agreement.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr L Goncalves that the recommendation be adopted.

CARRIED 8/0

Background

ZONING:	MRS:	Urban, abuts Other Regional Roads
	TPS3:	Residential R30
LAND USE:	Residential	
LOT SIZE:	3.6321 hectares	
AREA:	Proposed Lot 1 - 3.5216 ha and proposed Lot 2 - 1105m ²	
USE CLASS:	N/A	

Lot 12 was the subject of a subdivision application in April 1996. This application was made by Urban Focus (WAPC Ref: 100465) and covered Stage 14 of the Packham Urban Development Area. The land the subject of this application comprised Lots 1, 12, 1 and 701 cnr Mayor Road and Fawcett Road, Munster. The subdivision application facilitated subdivision in accordance with Council's adopted Structure Plan. In addition, the application facilitated a lot configuration that retained the existing house on Lot 2 the subject of this application (refer to plan in the Agenda attachment).

On 24 October 1996 and subsequently 24 January 2000, Council provided letters to the Western Australian Planning Commission in support of the subdivision application.



As a result of the latter correspondence, it appears that the Applicant amended the subdivision design to address conditions imposed by the City under cover of letter dated 24 January 2000. This amended sketch was faxed to the City on 20 July 2000. The City confirmed by facsimile dated 31 July 2000, that the design of the revised plan was acceptable. Again, the amended subdivision sketch facilitated retention of proposed Lot 2 the subject of this application.

The Commission cancelled the application in January 2001. There appears to be no correspondence to confirm the reasons for this cancellation with either the City or the Commission. To summarise, the overall subdivision for Stage 14 did not progress further.

In July 2001, the landowner of Lot 12 applied for a two lot subdivision to excise the house from Lot 12 resulting in two lots - Lot 1 (3.5216ha) and Lot 2 (1105m²).

On 29 November 2001, the Commission refused this subdivision application (WAPC Ref: 117135) for the following reasons:

“The subject land forms part of a larger area identified in the City of Cockburn Town Planning Scheme No. 2 as Development Area 1 (Packham). Prior to further subdivision and development of this area a structure plan, approved by both the City and the Commission, is required to co-ordinate the orderly planning and development of the area. Structure planning includes agreement to an overall road pattern, allocation of land for community services and public purposes, the provision of essential service infrastructure and equitable developer contributions.

The proposed subdivision would create lot(s) in an area where the Commission has been advised that on-site effluent disposal would not be satisfactory in the long term and which is not serviced by reticulated sewerage. This would be contrary to the Government Sewerage Policy for the Perth Metropolitan Region.

The proposed subdivision would create an undesirable precedent for ad hoc subdivision in Development Area 1.”

Council did not support this subdivision for similar reasons.

It appears that the applicant did not appeal this decision.

Submission

The applicant has resubmitted the subdivision application to excise Lot 2 (1105m²) from Lot 12 and requests this application be referred to Council for special consideration.



The intent of the subdivision is to merely facilitate separation of land tenure, not to support further development of the overall lot at this stage. The City is concerned that support for this subdivision could prompt the applicant to reapply at a later date for subdivision of the second dwelling from the overall lot which could potentially lead to a third dwelling on the newly created larger lot and so on. The owner is prepared to enter into a legal Deed of Agreement for the larger lot, which precludes further subdivision of the lot until such time as all the landowners within Stage 14 are ready to develop their land in accordance with the approved structure plan.

The current application is identical to that previously refused by the Commission on 29 November 2001 (WAPC Ref: 117135).

A locality map and a copy of the subdivision plan associated with the subdivision application are included in the Agenda attachments.

Report

In assessing the proposed subdivision the following planning issues are raised:

- Undesirable precedence for ad hoc fragmentation of the land that could result in further fragmentation of the second dwelling and hence permit development of a third dwelling on the newly created lot.
- Support for subdivision in areas where reticulated sewerage is unavailable at this point in time.
- Equitable arrangements for Developer Contributions in regards to the Packham Urban Development Area.
- Road widening.

It is considered that the above issues can be addressed to enable the Council to support the proposed subdivision in this instance:-

Undesirable Precedence for ad hoc fragmentation

The subject site has been included in a previous subdivision application for Stage 14 of the Packham Urban Development Area. The proposed subdivision is in accordance with the overall structure plan adopted for the area. Although the lot will be created before the overall development of Stage 14, it is considered that the subdivision will not prejudice future subdivision of the balance portion of land or adjoining lots.

Government Sewerage Policy Perth Metropolitan Region

The subject site is included within the Inner Metropolitan Area whereby subdivision or density development without sewer may be permitted by the responsible authorities subject to the following conditions:

“Residential developments do not exceed R12.5 and no individual lot on which wastewater is to be disposed is less than 700m² in area; and



The on-site wastewater disposal system is a system approved by the Executive Director, Public Health, and is capable of limiting nutrient (specifically phosphorous) movement from the site, EXCEPT within the areas identified as unconstrained on Map 1, which do not require systems for nutrient removal."

Proposed Lot 2 with an area of 1105m² complies with the R12.5 density code and contains an existing on-site effluent disposal system. The subdivision will not facilitate additional septic systems on the land.

Equitable Arrangements for Developer Contributions

All landowners within the Packham Urban Development Area must make development contributions regarding the upgrade of Beeliar Road (Mayor Road) between Stock Road and Cockburn Road. This requirement can be imposed as a condition on subdivision for proposed Lot 2 on a pro rata basis. The overall lot will still require a contribution to be provided at the time of an overall subdivision application.

Road Widening

Mayor Road is proposed to be widened as part of Beeliar Road works which encroaches into the proposed allotments, however this road widening is minimal and will have no adverse impact on the proposal.

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:-

APD3	Packham Urban Development Area
APD6	Residential Rezoning and Subdivision Adjoining Midge Infested Lakes
APD16A	Standard Subdivision Conditions and Reasons for Refusal

Budget/Financial Implications

N/A



Legal Implications

Deed of Agreement at the Owner’s expense.

Community Consultation

N/A

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

Nil.

14.6 (MINUTE NO 2084) (OCM 15/07/2003) - COOLBELLUP TOWN CENTRE PRECINCT REZONING - AMENDMENT NO 10 TO TOWN PLANNING SCHEME NO 3 (9624) (AJB)

RECOMMENDATION
 That Council:

(1) adopt the following amendment: -

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

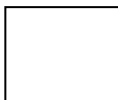
AMENDMENT NO. 10

Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 amend the above Town Planning Scheme by

(1) The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), hereby amends the above Town Planning Scheme by:

1. Including the following in Schedule 11 – Development Areas of the Scheme:

Ref. No.	Area	Provisions
DA 7	Lots 1, 2 and 3 on Diagram 34240 and Lot 101 on Diagram 83601 Coolbellup Avenue, Reserve 30189 and Reserve 30190 Cordelia Avenue Coolbellup and that portion of Cordelia Avenue between Coolbellup Avenue and Rosalind Way	1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development. 2. To provide for an integrated town centre with a mix of residential, commercial, recreation, community and education facilities, in accordance with an approved Structure Plan.

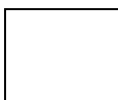


2. Amending the Scheme Map to rezone Lots 1, 2 and 3 on Diagram 34240 and Lot 101 on Diagram 83601 Coolbellup Avenue, Reserve 30189 and Reserve 30190 Cordelia Avenue and that portion of Cordelia Avenue between Coolbellup Avenue and Rosalind Way Coolbellup from "Local Centre", "Public Purpose - Civic", "Parks and Recreation" and "Local Road" to "Development" zone and under "Development Area – DA 7".

Dated this day of.....2003

Chief Executive Officer

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A)(1) of the Town Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment;
- (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (7) advise the Coolbellup Community Association of Council's decision.



COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr S Limbert that Council adopt the recommendation subject to Point (7) to read as follows:

- (7) advise the Coolbellup Community Association and the three affected School P and Cs of Council's decision.

CARRIED 7/1

Explanation

Council should ensure that the organisations who continue to keep these groups and who have been involved from the start, are fully informed throughout the process.

Background

Council at its meeting held on 20 November 2001 (Item 14.11) considered a report on the proposal to undertake a joint planning study on the Coolbellup Town Centre Precinct with Homeswest and the Department for Planning and Infrastructure and resolved as follows;

- “(1) approach Homeswest and Department for Planning and Infrastructure seeking agreement to partner on an equal contribution basis a design study for the rejuvenation of the Coolbellup Town Centre precinct; and*
- (2) proceed with the study subject to agreement from Homeswest and Department for Planning and Infrastructure to joint funding.”*

Homeswest and DPI have agreed to undertake the study with Council.

In June 2002 the Minister for Education announced review of schools in Coolbellup, which involved closure of the three schools and construction of one new school. Council Officers suggested consideration be given to a new integrated school on Len Packham Reserve. Len Packham Reserve was also identified as a site for through the Education Department Local Area Planning process.

A combined schools/public meeting was held September 7, 2002 and the Len Packham Reserve option was discussed.

Education Department requested Council consideration of the integrated school on Len Packham Reserve in November 2002.

Council resolved in December 2002:

“That Council advise the Education Department that it would support the proposal for a new primary school for Coolbellup to be constructed



on a portion of Reserve 30190 (Len Packham Reserve) to replace the existing three Primary Schools subject to the following conditions:

- (1) *final site plans and the results of the community consultation to be initiated by the Department of Land Administration (DOLA) be presented to Council for consideration;*
- (2) *the location of the school and its ovals allows for the shared use of ovals and the establishment of club/change rooms for use by the general community and to accommodate current users of the reserve and clubrooms;*
- (3) *land of equivalent monetary and recreational value to the area of reserve land relinquished for the new school being replaced within the Coolbellup area;*
- (4) *the Education Department undertaking all necessary Town Planning Scheme Amendments and Land Administration procedures at its cost; and*
- (5) *planning and Development of the former school sites be organised in line with requirements of the Western Australian Planning Commissions Liveable Neighbourhoods community design code."*

Submission

N/A

Report

Council has initiated the following actions in respect to the Coolbellup Town Centre area;

- Joint urban design study with the Department for Planning (DPI) and Department for Housing and Works (DHW) to examine possible options for the revitalisation and redevelopment of the Town Centre precinct;
- The possible development of an integrated primary school on a portion of Len Packham reserve.

Both of the above require extensive community consultation and depending on the outcomes will necessitate zoning changes to Councils Town Planning Scheme.

Councils in principle support for the development of a new primary school on a portion of Len Packham Reserve has generated considerable community debate and calls for greater community consultation on this matter.



The Education Department has only recently appointed a project architect and no proposals have been advanced for a school on portion of Len Packham reserve. It is now proposed to address the site definition work and community consultation proposed by parts 1, 2 and 3 of Councils decision of December 2002 as part of the broader Town Centre Enquiry By Design process.

Given various processes that need to be undertaken and the need to provide certainty to the community at the earliest time, it is considered most appropriate to combine all the community consultation on the Town Centre, proposed location of the new primary school and the development of a public open space strategy in respect to the surplus primary school sites and replacement of any land used on Len Packham Reserve into a single process rather than separate sequential processes.

The most appropriate community consultation process is through an amendment to Councils Town Planning Scheme for the following reasons;

- Is a formal process set out in regulations which ensures its integrity and fairness.
- Is acceptable to the approval agencies including DPI and DOLA.
- Implementation of the outcomes from the Enquiry by Design Workshop and determination of the new Primary School location will in all likelihood result in the need for changes in zonings of the Town Centre area.
- The process responds to the outcomes of public consultation which may result in the amendment being significantly modified or even disallowed.

At the public meeting called by the Coolbellup Community Association held on 16 June to discuss the Len Packham Reserve and primary school issues, Council's Manager of Planning Services outlined the issues regarding both the town centre precinct and Councils decisions regarding the proposed primary school and provided details of the proposed community consultation process. The outlined consultation was for a combined process through a scheme amendment as detailed in the following table. There was no opposition or comment on the process.

The proposed consultation is in respect to the following;

- Town Centre Precinct Enquiry by design workshop
- Consultation for the change in vesting of approx. 2 – 2.5 hectares Len Packham Reserve (DOLA/Minister for Planning & Infrastructure).



- Change in zoning or portion of Len Packham Reserve to school (WAPC/Minister for Planning & Infrastructure).
- Replacement POS Strategy (required even if Len Packham option does not proceed) (WAPC/EDWA/DHW/Minister for Planning & Infrastructure and Minister for Education).

The proposed timetable for the above that was presented to the public meeting was as follows;

- July 2003 – report to Council on matters raised 17 December 2002 with recommendation to initiate an amendment to TPS3 (Amendment No 10).
- Late August-late October 2003 – formal advertising of the proposal for public comment, including advertisements in paper, letters to adjoining owners and community groups, signs on site, manned display, and a information sheet/survey to the whole of the suburb.
- September 2003 (likely to be 22-24 September 2003) – Town Centre Precinct Enquiry By Design workshop which will include representatives from all community organisations, the commercial centre and members of the public by invitation, with the outcomes advertised during the latter part of the scheme amendment process so that the community can use this in formulating their response on the Scheme Amendment.
- November 2003 – consideration of submissions by Council with formal responses to DOLA, WAPC, EDWA, community feedback.

Amendment No 10 to TPS 3 proposes to rezone the Town Centre Precinct to “Development” zone and to include appropriate provisions in Schedule 11 of the Scheme which requires all subdivision and development in the Development Area to be in accordance with an adopted structure plan.

Designation of the Town Centre Precinct as Development zone will provide flexibility but maintain sufficient control over land use activities in the area. This is consistent with the designation of future commercial centres in Hammond Park and Atwell and the approach being taken for the Cockburn Central Town Centre area. It also allows for the adoption of an implementation strategy, design guidelines and specific provisions if necessary.

Putting in place a Development zone over the Town Centre precinct does not pre-empt a decision on the future of the commercial area or use of portion of Len Packham Reserve for a primary school. These decisions can be made separately and the zoning will merely facilitate the final decision. If in the final analysis there is to be no change then



the amendment can be either disapproved or finalised with the adopted structure plan being generally in accordance with the current zoning.

The future use of the surplus school sites will be subject to separate community consultation and rezoning processes to be initiated by the Education Department.

In summary the initiation of this amendment will provide a coordinated approach to the community consultation associated with the various actions initiated by Council in regard to the Coolbellup Town Centre precinct, will provide certainty to all stakeholders at the earliest possible time and will facilitate the earliest possible implementation of the outcomes of the process.

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."*
 - *"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."*
 - *"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."*



The Planning Policies which apply to this item are:-

SPD1 Bushland Conservation Policy
SPD2 Community Facilities Infrastructure - 10 Year Forward Plan
SPD4 'Liveable Neighbourhoods'
APD4 Public Open Space

Budget/Financial Implications

Council has previously agreed to contribute \$10,000 to the Enquiry By Design with matching funding from DPI and DHW. These funds are to be carried forward from the 02/03 Strategic Planning projects budget.

Further funds will be allocated from the Strategic Planning project budget for the community consultation.

Joint funding with DHW/Mirvac Fini has been previously allocated for the development of new change rooms/clubrooms at Len Packham Reserve.

Proposals from the Enquiry by Design Workshop and their financial implications will need to be considered by Council at that time.

Legal Implications

There will be a number of statutory requirements to be met in progressing the construction of a school site on a recreational reserve. There are no identified legal issues outside of these statutory requirements.

Community Consultation

Decisions on the revitalisation and redevelopment of the Coolbellup Town Centre Precinct including the possible use of a portion of Len Packham Reserve for a new primary school will be underpinned by a comprehensive public consultation process through the Scheme Amendment process and will cover the following:

- Change in zoning of the Town Centre, including Len Packham Reserve and Councils community purpose site.
- Town Centre Precinct Enquiry by Design Workshop.
- Consultation for the possible change in vesting of approximately 2-2.5 hectares of Len Packham Reserve for a new primary school.
- Public open space strategy in respect to the surplus primary school sites

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

Nil.



14.7 (MINUTE NO 2085) (OCM 15/07/2003) - LOCAL COMMERCIAL STRATEGY - SCHEME AMENDMENT (9601) (AJB)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

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

AMENDMENT NO. 11

Resolved that Council, in pursuance of Section 7 of the Town Planning and Development Act 1928 amend the above Town Planning Scheme by

- (1) The City of Cockburn under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), hereby amends the above Town Planning Scheme by:

1. Including the following in Schedule 3 – Restricted uses of the Scheme:

No.	Description of Land	Restricted Use	Conditions
RU 11	The land included within the District Centre Zone on the corner of Phoenix Road and Rockingham Road, Spearwood.	Those uses which may be permitted within the District Centre Zone as set out in Table 1 – Zoning Table subject to there being no more than two(2) food supermarkets mini-marts or the like which retail food and grocery items within the District Centre Zone.	Planning Approval

2. Amending the Scheme Maps to identify the District Centre Zone on the corner of Phoenix Road and Colville Crescent, Spearwood as Restricted Use RU 11.

3. Modifying paragraph 6 in DA10 – Atwell South contained in Schedule 11 – Development Areas of the Scheme replacing “2,700m²” with “5,000m²”.

Dated this day of.....2003



Chief Executive Officer

- (2) sign the amending documents, and advise the WAPC of Council's decision;
- (3) forward a copy of the signed document to the Environmental Protection Authority in accordance with Section 7 (A)(1) of the Town Planning and Development Act;
- (4) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;
- (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; and
- (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 8/0

Background

At its meeting held on March 20, 2001 Council resolved to endorse the Draft Local Commercial Strategy prepared by Shrapnel Urban Planning and , subject to the agreement from the Western Australian Planning Commission (WAPC), advertise the Strategy for public comment.



Following comments from the WAPC, the draft document was modified and advertised for public comment between April 13 and June 7, 2002.

At the close of the advertising period 9 submissions were received. These submissions were considered at the November 19, 2002 Ordinary Council meeting and it was resolved:

- “(1) adopt the Schedule of Submissions for the Local Commercial Strategy;*
- (2) forward the submissions to the Department of Planning and Infrastructure together with a request for the Strategy to be finalised;*
- (3) prepare a submission to the Department for Planning and Infrastructure which supports a request for the Future Perth project to give consideration to the designation of Cockburn Central as a Strategic Regional Centre;*
- (4) seek support from the Perron Group to promote Cockburn Central being designated as a Strategic Regional Centre; and*
- (5) subject to the response from the Department of Planning and Infrastructure on the Schedule of Submissions, initiate an amendment to TPS 3 upon its gazettal to include Phoenix Park Shopping Centre in Schedule 3 – Restricted Uses with appropriate provisions to restrict the additional 8,000m² of retail floorspace to non-food uses only, and to modify Part 5 of DA10 – Atwell South contained in Schedule 11 of the Scheme to increase the specified floor space from 2,700m² to 5,000m².”*

The Schedule of Submissions were forwarded to the Department of Planning and Infrastructure in November 2002. DPI officers have advised that the Schedule of Submissions has not been considered and there is no commitment in terms of a likely timing.

Given that the Schedule of Submissions have not been considered by DPI and that there is no commitment in terms of timing for finalisation of the Local Commercial Strategy it is desirable to initiate the Scheme Amendment process to progress putting in place the recommended Scheme controls. This is necessary so as to ensure the controls are in place prior to development proposal being pursued that could compromise the recommendations of the Local Commercial Strategy.

Councils initiation of this amendment to TPS No 3 will necessitate DPI to formally consider the Local Commercial Strategy sooner than may otherwise occur.



Submission

N/A

Report

This Scheme Amendment is submitted in order to implement two of the recommendations of the City of Cockburn Local Commercial Strategy, namely:

1. *Including Phoenix Park Shopping Centre in Schedule 3 – Restricted Uses with provisions to restrict the additional 8,000m² of retail floor space to non-food uses.*
2. *Modifying DA10 – Atwell South contained in Schedule 11 to increase the specified floor space from 2,700m² to 5,000m².*

Details on each of the proposals is outlined below.

Phoenix Park Shopping Centre

The Local Commercial Strategy recommends that the retail floorspace for Phoenix Park be increased from 19,900 to 28,000m² net lettable area with the proviso that the additional floorspace be for non-food only. Section 6, page 43 states that under no circumstances should an additional supermarket be developed at Phoenix Park as this would undermine the potential viability of several neighbourhood/local centres.

As a result of previous submissions, Council at its meeting held on July 21 1998 approved an additional 4,000m² for a second Discount Department Store plus specialty stores which would take the NLA of the Phoenix Park Shopping Centre to 24,900m². In addition to this there is some 5,000m² adjacent developments taking the total retail floor space of Phoenix Park to 29,000m² which is in excess of that recommended by the Strategy (note that the reference to Phoenix Park is the whole commercial precinct between Colville Crescent and Phoenix Road which includes the Phoenix Park Shopping Centre).

It is understood that the additional floorspace for Phoenix Park is not required for food related activities. The Centre has 2 major food supermarkets and the additional floorspace is for a Discount Department Store plus specialty stores. Notwithstanding this, there is a need to ensure the viability of neighbouring centres is not adversely affected by the expansion of Phoenix Park with additional floor space for the sale of food, that is an additional supermarket.

In respect to the control of floorspace mix, it should be noted that TPS No 2 limited and specified the mix of retail and non retail activities within the Lakes Shopping Centre, South Lake and that such



restrictions were imposed as a result of a submission by the Phoenix Park Shopping Centre owners when that centre was rezoned. Accordingly there is a precedent to specify the tenancy mix within a shopping centre to ensure principles of proper and orderly planning are achieved.

Recommendations of the Strategy to specify that the additional floorspace at Phoenix Park should be for non-food activities and for this to be formalised through TPS 3 is considered appropriate and is supported for the following reasons:

- Given low levels of car ownership and mobility in the residential area surrounding the Phoenix Park area, there is a high dependence on surrounding local centres and accordingly the viability of neighbouring centres is of strategic importance.
- The proposed increase in floorspace at the Phoenix Park Shopping Centre and the restriction of this to non-food is in accordance with previous applications made by the owners of the centre.
- There is precedent within the City for the tenancy mix of a centre to be specified within Council's Town Planning Scheme.

The above is best implemented via an amendment to the Scheme to control the activities permitted as part of any expansion of the Phoenix Park Shopping Centre above 20,900m². It is proposed to include Phoenix Park Shopping Centre in Schedule 3 – Restricted Uses with provisions to restrict the additional 8,000m² of retail floor space to non-food uses. This is best achieved by restricting the number of supermarkets to two as currently exists. This will provide flexibility for the size of the two existing supermarkets to change over the desired outcome.

It is noted that consultants for the owners of the Phoenix Park shopping centre lodged submissions objecting to the inclusion of any restrictions on the future expansion of the centre.

DA10 – Atwell South

The current retail floorspace of 2,700m² specified in Town Planning Scheme No. 3 DA 10 resulted from an assessment undertaken in 1999 as part of Southern Suburbs District Structure Plan.

The more detailed assessment and modelling carried out as part of the Local Commercial Strategy confirms that Atwell South can be sustained at 5,000m². It is therefore recommended that the provisions of Part 5 DA10 – Atwell South contained in Schedule 11 of the Scheme be modified to increase the specified floor space from 2,700m² to 5,000m².



The proposed increase is in accordance with submissions prepared by consultants to LandCorp on the Harvest Lakes development.

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:-

SPD4 'Liveable Neighbourhoods'

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The Scheme Amendment process provides for public advertising of the proposal.

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

Nil.

- 14.8 (MINUTE NO 2086) (OCM 15/07/2003) - PROPOSED STRUCTURE PLAN - LOTS 132 & 133 JANDAKOT ROAD AND LOT 135 ARMADALE ROAD, BANJUP - OWNER: CSR READYMIX - APPLICANT: WHELANS (9655) (CP) (ATTACH)**

RECOMMENDATION

That Council:

- (1) adopt the schedule of submissions contained in the Agenda attachments and forward it to the Western Australian Planning Commission for consideration;



- (2) advise Whelans that prior to final adoption the proposed structure plan under clause 6.9.1(a) of Town Planning Scheme No.3, and subject to advice from the Western Australian Planning Commission the structure plan report is to be amended to address the following matters to the satisfaction of the Council: -
1. Building envelopes for proposed Lots 2 to 5 are to be shifted to locations 10m from their respective northern boundaries;
 2. Memorials being registered on the titles advising prospective purchasers of the following issues:
 - (a) Noise nuisance associated with the operation of Jandakot Airport.
 - (b) No animals (other than domestic animals such as cats, dogs and birds) shall be permitted to be kept on the land.
 - (c) Restrictions for landowners of properties within the 300m buffer of the Water Corporation production bore at Lot 8 Solomon Road. Such restrictions shall be as outlined on the Water Corporation submission dated 29 May 2003.
 - (d) The land is located within the P2 Source Protection Area and land use restrictions apply.
 - (e) Existing native vegetation on the Lots is to be retained.
 - (f) All revegetation on site is to be maintained.
 - (g) Noise, dust and heavy vehicle movements associated with the sand extraction activities being undertaken on land east of Fraser Road.
 3. Prior to applying for subdivision approval a detailed site contamination report and management plan shall be prepared, submitted for the approval of and complied with to the satisfaction of the Council. The report shall amongst other things, refer to decommissioning of the sand washing plant and settlement ponds located on the property.
 4. Rehabilitation of the land is to be completed prior to applying for subdivision approval in accordance with an



- updated rehabilitation and revegetation plan to the satisfaction of the Council. The plan is to provide for remediation of the settlement ponds from the sand washing plant and any relevant requirements arising from the contamination report.
5. The lowering of Dollier Road to the level of adjoining land.
- (3) advise Whelans that there are a number of matters that will be required to be addressed as part of the subdivision process as outlined in the Schedule of Submissions; and
 - (4) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

COUNCIL DECISION
 MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendaton be adopted.

CARRIED 8/0

Background

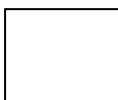
ZONING:	MRS:	Rural – Water Protection
	DZS:	Resource Zone
LAND USE:	Extractive Industry (Sand mining, washing and processing)	
LOT SIZE:	N/A	
AREA:	147 ha (approximately)	
USE CLASS:	N/A	

Commercial sand extraction commenced on the subject land approximately 30 years ago, whereupon activities are expected to cease in approximately 3 to 4 years time.

Although spanning a number of allotments, CSR Readymix has mined the land as one contiguous site. Infrastructure developed on the land includes internal roading, screening operations, washing plant, drying plant, site office, weighbridge, bores and recycling ponds.

Submission

This report concerns a proposed structure plan prepared by Whelans on behalf of CSR Readymix, the owners of Lots 132 and 133 Jandakot Road and Lot 135 Armadale Road, Banjup, in order to provide a



framework for the future rural-residential subdivision and development of the land upon completion of sand extraction activities in the area (See Agenda attachments for proposal and location details).

The Structure Plan was submitted in December 2002 for consideration. Council officers, acting under the delegated authority of Council (APD 42), determined that the plan was suitable to be advertised for public comment.

Report

The Plan area covers approximately 147ha and includes 3 lots, which have been mined of sand to varying extents to date. The site is bordered to the north by Jandakot Road, to the west by Solomon Road and to the south by Dollier and Armadale Roads. Fraser Road abuts the site to the east.

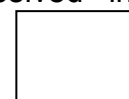
Existing residential areas are located south of Armadale Road in Atwell. Industrial area DA20 abuts Dollier Road to the south of Lot 133 and to the west of Lot 135. Additional sand extraction activities are occurring on land to the east of Fraser Road, while land to the north of Jandakot Road and west of Solomon Road the land is developed into 2ha rural-residential lots.

The Structure Plan proposes the subdivision of the land into 2ha allotments upon the cessation of sand extraction activities and the completion of site rehabilitation. Roading within the Structure Plan area has been internalised to minimise intersections and therefore potential conflict points along the roads abutting the Structure Plan area.

The configuration of the lots and location of building envelopes have been influenced by the various site constraints, including:

- 132kw Western Power transmission lines, towers and easement;
- Water Corporation production bores;
- Proximity to nearby industrial area;
- Extractive industry buffer zone;
- Remnant vegetation;
- Bush fire management;
- Proximity within the Jandakot underground water protection area;
- Proposed Armadale Road widening by MRWA;
- Proposed final topography and surrounding batters.

The structure plan proposal was advertised for public comment for a period of 31 days, with the comment period concluding on 12 May 2003. Owners of properties surrounding the subject Structure Plan area and relevant agencies and servicing authorities were invited to comment. A total of eight submissions were received including



comments from Water & Rivers Commission, Water Corporation, Jandakot Airport, Department of Indigenous Affairs as well as from nearby owners. A schedule of submissions is included in the Agenda attachments.

The proposed Structure Plan is generally acceptable to the agencies consulted and a number of the matters raised would be appropriately addressed through conditions of the subdivision application (refer to Schedule of Submissions).

The following issues however require further detailed discussion over and above the response contained in the Schedule of Submissions included in the Agenda attachments.

Site Rehabilitation Works

An objective of preparing the Structure Plan report has been to establish a design to which the existing sand extraction operation can work towards and to provide a framework to which rehabilitation of the site can be carried out.

Under the current planning approval, CSR is required to rehabilitate in accordance with the Excavation Management Plan dated 26th October 1995. At the time this strategy was prepared, the final land use of the sand extraction sites was not known. It is therefore appropriate to update the rehabilitation plan to take account of the current state of rehabilitation and identify measures necessary to ensure the remainder of the site is appropriately rehabilitated in a manner consistent with future rural-residential land use, with revegetation being monitored to ensure an adequate success rate is achieved.

Furthermore, it is expected that a requirement for an updated rehabilitation plan will dovetail with the outcome of the extractive industries review Council staff are currently involved with.

Timing of the Site Rehabilitation Works

It is the expectation of the City that all site rehabilitation will be completed to an appropriate standard with provision made for ongoing monitoring prior to CRS applying for subdivision approval. This requirement is in accordance with Policy APD27 "Subdivision Policy for Sand Extraction Sites and Other sites in Jandakot and Banjup North of Armadale Road".

Location of Building Envelopes

In order to maximise separation between activities in the Solomon Road industrial area (DA20) and future dwellings within the structure plan area, it is recommended the building envelopes for proposed lots



2 to 5 are shifted to locations 10 metres from their respective northern boundaries.

Dollier Road

Dollier Road is currently elevated in parts as high as approximately 10m above the levels of surrounding ground, which had previously been earth worked and lowered. As a result, access to proposed lots 1 to 5 as intended is likely to be difficult to achieve while the proposed landscaped bund parallel to Dollier Road will have limited effect unless the road is lowered accordingly. In this regard, it is recommended the applicant investigate the implications of lowering Dollier Road and report back to Council accordingly.

Internal Rooding Pattern

Although the internal rooding pattern on the structure plan differs from that shown on the concept plan for Policy APD27 (refer to structure plan report in Agenda attachments), the proposed rooding configuration submitted is an acceptable alternative as it seeks to internalise access to the lots, preventing the need for cross-overs and minimising intersection points onto Jandakot, Solomon and Armadale Roads, as well discouraging the use of the subdivisional roads by heavy traffic.

Summary

The structure plan submitted to Council for consideration represents a largely appropriate use of the subject land upon the sand extraction activities ceasing and the site being appropriately rehabilitated.

Subject to various identified matters being adequately addressed, it is recommended the Council consider adopting the plan to form the basis of a future subdivisional proposal and change of use.

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



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

The Planning Policies which apply to this item are:-

- SPD1 Bushland Conservation Policy
SPD3 Native Fauna Protection Policy
SPD5 Wetland Conservation Policy
APD27 Subdivision Policy for Sand Extraction Sites and Other Sites in Jandakot and Banjup North of Armadale Road

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Affected landowners and relevant authorities were sent letters advising of the proposal and inviting comments by 12/05/2003.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2087) (OCM 15/07/2003) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for June 2003, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the recommendation be adopted.

CARRIED 8/0



Background

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

Submission

N/A

Report

N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

15.2 (MINUTE NO 2088) (OCM 15/07/2003) - PRINCIPAL ACTIVITIES PLAN - 1 JULY 2003 TO 30 JUNE 2007 (5406) (ATC) (ATTACH)

RECOMMENDATION

That Council adopt the Principal Activities Plan for the period 1 July 2003 to 30 June 2007, as attached to the Agenda.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that Council adopt the Principal Activities Plan for the period 1 July 2003 to 30 June 2007, as attached to the Agenda, subject to an amendment on



Page 37, so that all references to 'City Centre' become references to 'Regional Centre'.

CARRIED 8/0

Explanation

Cockburn Central will serve as a regional centre and therefore the use of the term 'regional' would be preferable to 'City Centre'.

Background

Under the Local Government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The Plan must be advertised for public comment for a period of six weeks. When adopted, the Plan is the basis for the annual budget for the City.

Submission

N/A

Report

Under the Local Government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The Plan must be advertised for public comment for a period of six weeks. There have been no changes to the principal activities to be undertaken. However, minor changes have been included for individual Service Units due to some changes in responsibility for various expenditure accounts, adjustments in allocation of Support Service Costs and significant increases in Public Liability Insurance costs. The construction of the Cockburn Central Community Facilities has been brought forward to commence in 2004/05 and complete in 2005/06.

At the close of the advertising period on 2 July 2003, one letter had been received. A copy of Mr Crook's letter is attached to the Agenda. The question raised by Mr Crook will be answered by letter.

Strategic Plan/Policy Implications

The Principal Activities Plan describes its links to the Corporate Strategic Plan.

Budget/Financial Implications

The Principal Activities Plan, when adopted, will form the basis of the budget for 2003/04. Any significant variances from the Principal Activities Plan must be detailed in the Budget document.



Legal Implications

N/A

Community Consultation

Draft Principal Activities Plan advertised for public comment.

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2089) (OCM 15/07/2003) - TENDER NO. 11/2003 - SUPPLY AND LAYING OF HOT ASPHALT ROAD SURFACING (4437) (IS) (ATTACH)

RECOMMENDATION

That Council accept the tender submitted by Asphalt Surfaces Pty Ltd:

- (1) for "Supply and Laying" of Hot Asphalt Road Surfacing; and
- (2) hot Asphalt Road Surfacing for "Supply only – Ex Plant"

for Tender No. 11/2003 at the fixed rates indicated in their tender submissions for the two year period 1 July 2003 to 30 June 2005.

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

Council has a program of calling tenders each year for the regular supply of materials and services to facilitate Council's roads and parks programs.



Submission

Tenders were called for the Supply and Laying of Hot Asphalt Road Surfacing and Supply only – Ex Plant for the next two financial years. Seven (7) tenders were received, the details of which are attached to the Agenda.

Report

There are basically two parts to this tender, being “Supply and Lay”, and “Supply only – Ex Plant”, and the tender lends itself to be split if it proves beneficial.

The tenders have been assessed under the following criteria, which were outlined in the tender documents:

	<u>Weighting</u>
1. Price	35%
2. Technical conformance	10%
3. Demonstrated safety management	15%
4. Delivery response performance	20%
5. Quality endorsement	5%
6. References	10%
7. Insurance	5%

Tenderers were required to provide adequate information in their tender submission to allow for scoring each criteria. Where information was not supplied, the particular criteria was not scored.

The top assessments under these criteria, as determined by Council's Road Services Unit, are as follows:

<u>Supply & Lay</u>	<u>Assessment</u>	<u>Contract Estimate (2 Year)</u>
1. Hotmix	96%	\$2.41m GST included
2. Boral Asphalt	96%	\$2.61m GST included
3. Asphalt Surfaces Pty Ltd	100%	\$2.33m GST included
4. Emoleum	89%	\$2.75m GST included
5. BGC Asphalt	91%	\$3.07m GST included
6. Roads 2000	92%	\$2.71m GST included
7. Pioneer Road Surfaces	91%	\$2.83m GST included

The tender for the Supply and Laying of Hot Asphalt Road Surfacing and Supply only – Ex Plant as a result of the evaluation criteria being implemented, shows that Asphalt Surfaces is the most advantageous to Council. Asphalt Surfaces hold the current contract for “Supply and Lay” of hot asphalt road surfacing and “Supply only – Ex Plant”, they have performed satisfactorily and are considered to be a reputable



company within the road construction and asphalt industry. Hence their tender in this instance should be supported.

Strategic Plan/Policy Implications

Construction and maintenance of roads is a principal objective of the Corporate Strategic Plan. Asphalt is an essential component of maintaining and constructing roads.

Budget/Financial Implications

The cost of asphalt is covered in the Budget allocations for road maintenance and construction.

The estimated fixed rate contract value over 2 years is \$2.33 million with GST included.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

16.2 (MINUTE NO 2090) (OCM 15/07/2003) - SOUTHERN METROPOLITAN REGIONAL COUNCIL - ESTABLISHMENT AGREEMENT REVIEW (4904) (BKG) (ATTACH)

RECOMMENDATION

That Council advise the Southern Metropolitan Regional Council that it approves the 2003 amended Establishment Agreement dated 10 April 2003 and that the former Establishment Agreement dated 22 April 1998 and the Deed of Variation of the Establishment Agreement dated 30 October 1998 be revoked and substituted with this Establishment Agreement commencing upon the approval of the Minister for Local Government.

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0



Background

The Establishment Agreement for the Regional Council was approved and gazetted by the Minister on the 22nd April 1998. Since then only changes to its regional purpose have been reviewed, being the administrative support of the South West Group and the Regional Greenhouse Gases Project.

In 2002 the Regional Council resolved to undertake a review of the Establishment Agreement to consider any amendments or inclusions.

With the assistance of the SMRC's solicitor, a review of the entire Establishment Agreement was undertaken and it was decided that the existing 1998 Agreement, 1998 Deed of Variation and other variations to the Agreement be consolidated into one Agreement, to be known as the 2003 Amended Establishment Agreement.

The Regional Council has requested all Councils that are members of the Regional Council consider and endorse the proposed Amended Establishment Agreement.

Submission

N/A

Report

The proposed amendments to the Establishment Agreement are as follows:

1. Incorporating the previous Deed of Variation signed by all participants in 1998 relating to the provision for administrative services to the South West Group.
2. Clause 4 Regional Purposes –

The two additional purposes are added as follows:

“(c) to provide administrative services to the South West Group”
“(d) to prepare, facilitate and implement programmes, measures and strategies for the reduction of greenhouse gasses.”

3. Clause 7.3 Election of Chairman and Deputy Chairman

Now provides that the election of chairman and deputy chairman is *“from amongst the members of the Council.”*



4. Clause 8.6(1) Unanimous Agreement to the terms of Project

This clause has been amended to delete reference to the unanimous resolution of the members of the Council who are appointed by the Project Participants. The result is that a Project Participants Agreement must be entered into by the Project Participants themselves (and not their SMRC representatives) which has been the previous practice.

5. Clause 8.6(2) New clause inserted which provides that the project participants are bound by the Agreement as if it were incorporated into the Establishment Agreement. The effect will be to enable any non-participants to rely on the obligations of the project participants in the project participants agreement.

6. Clause 11.2(b) When Withdrawal to take effect

New sub-clause (b) – allows for a Participant to withdraw as a member of the Regional Council by an earlier date should the majority of the members so determine.

7. A number of other minor typographical and other improvements have been made throughout the Agreement as marked.

A copy of the Establishment Agreement of the Southern Metropolitan Regional Council is attached to the Agenda.

With any agreement periodic revisions are required to include changes to the organisation.

None of the proposals appear to adversely affect the City of Cockburn although no independent legal opinion has been sought on the revision.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Plan is to manage the City's waste stream in an environmentally acceptable manner.

Membership of the Southern Metropolitan Regional Council has been a key in being able to achieve this aim.

Budget/Financial Implications

There are no financial commitments required under this proposal.

Legal Implications

N/A



Community Consultation

Consultation is occurring within the 7 Member Councils of the Regional Council. There will be no direct consultation with the public.

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

Nil.

16.3 (MINUTE NO 2091) (OCM 15/07/2003) - TENDER NO. 18/2003 - CLEANING OF PUBLIC BUILDINGS (4435) (GG) (ATTACH)

RECOMMENDATION

That Council accept the tenders from Lists Cleaning Services, MP Cleaning Contractors and Cleandustrial Services Pty Ltd, for Tender No. 18/2003 – ‘Cleaning of Public Buildings’ for the period August 2003 to July 2005 (with two extension options of 12 months each), for the following variable sums:-

- (1) Group 1 - Recreation Facilities – Lists Cleaning Services at \$51,018 per annum;
- (2) Group 2 - Community Facilities – MP Cleaning Contractors at \$70,240 per annum plus the various rates indicated in their tender submission for the Civic Centre Halls and Community Halls; and
- (3) Group 3 - Administration Facilities – Cleandustrial Services Pty Ltd at \$108,235 per annum plus the various rates indicated in their tender submission for the Atwell Community Centre.

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

CARRIED 8/0

Background

The current 2 year contract with an option of a 2 x 12 month extensions for the cleaning of Council's various building facilities was mutually cancelled at the end of an 8 month period. Consequently, a tender has been called to clean any or all of the following groups of public facilities:



- Group 1 Recreation Facilities
- Group 2 Community Facilities
- Group 3 Administration Facilities

The tender is for the period August 2003 - July 2004 with two extension options of 12 months each.

Submission

Seven (7) submissions were received, details of which are attached to the Agenda. All submissions complied with the tender requirements, all tenderers having also attended a mandatory briefing/site inspection to clarify any uncertainties with the proposed contract/s prior to the closing of the tender. Note that ad hoc leaning of halls and facilities following functions was also priced and is additional to the lump sum tendered prices attached.

For the purposes of this tender, tenderers submitted segregated prices into three main Groups, with Council reserving the right to split the tender and award separate contracts for individual or combined groups, whichever constitutes the best overall value for money.

Report

The tenders have been assessed by Manager Engineering, Facilities Manager and Building Maintenance Co-ordinator, under the following criteria as outlined in the tender documents:-

	<u>Weighting</u>
(a) Hours of work	30%
(b) Demonstrated past and current performance of cleaning services in similar or equivalent facilities	15%
(c) Demonstrated ability to manage the Contract, staff and performance requirements, and the achievement of, or progress towards Quality Assurance Certification	15%
(d) Evidence of company stability and experience	10%
(e) Tendered Price, including ad hoc cost estimates.	30%

The seven assessments under these criteria as determined by Manager Engineering, Facilities Manager and Building Maintenance Co-ordinator, are as follows:

Group 1: Recreation Facilities

Lists Cleaning Services	53.9%
MP Cleaning Contractors	53.7%



Dominant Property Services	52.9%
Prestige Property Services	49.3%
Cleandustrial Services	47.4%
Office Cleaning Logistics	47.0%
Du Clene	45.9%

Group 2 - Community Facilities:

MP Cleaning Contractors	54.4%
Du Clene	50.1%
Prestige Property Services	49.8%
Cleandustrial Services	49.6%
Dominant Property Services	48.4%
Office Cleaning Logistics	47.8%

Group 3 - Administration Facilities:

Cleandustrial Services	51.5%
Dominant Property Services	50.7%
Du Clene	50.4%
Prestige Property Services	49.6%
MP Cleaning Contractors	49.2%
Office Cleaning Logistics	48.6%

Based on the information that was made available it is recommended that the contract for cleaning for Groups 1, 2 and 3 be awarded as follows:

- Group 1 – Lists Cleaning Services
- Group 2 – MP Cleaning Contractors
- Group 3 – Cleandustrial Services

Lists Cleaning Services achieved the highest weighted score for Group 1. This recommendation provides the best overall value for money.

MP Cleaning Contractors were clearly the best overall value for money for Group 2, under the weighted criteria analysis system. Although their tendered price was the highest, their allocated times to undertake the cleaning and expertise, particularly with timber flooring weighed in their favour.

Cleandustrial Services were the best overall value for money for Group 3. The tender documentation also allows for the cleaning of the Administration Centre to be removed at any time from the contract to be undertaken by day labour.

The tender documents allow for annual review of prices in accordance with a formula linked to Statutory Award Rates.



The recommended tenders for both Groups 2 and 3 are more than 25% greater than the lowest complying tender. The total value of the tender, should the two one year extension options be applied, will be well in excess of \$500,000.

Strategic Plan/Policy Implications

One of the strategic plan objectives is to construct and maintain community buildings that are owned and managed by the Council and the other relevant objective is to deliver services and to manage resources cost effectively without compromising quality.

Budget/Financial Implications

The total of the previous cleaning contract was \$170,000 per year, plus adhoc cleaning whilst the recommendations for the new contracts combined is about \$230,000 plus adhoc cleaning. Cleaning costs under the recommended tenders have been allowed for in the proposed 2003/04 Building Maintenance Budget.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 2092) (OCM 15/07/2003) - CIVIC CENTRE AND MEMORIAL HALL (4605; 8406) (RA) (ATTACH)

RECOMMENDATION

That Council:

- (1) require the Architect contracted for the Memorial Hall project to develop concept plans and usage options that:
 1. Are cognizant 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; and
- (3) defer any decision on the future refurbishment of the Civic Centre Hall until such time as the review of the trial of the Seniors Drop In Centre is complete.

COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr S Limbert that Council:

- (1) require the Architect contracted for the Memorial Hall project to develop concept plans and usage options that:
 1. Are cognizant 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; and
- (3) defer any decision on the future refurbishment of the Civic Centre Hall until such time as the review of the trial of the Seniors Drop-In Centre is complete, with the exception of any decision that Council may make at the Budget Meeting to be held on 29 July 2003, for minor upgrading of the foyer/toilet area.

CARRIED 8/0

Explanation

The toilet and foyer area need attention regardless of the feasibility of the Seniors Centre. The work on these areas is not affected by specific clientele frequenting the Centre.



Background

At its meeting held on 15 October 2002, Council resolved that:-

“a comprehensive report be prepared addressing all facets of a full renovation for the Cockburn Civic Hall. The report is to address issues such as cost, timing, rendering/plastering of internal/external walls, painting of wooden surfaces, colour schemes, floor coverings, bathroom treatments etc. The report should also show comparisons on the current uses of the hall against future uses, remaining split in two or should it be partitioned to create smaller meeting rooms, function halls, the possibility of including a stage to hopefully attract a theatre company to use the facility, and other relevant issues.”

On 19 November 2002, Council resolved that:-

“an investigation into the need for a Seniors and Cultural Centre in Cockburn. The investigation should include:

- (a) the potential to refurbish the Cockburn Civic Centre as a Seniors and Cultural Centre and the costs involved;*
- (b) access to and from the Centre for the aged and disabled (ie. Public Transport); and*
- (c) facilities within the Centre to assist the aged and disabled, such as wheelchair access.”*

Again on 19 November 2002, Council required amongst other matters that:-

“a suitable qualified and experienced consultant be appointed to develop in consultation with the Cockburn RSL, a concept plan for the upgrading of the Memorial Hall surrounds including the war memorial in accordance with the adopted master concept plan. The consultant also be commissioned to develop options for the usage of Memorial Hall for consideration by Council prior to the development of concept plans for the refurbishment of the Hall with consideration of potential external funding sources.”

At its meeting of 18 February 2003, Council subsequently received an update report on the progress of the upgrade of Memorial Hall and the surrounding area.

As is evident, there have been a range of resolutions made by Council on the Civic Centre Hall and Memorial Hall, a number of which have been somewhat contradictory.



Submission

N/A

Report

A workshop of Elected Members was held on 23 April 2003, to give consideration on the way forward in respect to the future accommodation needs of the Council and the City Administration. The workshop went on to provide options for the use of both the Civic Centre and the Memorial Hall. The report provided at the workshop was titled the "Staff Accommodation Strategy 2003-2013 - A Discussion Paper".

The details of the options were provided to Elected Members at the workshop. The basis of the discussion on the future usage of the Civic Centre Hall was that it ought to be considered in the context of the future usage of the Memorial Hall. The halls are in relatively close proximity to each other and both offer large open hall spaces. In the case of the Civic Centre Hall, it accommodates 100 people in the lesser hall and 450 in the main hall, a total of 550 people. The Memorial Hall accommodates 350 people. The current hire charges for the Civic Centre lesser hall are \$15.00 per hour, for the main hall \$44.00 per hour and for both halls \$55.00. The Memorial Hall costs \$13.20 per hour.

A review of the usage levels of the Civic Centre Hall shows that in the period 1 January 2002 to 13 December 2002, both halls together were used on 76 occasions. Of this number, the hall was used to capacity on approximately 6 occasions. For the same period, the Memorial Hall was used on 14 occasions for functions, 22 times for casual hire and had 7 regular users who used the hall on 217 occasions. Of the total 253 occasions of usage, 230 were for less than 100 people; on 22 occasions it accommodated between 200 and 350 people. The majority of use of the Memorial Hall was by those that required an area to accommodate less than 100 people. If required, it is likely the regular users of the Memorial Hall could be accommodated in the South Coogee Agricultural Hall, Coogee Community Hall, Joe Cooper Recreation Centre or by arrangement in the Beale Park Clubrooms Hall.

Council booking officers report that on many occasions, customers consider hiring either the Civic Centre Hall or the Memorial Hall. Where it is a formal function, customers tend to select the Civic Centre Hall because of its better kitchen. Where the kitchen is not important, they choose the Memorial Hall as it is cheaper.



Memorial Hall

In accordance with the Council decision of 19 November 2002, tenders were called and Palassis Architects were duly appointed on 6 March 2003. The firm is in the process of developing the Conservation Plan for the building. The brief for the project included amongst other matters, the requirement to recommend and provide concept plans for alternative uses for the building.

Council has clearly indicated that it sees the Memorial Hall as being of historical significance and in light of this position, it would be expected that any decision on the future usage of the hall would be in sympathy with the historical nature of the building. The Conservation Plan developed by Palassis Architects gives guidance on this matter. The salient extracts from the Conservation Plan are attached to the agenda; a full copy of the Plan is available through administration if requested.

Palassis Architects has spoken in detail to the Cockburn R.S.L. in respect to the redevelopment/refurbishment of the Memorial Hall and its surrounds. The R.S.L. was primarily concerned that there would be sufficient and appropriate space around the war memorial for the ANZAC day service. They saw the main ANZAC day function occurring at their upgraded Frederick Street premises.

The views of the Cockburn R.S.L. will be sought on any Concept Plans and usage options for the Memorial Hall and its surrounds.

There are a number of broad options available for the future use of the Civic Centre Hall and the Memorial Hall.

Option 1

The Council maintain both the Civic Centre Hall and the Memorial Hall as large hall spaces and upgrade each hall to better meet contemporary standards. This option is not recommended as funds would be spent on two facilities that serve the same function for the community when it is evident that the City only requires, on current usage levels, one hall able to accommodate greater than 200 people.

Option 2

The Civic Centre Hall be maintained in the same configuration to serve as the main large hall facility for the City with the Memorial Hall refurbished and upgraded for an alternative use that is in sympathy with its historical nature and significance. The optimum arrangement would be for the Memorial Hall to retain a capacity to accommodate up to 100 people although this is not essential.



Option 3

The Civic Centre Hall be modified to serve an alternative purpose with the Memorial Hall to be upgraded to serve as the main large hall facility. This option is likely to compromise the historical characteristics of the Memorial Hall and would be quite expensive particularly in terms of providing a kitchen suitable for large functions.

Subsequent to the workshop on 23 April 2003, Council resolved at its meeting of 17 June 2003, to contribute toward and support the establishment of a Seniors Drop In Centre in the lesser hall of the Civic Centre for a six month trial basis.

In light of the workshop and the decision of Council in respect to the Civic Centre usage on a trial basis for a seniors drop in centre that any decision on the upgrade of the Civic Centre be withheld until the outcome of the seniors drop in centre is known. It is proposed that the architect appointed for the Memorial Hall refurbishment, in accordance with the terms of the contract, be required to propose alternative usage and concept designs for the Memorial Hall. The alternative usage options and concepts are to be in sympathy and accordance with the Conservation Plan and its inclusive policies. The options are to include the creation of a facility that is suitable for cultural/arts activities and/or for functions for at least 100 people.

Strategic Plan/Policy Implications

“To facilitate and provide an optimum range of community services.”

“To conserve the character and historical values of the human and built environment.”

Budget/Financial Implications

Council has on its draft 2003/04 – 2006/07 Principle Activity Plan, the sum of \$400,000 2004/05 for the upgrade of Memorial Hall. Dependent upon the nature of the refurbishment and the future usage of the facility, these funds could be supplemented with grants. The extent of the grants available will only be known when more detailed design and costing work are prepared.

Legal Implications

The proposed refurbishment and usage for Memorial Hall are in accordance with the intent of the Memorial for the transfer of the land and the building to the City of Cockburn.



Community Consultation

It is proposed that on the completion of the draft future usage and concept plans for the Memorial Hall, that a public consultation workshop be held, facilitated by the architect, with interested stakeholders to seek their views on the options proposed prior to these being presented to a future meeting of Council.

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

Nil.

THE PRESIDING MEMBER PRESENTED THE MINUTES OF THE SPECIAL BUSH FIRE ADVISORY COMMITTEE OF 30 JUNE 2003 AND AFFORDED THE OPPORTUNITY TO ALL ELECTED MEMBERS FOR MATTERS TO BE WITHDRAWN.

THE PRESIDING MEMBER ADVISED THAT THERE WERE NO ITEMS TO BE WITHDRAWN

17.2 **(MINUTE NO 2093) (OCM 15/07/2003) - MINUTES OF THE SPECIAL BUSH FIRE ADVISORY COMMITTEE MEETING - 30/06/2003 (1550) (RA) (ATTACH)**

RECOMMENDATION

That Council receive the Minutes of the Special Bush Fire Advisory Committee meeting held on 30th June 2003 and adopt the recommendations contained therein.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr S Limbert that the Minutes of the Special Bush Fire Advisory Committee Meeting held on 30 June 2003 be received and adopted.

CARRIED 8/0

Background

Fire and Emergency Services (FESA) as a free service, offered to carry out reviews of Volunteer Bushfire Services operated by Local Authorities. The City took up this offer and in consultation with FESA developed the following terms of reference for the review.



Terms of Reference

1. Develop options for the future management of bushfire services within the City of Cockburn.
2. Analyse options, impediments, resourcing and infrastructure for the future management of fire services delivery within the City of Cockburn.
3. Review Volunteer Bushfire Brigade profiles in terms of;
 - a) Current and future resourcing needs of the Brigades relative to risk.
 - b) Options so far as collocation, rationalization of Brigades and fire stations.
 - c) Management, succession planning, training, preparedness and response capabilities.
4. Review the fire control management arrangements of specific areas of risk within the City of Cockburn, areas to include Regional Parks and other lands.
5. Consider the role, function and location of the State Emergency Services Unit within the overall emergency management framework of the City of Cockburn.

The review was carried out by a Mr Mal Cronstedt and involved extensive consultation with all stakeholders including consultation with volunteers both at the brigade and individual level.

The report was finalised and submitted to the City on the 16th December 2002.

Submission

The Bush Fire Advisory Committee have given consideration to the appointment of a Community Fire Manager and at its meeting of the 30th June 2003 supporting the proposal. Copies of the minutes of the meeting of the Bush Fire Advisory Committee held on the 18th June 2003 and the 30th June 2003 are attached.

Report

A salient issue within the report is what is described as the Service Delivery Options, which provide an overview of the options available for the management of the brigades. There are also a number of recommendations concerned with operational, organisational and



procedural issues related to brigades. The management options provided in the review for the brigades are summarised as follows:

- Option 1 Retain the status quo
- Option 2 FESA delivers all services
- Option 3 City involved the private sector in part or whole
- Option 4 FESA manages brigades and associated operational matters
- Option 5 City improves existing services with FESA assistance

Details on the respective advantages and disadvantages of the options are found on pages 22 to 29 inclusive of the report.

The new Emergency Services Levy (ESL) covers the majority of costs of operating Volunteer Bushfire Brigades and the Volunteer State Emergency Services. This combined with the steady expansion of the Metropolitan Fire District boundary / ESL category 1 boundary due to the urbanisation of the City has resulted in an enhanced need for the FRS and the Volunteers to have a high level of integration between the services.

The review promotes the option for the City and FESA entering an arrangement whereby FESA manages the day-to-day operation of the Volunteer Bushfire Brigades through the employment of a jointly funded Community Fire Manager (CFM).

Advantages

- The City and FESA would have clarity of responsibility across service delivery.
- FESA operational standards, policies and procedures would apply to Brigades, thus minimising liability issues.
- The Brigades would have clear and unambiguous from a body whose core business it is to provide emergency services.
- Issues concerning the best use of operational resources at a local, district and regional level would be addressed within the one organisation.
- Access to programs, resources and operational assistance by Brigades would be significantly enhanced (eg. Community safety, peer support, welfare, chaplain).
- There would be greater Brigade alignment with FESA's strategies and business plans and therefore greater involvement in their delivery.
- The management of Brigades by FESA would neatly align with the proposed Emergency Services Levy (ESL) in that the ESL is designed to meet the expenses of Brigades and therefore this option.



- The management of Brigades would neatly align with the 'natural' division of fire prevention and suppression arrangements within the Bush Fires Act 1954.
- Brigades would become part of a well-recognised state-wide network.
- Greater time and resources for the Safer City Program would become available.

Disadvantages

- The City would lose day-to day management and control of its Brigades.
- Some volunteers may have greater affinity to the City than FESA and therefore reduce their involvement in the Brigades.
- Information and other formal/informal links to Local Government may be diminished.

A draft Position Description for the Community Fire Manager is attached to the agenda.

Besides the position description the review promotes the concept of developing a Memorandum of Understanding between FESA and the City. This would include recognition of the undertakings of FESA in respect to the Community Fire Manager, the undertakings of the City duration of the agreement and terms of any termination of the agreement should this arise.

From the City's perspective it would want to protect the interest of the brigades and have it recognised that they are the brigades of the City. It is of critical importance that the C.F.M. has a good understanding and empathy with the needs of the volunteers and promote the interests of both FESA and the brigades within the organisation structures and processes of FESA.

Should the Council of the City of Cockburn decide to proceed with the joint funding of the C.F.O. position it is intended that the C.F.O. prepare responses to the recommendations included in the bushfire report for consideration at a future Bushfire Advisory Committee meeting.

A significant organisational issue is the means by which the security patrols proposed by Council can be managed. The transfer of day-to-day management of the Volunteer Bush Fire Brigades and Volunteer Emergency Services to FESA will allow for the current Safer City Coordinator to concentrate on the existing Safer City programs and the development of the detailed report on establishing in house security patrols in accordance with the Council decision of the 17th June 2003. It is envisaged that should the patrols proceed the Safer City Coordinator will have a role in overseeing the ongoing operation of the patrols.



Strategic Plan/Policy Implications

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

Budget/Financial Implications

FESA has advised the City that it is prepared to share the cost of employment and all associated costs of the FM/CBFCO on a 50/50 basis. This amounts to a cost to the City currently of \$47,000, which will be largely offset by savings to the City on vehicles and the like. There will be direct savings to the City of approximately \$25,000. Other savings of significant importance to the City is that approximately one full time position would be released from bush fire control duties to allow an increased involvement in the City's Safer City Program.

Legal Implications

The City would be entering a contract for FESA to ensure that the wild fire control systems and processes are in place and by so doing the City would transfer some of its risk exposure to FESA.

Community Consultation

The process of developing the FESA report involved extensive consultation with the key stakeholders and the general community. Copies of the report have been provided to the Volunteer Brigade Captains and the Council's Bushfire Advisory Committee has considered the matter of the possible employment of a Community Fire Manager.

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

Nil.

17.3 (MINUTE NO 2094) (OCM 15/07/2003) - MEMORANDUM OF UNDERSTANDING BETWEEN FESA AND THE CITY OF COCKBURN FOR THE SOUTH COOGEE VOLUNTEER BUSH FIRE BRIGADE (1562) (RA) (ATTACH)

RECOMMENDATION

That Council approve the attached Memorandum of Understanding for the Mobilisation of the South Coogee Volunteer Bush Fire Brigade and authorise the Chief Executive Officer to execute the document on behalf of the City of Cockburn.



COUNCIL DECISION

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

CARRIED 8/0

Background

Prior to the establishment of the Emergency Services Levy (ESL) there was a boundary established between the areas covered by the Fire and Rescue Service (FRS) and the Volunteer Brigades known as the Metropolitan Fire District (MFD). This boundary changed as new residential areas expanded and there were fire hydrants put in to service the FRS vehicles. It is to be noted that the FRS attend all buildings/structural fires although in the Volunteer areas.

With the establishment of the ESL FESA created ESL boundaries, which reflected the level of service that the FRS would provide to an area and consequently the cost imposed on landowners in the area under the Emergency Services Levy. The MFD boundaries could be said to be superfluous never the less they have remained and FESA has moved the MFD boundaries to align with the ESL 1 boundary. The highest level of service being the ESL 1.

The areas within the City of Cockburn covered by the Volunteers fell within the ESL 3 area, incidentally the ESL 2 boundary only applies to regional centres. FESA has altered the ESL1 and MFD boundary on the western portion of the City to the southern municipal boundary. The result of this change has been that the South Coogee Volunteer Bush Fire Brigade (SCVBFB) now is within the ESL 1 boundary i.e. within the FRS area. The SCVBFB have been very concerned that this change to the boundary will result in them playing *second fiddle* to the FRS and the need for their services severely diminished.

FESA has acknowledged that they require the volunteers as they have the necessary equipment to deal with areas of sand and poor access and the water carrying capacity for areas without fire hydrants. Additional human resource is greatly valued at times of wild fires.

Submission

N/A

Report

In recognition of the needs of the SCVBFB and FESA a Memorandum of Understanding for the mobilisation of the SCVBFB has been



negotiated between FESA and the City to allow for smooth communication and clear lines of responsibility. This MOU has involved very close discussion with the SCVBFB and the draft attached has been agreed to by the SCVBFB.

Authorisation is sought from Council for the Chief Executive Officer to sign the MOU on behalf of Council of the City of Cockburn.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The ESL levy covers the direct service costs of the City's volunteer bush fire brigades. There will be no additional costs to the City as a result of the MOU.

Legal Implications

N/A

Community Consultation

The final decision on ESL boundaries is made by FESA. The MOU is essentially an operational management matter that has involved close cooperation with the SCVBFB.

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

Nil.

17.4 (MINUTE NO 2095) (OCM 15/07/2003) - SUCCESS COMMUNITY FACILITIES (8136A) (RA)

RECOMMENDATION

That Council:

1. commit to the development of community facilities in Success of approximately 2,500m² in accordance of the Success Community Facilities working party recommendations;
2. approve the process and time frame for the development of the Success facilities in accordance with the time frame for development as detailed in the report; and



3. seek to extend the lease period for the current Success Library for up to 12 months.

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr A Tilbury that Council:

- (1) defer consideration of this item pending:
 1. A report being provided to Council on the feasibility of relocating the Success Public Library to a higher floor space alternative location within the Gateways Shopping Centre precinct.
 2. The report in (1) above specifically reporting on:
 - (i) the feasibility of relocating to the former Video Ezy store.
 - (ii) canvassing a range of alternative location options.
 - (iii) varying lease period options for between 3 and 10 years.
- (2) from now on refer to the proposed "Success Community Facilities" as the "Cockburn Central Community Facilities"; and
- (3) publish the White Paper referred to in the report on Council's website and at Council's public libraries.

CARRIED 6/2

Explanation

Council's original decision regarding this issue required a report to be prepared on alternative lease options for the Success Public Library. Additional floor space has recently become available within the Gateways Shopping Precinct. given this new circumstance, Council should defer making firm decisions regarding the provision of library services in the area until additional information is provided regarding alternative location options for the current library.

Changing the name of the proposed facilities to Cockburn Central is consistent with the location of the facilities within the Cockburn Central Structure Plan area and Council's intention that any proposed facilities serve a regional population catchment. Increased transparency of Council's decision-making process is facilitated by publishing the White Paper referred to in the report.



Background

Council at its meeting of 21st May 2002 resolved to establish a working party to consider the scope and range of services that could be provided from facilities located in the area. The working party established proposed a range of facilities to be provided in Success. In response to the working party proposals Council at its meeting of the 17th December 2002 resolved as follows:

- (1) recognises:
 - (i) It is the long term stakeholder in the Cockburn Central (Thomsons Lake) Regional Centre Structure Plan Area (Cockburn Central).
 - (ii) Its financial commitment to infrastructure investment costs associated with the development of Cockburn Central is yet to be determined.
- (2) has the opinion:
 - (i) It should not make decisions about the provision of community facilities at Cockburn Central in isolation from other infrastructure investment costs in the area.
 - (ii) It needs to fully consider all infrastructure costs in the area in a total investment framework.
 - (iii) Its Vision for the Town Centre is a vibrant centre incorporating a range of community, commercial and entertainment facilities.
- (3) directs the Chief Executive Officer to:
 - (i) Oversee the preparation of white paper (s), to be presented to Council, outlining the scope of Council's community infrastructure investment opportunities and obligations associated with the development of Cockburn Central.
 - (ii) Seek Elected Member input during the preparation of the white paper(s) referred to in (3) (a).
 - (iii) Undertake scenario planning and critical path analysis as part of the white paper(s) referred to in (3)(a).
 - (iv) Canvass options for relocating or rezoning, the Council use site, as part of the white paper(s) referred to in (3) (a).



- (v) Arrange for the preparation of a report, to be presented to Council, regarding future lease options for the Success Public Library, given the timetable in the Success Community Facilities Business and Social Case cannot be achieved.

Submission

N/A

Report

Site Location

The white paper was prepared and presented to a briefing session to Elected Members held on the 27th May 2003.

The white paper presented identified two location options for permanent community facilities constructed by the City; on the community purposes site on the corner of Beeliar Drive and Wentworth Parade in Success and within the proposed Town Centre precinct. It was agreed that on balance the best option is for the facilities to be located on the community purposes site. The details of the pros and cons of each site are included in the white paper previously provided to elected members.

Building Dimensions

It ought to be noted that the original City officer's recommendation in the Business/Social case included a wet and dry arts area and a crèche. The areas apportioned for each service were also generally larger in particular the library proposed was 1700m², giving a total floor area of 3,051 m².

Council at its meeting of the 21st of May 2002 resolved to establish a working party to consider the scope and range of services that could be provided from facilities located in the area. Whilst there was some debate on the working party as to the size of the library there was a general agreement on the following elements that could be included in the facility and their approximate sizes. These are listed as follows:

Working Party

<u>Facility</u>	<u>Size m²</u>
Youth Resource Centre	50
Satellite Council Offices	50
Meeting Rooms (total area)	100
Lecturette (to seat 140)	220



<u>Facility</u>	<u>Size m2</u>
Offices (3) (for Podiatry, Public Trustees, JP and the like)	48
Training Room	50
Gallery / Foyer (designed to allow for the presentation of art works and formal functions)	220
Children's Services	225
Support Services	96
Kitchen area (similar to Council reception area kitchen)	30
Staff Room (shared with all staff)	40
Storage space (final locations and sizes to be developed)	75
Library	<u>1200</u>
Total Area	<u>2404</u>

The total site areas including car parks for the working party proposal and the original administration proposal are 6,100m² and 6750m² respectively. These requirements can readily fit upon the available Success site.

The cost of the community facilities construction can only be accurately estimated when Council makes a decision on what services and facilities it would like provided. As an indication the following information is provided:

Building Construction Costs

Administration Proposal

• 3051M2 @ \$1400/m2	\$4,271,400
• Car parking 150 cars	\$150,000
• Landscaping	<u>\$50,000</u>
Sub Total	\$4,471,400
Fees 8%	\$357,700
• Fit out	
◦ Library	\$500,000
◦ Fit out balance of building	<u>\$250,000</u>
	\$750,000

ANTICIPATED TOTAL (PRESENT VALUES) \$5,579,100

Working Party Proposal

• 2400M2 @ \$1400/m2	\$3,360,000
• Car parking 150 cars	\$150,000
• Landscaping	<u>\$50,000</u>



	Sub Total	\$3,560,000
	Fees 8%	\$284,800
•	Fit out	
◦	Library	\$500,000
◦	Fit out balance of building	<u>\$250,000</u>
		\$750,000

ANTICIPATED TOTAL (PRESENT VALUES) \$4,594,800

Depending upon the type of facilities provided for in the building it is possible that external funding maybe acquired. As an indication the Lotteries Commission may contribute up to \$300,000. The Department of Community Development some considerable time ago suggested that they may contribute up to \$500,000. The level of financial commitment from external parties is dependant upon the nature of the facilities and services provided.

Operating Costs:

Most of the staff costs associated with the provision of services from the new facilities are already included in the Municipal budget or come from State/Commonwealth Government sources. The additional costs will arise out of the expansion of the library from the Gateway Shopping Centre, operation of the Council information service and the operating and maintenance of the building itself.

BUDGET

Library

Expenditure		Current	Additional
Current			
	Salaries and on costs	\$173,000	
	Operating	\$36,000	
Additional			
	Salaries		\$253,600
	Operating		\$Nil (saving in rent on Success Library)
INCOME			
	Photocopier	\$10,000	-\$10,000

Information office/building coordinator

		Current	Additional
Additional			
	Salaries L3/1:L4/1		\$83,700
	Operating		\$12,000



Building Operation

	Current	Additional
Additional Operation 2% of Capital		\$100,000
Income User contribution		-\$11,000
Hire Lecturette / rooms		-\$15,000

There is scope within the existing budgets for services funded from external sources to pay a rental fee for space occupied

TOTAL ADDITIONAL OPERATIONAL FUNDS REQUIRED \$423,300

Timetable for Development

- July 2003- Council commitment to the Success Community facilities to be constructed and fitted out by February 2006.
- July 2003 - Development of project brief for architect.
- August/September 2003- appointment of project architect.
- November/December 2003- concept and schematic design developed.
- January/February 2004 Public Comment
- March/April 2004- Grant applications for external funding submitted
- June 2004- Final concept design adopted by Council.
- July to September 2004- Detailed design, documentation, specifications completed.
- October/November 2004- Building tender period.
- December 2004 - Council acceptance of tender.
- January 2005 - November 2005 Construction period.
- December 2005 to February 2006 - building fit out ready for occupation in February 2006.

This rather tight time frame will require an extension to the current lease for the Success library from September 2005 to February 2006, this is for a six month period.

Strategic Plan/Policy Implications

Facilitating a range of services responsive to community needs.



Budget/Financial Implications

There is provision made within the Principal Activity Plan for the Success Community Facilities to be constructed in 2006 with an allowance of \$400,000 made for operating expenses.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Nil

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil



24. (MINUTE NO 2096) (OCM 15/07/2003) - 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:-

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

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr A Tilbury that the recommendation be adopted.

CARRIED 8/0

25 (OCM 15/07/2003) - CLOSURE OF MEETING

MEETING CLOSED 8.34 PM

CONFIRMATION OF MINUTES

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

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

