

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 17 AUGUST 2004 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 (OCM 17/08/2004) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER) .....	2
5. APOLOGIES AND LEAVE ABSENCE .....	2
6 (OCM 17/08/2004) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	2
7 (OCM 17/08/2004) - PUBLIC QUESTION TIME.....	6
8. CONFIRMATION OF MINUTES.....	8
8.1 <u>(MINUTE NO 2518)</u> (OCM 17/08/2004) - ORDINARY COUNCIL MEETING - 20/07/2004.....	8
9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE.....	9
10. DEPUTATIONS AND PETITIONS .....	9
11. BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (IF ADJOURNED) .....	9
12. DECLARATION OF COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS IN THE BUSINESS PAPER .....	9
13. COUNCIL MATTERS.....	9
13.1 <u>(MINUTE NO 2519)</u> (OCM 17/08/2004) - LOCAL GOVERNMENT ELECTIONS - MAY 2005 (1700) (DMG).....	9
13.2 <u>(MINUTE NO 2520)</u> (OCM 17/08/2004) - ESTABLISHMENT OF COCKBURN MISSION/VISION/VALUES STATEMENTS COMMITTEE (2227) (DMG) (ATTACH) .....	11

14.	PLANNING AND DEVELOPMENT DIVISION ISSUES .....	14
14.1	<u>(MINUTE NO 2521)</u> (OCM 17/08/2004) - COOGEE BEACH CAFE/KIOSK - RESERVE 46664R POWELL ROAD, COOGEE - OWNER: CITY OF COCKBURN (3319158) (CP) (ATTACH) .....	14
14.2	<u>(MINUTE NO 2522)</u> (OCM 17/08/2004) - PROPOSED STRUCTURE PLAN - LYON ROAD, AUBIN GROVE - PT LOTS 3, 4, 5, 6, 7 AND LOTS 25 AND 26 LYON ROAD - OWNER: CONTRACTED TO BELLCROSS PTY LTD (LWP PROPERTY GROUP ARE MANAGING THE PROJECT) - APPLICANT: TAYLOR BURRELL BARNETT (9645B) (JLU) (ATTACH) .....	22
14.3	<u>(MINUTE NO 2523)</u> (OCM 17/08/2004) - SINGLE HOUSE - OVERHEIGHT OUTBUILDING - LOT 85; 25 CARRELLO CIRCUIT, COOGEE - OWNER/APPLICANT: Z & M TABAIN (3317659) (MD) (ATTACH) .....	28
14.4	<u>(MINUTE NO 2524)</u> (OCM 17/08/2004) - GABLE SHED (305 SQM) - LOT 3; 32 HOLMES ROAD, MUNSTER - OWNER: G SEPAROVICH - APPLICANT: HIGHLINE WATER TANKS (4411084) (MD) (ATTACH) .....	31
14.5	<u>(MINUTE NO 2525)</u> (OCM 17/08/2004) - RESIDENTIAL BUILDING - RESPIRE ACCOMMODATION FOR DISABLED YOUTHS - LOT 200; 110 YANGEBUP ROAD, YANGEBUP - OWNER: HOMESWEST - APPLICANT: G SANSOM (4414192) (MD) (ATTACH) .....	35
14.6	<u>(MINUTE NO 2526)</u> (OCM 17/08/2004) - PROPOSED CLOSURE OF PORTION OF PRINSEP ROAD, JANDAKOT (450006) (KJS) (ATTACH) .....	40
14.7	<u>(MINUTE NO 2527)</u> (OCM 17/08/2004) - DANGEROUS BUILDING - LOT 301; NO. 1 ROCKINGHAM ROAD, HAMILTON HILL - NEWMARKET HOTEL SITE (2212274) (JW) .....	41
14.8	<u>(MINUTE NO 2528)</u> (OCM 17/08/2004) - CONSENT TO MORTGAGE - LEASE OF COOGEE CARAVAN PARK - FLEETWOOD PTY LTD (3310064) (KJS) .....	45
14.9	<u>(MINUTE NO 2529)</u> (OCM 17/08/2004) - AMENDMENT NO. 3 TO TOWN PLANNING SCHEME NO. 3 - PORT COOGEE (93003; 9662) (MR) (ATTACH) .....	47
14.10	<u>(MINUTE NO 2530)</u> (OCM 17/08/2004) - SOUTHERN METROPOLITAN REGIONAL COUNCIL COMMUNITY GREENHOUSE GASES PROJECT (9132) (PS) (ATTACH) .....	52

14.11	<u>(MINUTE NO 2531)</u> (OCM 17/08/2004) - PHOENIX SHOPPING CENTRE - TWO STAGE EXTENSIONS - LOT 63; NO. 254 ROCKINGHAM ROAD, SPEARWOOD - OWNER: VOLLEY INVESTMENTS PTY LTD - APPLICANT: CAMERON CHILSHOLM & NICOL (2206913) (VM) (ATTACH).....	55
14.12	<u>(MINUTE NO 2532)</u> (OCM 17/08/2004) - PORT COOGEE MARINA - RELATED ISSUES (3209006) (SMH) (ATTACH).....	68
14.13	<u>(MINUTE NO 2533)</u> (OCM 17/08/2004) - PROPOSED STRUCTURE PLAN - LOTS 14 AND 15 HAMMOND ROAD, SUCCESS - OWNER: VARIOUS (9656A) (JW) (ATTACH).....	84
14.14	<u>(MINUTE NO 2534)</u> (OCM 17/08/2004) - PROPOSED STRUCTURE PLAN - LOT 5; 234 LYON ROAD, BANJUP - OWNER: CARMEL PTY LTD - APPLICANT: BSD CONSULTANTS PTY LTD (9663) (JW) (ATTACH).....	88
14.15	<u>(MINUTE NO 2535)</u> (OCM 17/08/2004) - FRANKLAND SPRINGS NEIGHBOURHOOD CENTRE PLAN - APPLICANT: TAYLOR BURRELL BARNETT - OWNER: AUSTRALAND (9643A) (MR) (ATTACH) .....	94
14.16	<u>(MINUTE NO 2536)</u> (OCM 17/08/2004) - INCOMPLETE RESIDENCE - LOT 812; NO. 4 KEPPEL PLACE, COOGEE - OWNER: M & R ROUCCO (3300395) (JW/MW) (ATTACH).....	98
14.17	<u>(MINUTE NO 2537)</u> (OCM 17/08/2004) - OMNIBUS AMENDMENT - TOWN PLANNING SCHEME NO. 3 (93006) (MR) (ATTACH) .....	103
14.18	<u>(MINUTE NO 2538)</u> (OCM 17/08/2004) - LEGAL ACTION RECONSIDERATION - NEWMARKET HOTEL - LOT 301; 1 ROCKINGHAM ROAD, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD (2212274) (DB) (ATTACH).....	106
14.19	<u>(MINUTE NO 2539)</u> (OCM 17/08/2004) - REGISTER OF HERITAGE PLACES - PERMANENT ENTRY - SOUTH FREMANTLE POWER STATION (1048) (MR) (ATTACH).....	110
14.20	<u>(MINUTE NO 2540)</u> (OCM 17/08/2004) - RENEWAL/MODIFICATION OF DEVELOPMENT APPROVAL - PROPOSED GROUPED DWELLING - LOT 719; 5 AIRLIE PLACE, COOGEE - OWNER/APPLICANT: D A & G L NORMAN (3300331) (TW) (ATTACH) .....	115
15.	FINANCE AND CORPORATE SERVICES DIVISION ISSUES .....	122

15.1	<u>(MINUTE NO 2541)</u> (OCM 17/08/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH) .....	122
16.	ENGINEERING AND WORKS DIVISION ISSUES.....	123
16.1	<u>(MINUTE NO 2542)</u> (OCM 17/08/2004) - OFFICE ACCOMMODATION FOR THE SOUTHERN METROPOLITAN REGIONAL COUNCIL (4904) (BKG) (ATTACH) .....	123
17.	COMMUNITY SERVICES DIVISION ISSUES.....	127
17.1	<u>(MINUTE NO 2543)</u> (OCM 17/08/2004) - W.A. CROATIAN ASSOCIATION (INC.) REQUEST FOR LOT 21 PROGRESS DRIVE, BIBRA LAKE TO BE REVALUED BY THE VALUER GENERAL (1117890) (LJCD) (ATTACH).....	127
17.2	<u>(MINUTE NO 2544)</u> (OCM 17/08/2004) - LOCATION OF ATWELL BMX JUMPS (8100) (AJ) (ATTACH).....	131
17.3	<u>(MINUTE NO 2545)</u> (OCM 17/08/2004) - COOGEE BEACH SURF LIFE SAVING CLUB (8004) (RA) (ATTACH).....	134
17.4	<u>(MINUTE NO 2546)</u> (OCM 17/08/2004) - PROPOSAL TO OPEN SPEARWOOD LIBRARY ON WEDNESDAYS (710400) (DMG) (ATTACH) .....	138
18.	EXECUTIVE DIVISION ISSUES .....	140
18.1	<u>(MINUTE NO 2547)</u> (OCM 17/08/2004) - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (2612) (RWB).....	140
19.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	142
20.	NOTICES OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING.....	142
21.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY COUNCILLORS OR OFFICERS .....	142
22.	MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE.....	142
23.	CONFIDENTIAL BUSINESS.....	142
24.	<u>(MINUTE NO 2548)</u> (OCM 17/08/2004) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995) .....	142
25.	(OCM 17/08/2004) - CLOSURE OF MEETING .....	143

## CITY OF COCKBURN

### MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 17 AUGUST 2004 AT 7:00 PM

---

#### PRESENT:

##### ELECTED MEMBERS

Mr S Lee	-	Mayor
Mr R Graham	-	Deputy Mayor
Ms A Tilbury	-	Councillor
Mr I Whitfield	-	Councillor
Mr A Edwards	-	Councillor
Mr K Allen	-	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 D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr S. Hiller	-	Director, Planning & Development
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 (OCM 17/08/2004) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS AND CONFLICT OF INTEREST (BY PRESIDING MEMBER)**

The Presiding Member advised that he had received written declarations of financial interest from Cllr Allen, and conflict of interest from Cllr Reeve-Fowkes, in relation to Item 14.12, which would be read at the appropriate time.

**5. APOLOGIES AND LEAVE ABSENCE**

Nil

**6 (OCM 17/08/2004) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**Mr L. Howlett – Public Question Time – Ordinary Council Meeting 20 July 2004** – asked what Council resources had been used to promote the Community Rail Alliance Public Meeting. In addition to the responses given at the meeting, the following information was provided in a letter dated 28 July 2004:

- Approximately 50 photocopies were made of the leaflet advertising the public meeting and distributed at the Cockburn Regional Development Group meeting on 30 June.
- A press release was faxed from the Records Department advising the media of the meeting.
- The Mayor's office phone number was displayed as a point of contact on documents.
- Approximately 40 photocopies of the program for the meeting were made on the day.

**Mr P. Thompson – Public Question Time – Ordinary Council Meeting 20 July 2004** – asked for the cost of the Aged Persons (Seniors) Consultant Survey. The response dated 22 July 2004 advised that the cost of the Senior Plan was \$21,800.

**Mr L. Howlett – Public Question Time – Ordinary Council Meeting 20 July 2004** – in a letter dated 4 August 2004, was provided answers to the following questions:



Q2. *Does the Council intend to conduct information workshops for the community in regard to the Coogee Beach Structure Plan and if not, why not?*

A. At this stage, the Council has not decided to conduct community information workshops in relation to the Coogee Beach Structure Plan. The public comment period closes on 23 August 2004.

The Structure Plan has been circulated in letter form to 1800 Coogee residents, it is published on the Council's web site, displays have been erected in all the Council libraries and in the administration centre and it has been published in both the Cockburn Gazette and Cockburn Soundings. To date, there has been a strong public response.

The Council believes that this form of public consultation is adequate for it to gauge public opinion about the proposal contained in the plan, when it considers the matter further.

Q2. *Has Council or its administration prepared any draft plans or held any discussions regarding the duplication of Bibra Drive in Bibra Lake?*

A. No.

**Mr A. Sullivan – Public Question Time – Ordinary Council Meeting 20 July 2004** – in a letter dated 4 August 2004, was provided answers to the following questions:

Q1. *Submissions to that have to be made by 25<sup>th</sup> July and CCAC was surprised that it was not listed on this Agenda. Is Council making a submission and will it come before Council?*

A. Acting Director Planning & Development advised that a technical submission had been made. Given time constraints, it was not put to Council.

Q2. *Shouldn't an issue of such importance as Council deciding if it is going to become the Waterways Manager, come before Council?*

A. Council's position is that subject to a number of conditions being the Waterways Environmental Management Program prepared to the requirements of the WAPC and being referred by the Council to an independent party for review and advice prior to making a final decision and many more conditions.

Q3. *Shouldn't Council be looking at this issue to make a submission?*

A. Yes, it will in accordance with its decision.



Q4. *Is Council aware that the Coastal Assets Branch of the Department for Planning and Infrastructure made a submission on the Port Coogee issue and actually suggested that much more than 5,000 cubic metres per year would be the amount that the developer would need to allow for in the sand bypassing operation?*

A. No.

Q5. *Given that the developer cannot predict with any reasonable accuracy, just how much sand is needed, will Council insist that the Management Plan be reworked to allow for a much greater amount of sand than similar to the Government Coastal Engineer's suggestion so that the community can actually see the full extent of what this sand bypassing proposal will be?*

A. The City has no expertise in this area. The City relies on the expert advice and recommendations of the EPA. No doubt when considering the matter, the EPA has sought the views of the government's coastal engineers in determining the validity and acceptability of the sand bypassing proposal.

Q6. *And isn't it true that if the developer had to move an average of 15,000 cubic metres of sand per year compared to the 5,000 cubic metres allowed for by the developer, that the sand bypassing would probably need to occur every year and that would mean beaches would be closed every spring.*

A. Should this occur, then this may be the case. However, the City will rely on the estimates and the by-passing methods accepted by the EPA. Never-the-less, it is understood that the accumulation of sand may not necessarily mean that it needs to be by-passed, it is the depletion of sand from the public beach that will require replacement, through by-passing.

Q7. *In this day where we have a principle of polluter pays and because there is a chance that the development could cause erosion at Coogee, and could turn the water turbid for months at a time and could destroy the Omeo Shipwreck as the popular snorkelling spot and could kill the very last near shore seagrass that is just off Coogee Beach, will Council require the developer to put up a substantial monetary bond to cover the cost of the removal of the breakwaters and canal estate.*

A. The Council will seek bonds to ensure works are completed according to any local government approvals issued and make other financial arrangements as considered necessary to minimise any future liabilities on Council and the community. However, it is unlikely that any monetary bond would be sought from the developer by either the State Government or the Council to cover the cost of the removal of





the breakwaters and canal estate as you suggest.

It would be expected however, that once the developer receives all the necessary approvals to proceed with the project and the developer complies with all and any conditions imposed by the approving authorities, then the developer would have no further obligations in respect to the performance of the project, when satisfactorily completed and responsibility for it passed on to the relevant maintenance and management authorities.

**Ms R. O'Brien – Public Question Time – Ordinary Council Meeting 20 July 2004** – in a letter dated 4 August 2004, was provided answers to the following questions:

Q1. *The plant was issued with a new licence on 2<sup>nd</sup> July 2004 from the Department of Environment with a lower level of statutory control on odour emissions. Has the Council made an appeal against the leniency of the licence to the Appeals Convenor?*

A. The City's Environmental Health Service did not lodge an appeal against the licence issued for the Wastewater Treatment Plant.

Q2. *Will Council write to the Minister for Government Enterprises, Minister for Planning & Infrastructure and Minister for Environment, asking for Ministerial support in requesting the Water Corporation commit to install immediately, the odour measures identified as urgent in their odour survey and undertake whatever odour control measures are necessary in line with the EPA standards so as not to impact on the existing residents.*

A. This is a decision that would have to be made by the Council by way of a resolution and therefore, is unable to be answered by an officer. For this to be considered, a formal request would need to be submitted to the City for inclusion on the Council Agenda. It is pointed out that private citizens can write to the Corporation seeking a formal response to this question.

Q3. *Will Council write to the Minister for Government Enterprises, Minister for Planning & Infrastructure and Minister for Environment, asking for Ministerial support in requesting the Water Corporation commit to install immediately, the odour measures identified as urgent in their odour survey and undertake whatever odour control measures are necessary in line with the EPA standards so as not to impact on the existing residents.*

A. This is the same response as for Q2.

Q3. *Will Council request on our behalf to these same Ministers, for an appointment for us to meet with them?*



- A. To arrange a meeting with the various State Ministers associated with the planning and operation of the Wastewater Treatment Plant, Mayor Lee advised at the meeting that the Local Member of Parliament, Mr Fran Logan MLA, should be approached for assistance in arranging meetings with the respective Ministers.
- Q5. *Will Council request input into the EPA assessments currently being carried out separately by Victor Talbo on environmental policy for odour buffers around all Water Corporation plants in WA, and the separate assessment with Melissa Bromley, who is assessing the section 16(e) request by the Minister specifically on the buffer around the Woodman Point Plant.*
- A. The City has no role in the assessments being undertaken by the EPA or others in relation to the environmental policy for odour buffers around all Water Corporation plants. The EPA is the expert environmental agency charged with the responsibility of determining environmental standards.

At this point of the meeting, Mayor Lee made a presentation of a cheque for \$5,000 to Grant Boxall towards the cost of a new wheel-chair specifically designed to meet the needs of Olympic competitions. Mr Boxall who is a resident of Success, is representing Australia as a Para-Olympian in Rugby at the Athens 2004 Olympics. Mayor Lee wished him the best of luck in Athens and future competitions.

Mr Boxall expressed his sincere thanks for the generous contribution Council has made, which would enable him to purchase a wheel-chair for his sport and elevate his standing in the national team. His ultimate aim is to perform in future Olympics.

## 7 (OCM 17/08/2004) - PUBLIC QUESTION TIME

**Ken Hynes**, Yangebup spoke in relation to the planned closure of the railway crossing in Miguel Road, Bibra Lake. His main concern was the increase in traffic using Yangebup Road between the intersections of Miguel Road and Spearwood Avenue. He mentioned that residents of Yangebup Road expressed concerns of fears for their future well being and added safety risks, as a result of the increase in traffic figures. The consequence of this closure will force passenger vehicles to interact with heavy haulage and general cargo trucks carrying all types of hazardous material. Mr Hynes urged Council not to close the railway crossing at Miguel Road. He requested further community consultation to hear the views of all the affected residents including the Yangebup ratepayers.

Mayor Lee responded saying that community consultation had taken place over 20 years on the same matter and thanked Mr Hynes for his input.



**Rowley Marlow**, ratepayer of Cockburn spoke regarding Council's clamp down on unauthorised buildings. He expressed concerned that the Building Department had no record of any approvals being given by the City in relation to his land. Mayor Lee requested Director, Planning and Development to respond to which he replied, he had no knowledge of the details. Perhaps there has been an error made, but he will have to investigate the matter further.

Mr Marlow asked the Mayor when he visited Brisbane to investigate the facilities in relation to the different types of marinas, did he advise the Councillors that these marinas were banned 7 years ago? Mayor Lee replied, he wasn't aware that they were banned, and the claim had not been supported by the Mayor of Brisbane when asked the question.

Mayor Lee thanked Mr Marlow for his input.

**Logan Howlett**, North Lake tabled a series of questions relating to:

- Introduction of Private Security Patrols
- Proposed duplication of Farrington Road

both of which were taken on notice.

Mr Howlett also asked the following questions, which were responded to by the Mayor:

#### Elected Members Code of Conduct

Q1. Does the City of Cockburn have a Code of Conduct for its Elected Members and if so, who administers that code of conduct?

A1. Yes, Elected Members do have a Code of Conduct and it is self-administered.

Q2. What action takes place and by whom if there is a breach of that code of conduct?

A2. There is no action for breach of Code of Conduct. At the present time the Code of Conduct is non-enforceable.

#### Community Development Strategy Funding

Q.1 By suburb, what community development strategy projects have been funded by the City of Cockburn and what are the budget allocations for each project?

A1. The Budget is available in the Library. The CDS projects are listed in a separate column in the schedules attached to the Budget.



Q2. When were the decisions made on each of these projects and the respective community representative(s) advised?

A2. Decisions were made when the budget was adopted on 3 August 2004.

Council Correspondence

Q1. Does Council have a policy in regard to responding to correspondence from the community and if so, what is the time requirement contained therein? Mr Howlett said that he had not as yet received a reply to his query.

A1. No, Council does not have a policy. Mayor Lee apologised for the delay in not receiving the correspondence and will follow-up the matter.

**Daryl Smith**, President of the Coogee Beach Surf Life Saving Club spoke in relation to Agenda Item 17.3. He gave a brief of the how the Club evolved since its inception and the activities that take place within the Club. He said initially the Club comprised of only juniors, but over the years seniors have joined the Club as well. Year by year the Club is growing with more senior members joining the Club. Therefore the Club would like to lease the facilities at Powell Road and also to provide a social amenity for its members. Mr Smith requested Council to support the leasing of the Club and support the Club's application for a Restricted Club Liquor Licence.

Mayor Lee thanked Mr Smith for his input.

**8. CONFIRMATION OF MINUTES**

**8.1 (MINUTE NO 2518) (OCM 17/08/2004) - ORDINARY COUNCIL MEETING - 20/07/2004**

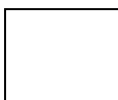
**RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on Tuesday, 20 July 2004, be confirmed as a true and accurate record.

**COUNCIL DECISION**

MOVED Clr K Allen SECONDED Clr L Goncalves that the recommendation be adopted.

**CARRIED 10/0**



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

Nil

**10. DEPUTATIONS AND PETITIONS**

Nil

**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 2519) (OCM 17/08/2004) - LOCAL GOVERNMENT ELECTIONS - MAY 2005 (1700) (DMG)**

**RECOMMENDATION**

That Council:

- (1) declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the May 2005 elections; and
- (2) decide, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the elections be as postal elections.

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

**COUNCIL DECISION**

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

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**



## **Background**

Council is required to conform with legislation procedures prior to each ordinary election day, if it wishes to undertake its elections by postal voting. This relates to declaring the Electoral Commissioner to be responsible for the elections and that the method of voting be by postal vote.

## **Submission**

N/A

## **Report**

There will be six (6) vacancies on Council for the May, 2005 Elections, being the Mayor, two Councillors each in West and Central Wards and one in East Ward.

In addition to Mayor Lee, retiring Councillors are Councillors Edwards and Allen (West), Councillors Oliver and Reeve-Fowkes (Central) and Councillor Graham (East).

Council has recently received correspondence from the Western Australian Electoral Commissioner advising of its agreement to be responsible for the conduct of these elections.

The correspondence also contains an implied invitation for Council to utilise the Commissioner's services to undertake the elections on Council's behalf.

To comply with the provisions of the Act, Council is required to adopt the recommendations relative to the decisions to utilise the Commissioner to conduct the elections and to conduct them by postal vote.

Council first used this method at the inaugural elections of a new Council (Mayor and 9 Councillors) in December, 2000, following the dismissal of the previous Council.

The resultant voter turnout of over 43% was a vast improvement on previous "in person" elections held by Council, which typically attract about 10% voter participation.

Even the more than 32% participation rate in the 2003 elections was encouraging, given that there were only four (4) vacancies contested.

As Council's budget has accommodated estimated costs of conducting the elections by post, it is recommended that Council continue with this method which should guarantee healthy community input to these elections.



**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

\$100,000 available within the Governance (elections) Account to cover costs associated with the election.

**Legal Implications**

Part 4 of the Local Government Act, 1995, and the Local Government (Elections) Regulations, 1997 (as amended) refer.

**Community Consultation**

N/A

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

The Western Australian Electoral Commission is the only organisation empowered under the Local Government Act, 1995, to conduct Council elections by the postal vote method.

**13.2 (MINUTE NO 2520) (OCM 17/08/2004) - ESTABLISHMENT OF COCKBURN MISSION/VISION/VALUES STATEMENTS COMMITTEE (2227) (DMG) (ATTACH)**

<p><b>RECOMMENDATION</b></p> <p>That Council:</p> <p>(1) pursuant to section 5.8 of the Local Government Act, 1995, establish the "Cockburn Mission/Vision/Values Statements Committee;</p> <p>(2) pursuant to section 5.10 of the Act, appoint the following Elected Members to the Committee:-</p> <p>_____;</p> <p>_____;</p> <p>(3) require the Chief Executive Officer, or his delegate, to provide the necessary administrative support for the purposes of the Committee;</p> <p>(4) establish the following Terms of Reference for the Committee:-</p> <p>1. to consider the format, content and purpose of a document containing Mission, Vision and Values</p>
--



Statements appropriate to the City of Cockburn;

2. recommend a Draft document for endorsement by Council in September, 2004; and
- (5) disband the Committee upon the adoption of a document by Council.

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

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr V Oliver that Council:

- (1) pursuant to section 5.8 of the Local Government Act 1995 (WA) ("the Act"), establish the "Corporate Strategic Plan Committee" ("the Committee");
- (2) pursuant to section 5.10 of the Act, appoint Mayor Lee, Deputy Mayor Graham, Cllr Allen, Cllr Reeve-Fowkes and Cllr Limbert to the Committee;
- (3) require the Chief Executive Officer, or his delegate, to provide the necessary administrative support for the purposes of the Committee;
- (4) establish the following Terms of Reference for the Committee:
  1. to consider the format, content and purpose of Council's Corporate Strategic Plan, as it applies to both Council's Elected Members and Staff.
  2. recommend a revised Corporate Strategic Plan for adoption by Council at a future Council Meeting.
- (5) disband the Committee upon the adoption of a revised Corporate Strategic Plan by Council.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0**

**Explanation**

The term 'Corporate Strategic Plan' more accurately describes the document referred to in the recommendation. It should be clarified that the Committee will consider the Plan as it applies to the entire Council organisation, rather than only to Elected Members. The further





development of the Plan to a final stage for adoption would be unlikely to occur before the September Council Meeting.

### **Background**

In October, 2003, Elected Members and Executive Staff attended a workshop to review Council's Strategic Plan document.

An outcome of that exercise was the production of a series of statements which were intended to reflect the City of Cockburn's vision for the District.

Of added significance was the development of a revamped Mission Statement for which a subsequent modified version was agreed by consensus of Elected Members.

By formulating the outcomes of the workshop into a written form, a series of guiding principles (values) and statements on the role of Council were identified.

These were condensed into individual statements to act as guidelines for Council to follow in the future.

These have since been documented and produced in a simple printed format, a draft of which was provided for Elected Members perusal.

At a pre-Budget forum convened on 3 August, 2004, to further consider the matter, it was agreed by consensus that the issue would be best resolved by forming a Committee of Elected Members to address the document and present a final Draft for Council consideration in September, 2004.

### **Submission**

To establish a Committee to prepare a Draft document for Council consideration.

### **Report**

It is understood that the intention of the document is to broadly represent the Council's vision for the future of the Cockburn District. The attached Draft was produced with this in mind.

The retention of the Key Result Areas ensures a linkage between the Guiding Principles (Values) and Council's functional areas through the individual Service Unit Plans.

It is important for the responsible Committee to ensure the document is appropriately domiciled, is produced for a specific purpose and, if



necessary, marketed in a manner which has a positive impression on its specific target audience.

A distribution strategy is also important to maximise the intended impact and to ensure its effect is not merely diluted by saturation circulation.

In order to meet the projected launch date of the document in October, 2004, it is important that the established Committee act quickly to address these matters and provide the necessary advice to Council in a timely manner.

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

Key Result Area "Managing Your City" refers.

### **Budget/Financial Implications**

Production costs required can be accommodated within the Governance area of the Municipal Budget.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

Nil.

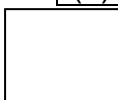
## **14. PLANNING AND DEVELOPMENT DIVISION ISSUES**

### **14.1 (MINUTE NO 2521) (OCM 17/08/2004) - COOGEE BEACH CAFE/KIOSK - RESERVE 46664R POWELL ROAD, COOGEE - OWNER: CITY OF COCKBURN (3319158) (CP) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) commission APP and McGees to examine costs, timeframe, and building design required to redevelop the existing shop to provide for a shop, kiosk and café (alfresco) as an upgraded interim facility to serve the community and beach-goers;
- (2) require the redevelopment and refurbishment of the existing



shop to comply with all necessary health standards;

- (3) commission McGees to review the current lease of the Coogee Beach Store to determine appropriate lease arrangements for the future management and operation of the redeveloped and refurbished shop, kiosk and café;
- (4) investigate the issue of a stallholder's licence to operate a food vending van near the site to provide a service to the public while the redevelopment and refurbishment of the shop, kiosk and café is being undertaken, to the satisfaction of the Principal Environmental Health Officer;
- (5) engage Stephen Hoffman, Architect to review the plans prepared for the proposed café/kiosk located within the Powell Road Reserve, with a view to determining how the kiosk component can be developed as the first stage of the overall project, with a floor area of say 50 sq.m., together with the likely cost;
- (6) subject to (5) above, and the implementation of the Port Coogee Marina development and the Coogee Beach Structure Plan, the Council Review the situation at a later date to determine the future of the redeveloped and refurbished Coogee Beach shop, kiosk and café and the future of the café/kiosk proposed within the Powell Road reserve which is the subject of a current application with the Western Australian Planning Commission; and
- (7) require a report to be prepared for Council consideration, following the advice being received from APP, McGees and Stephen Hoffman, Architect, as required in (1), (2) and (5) above, in order to confirm the approach to the development to the café/kiosk at Coogee Beach.

#### **COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Deputy Mayor R Graham that Council

- (1) commission APP and McGees to examine costs, timeframe, and building design required to redevelop the existing shop to provide for a shop, kiosk and café (alfresco) as an upgraded interim facility to serve the community and beach-goers;
- (2) require the redevelopment and refurbishment of the existing shop to comply with all necessary health standards;
- (3) commission McGees to review the current lease of the Coogee

Beach Store to determine appropriate lease arrangements for the future management and operation of the redeveloped and refurbished shop, kiosk and café;

- (4) investigate the issue of a stallholder's licence to operate a food vending van near the site to provide a service to the public while the redevelopment and refurbishment of the shop, kiosk and café is being undertaken, to the satisfaction of the Principal Environmental Health Officer; and
- (5) engage Stephen Hoffman, Architect to review the plans prepared for the proposed café/kiosk located within the Powell Road Reserve, with a view to determining how the kiosk component can be developed as the first stage of the overall project, with a floor area of at least 50 sq.m., together with the likely cost;

**CARRIED 10/0**

### **Explanation**

At a recent workshop, the consensus was that the future direction and end use of the refurbished shop was agreed and also confirmed that the location within the Powell Road Reserve to be the preferred site for the new café/kiosk.

### **Background**

Investigations were undertaken last year into the possibility of establishing a café/kiosk at Coogee Beach. In November 2003, it was decided by Council not to accept the expression of interest that was lodged and instead, to investigate the potential and options for the upgrading of the existing shop.

In June 2004, a report was presented to Council that proposed that three options for the site be considered, these were:

**Option 1.** Upgrade the shop to satisfy building and health standards and call for tenders to operate it on a short-term renewable lease basis

**Option 2.** Upgrade the existing Coogee beach store building with a view to providing higher quality, wider range of services, possibly even extending outside the lease area, such as for alfresco dining and café services.

**Option 3.** Invite tenders for the complete redevelopment of the shop building as a café/kiosk, facility, leased for the maximum period of 21 years.



At the Ordinary Meeting on 15 June 2004, the following was resolved:

*“That Council:*

- (1) receive the report.*
- (2) discuss the options with Department of Planning and Infrastructure Land Asset Management Services to determine statutory constraints given the reserve class and purpose.*
- (3) engage APP (WA) Pty Ltd to undertake a preliminary feasibility investigation on the implications of proceeding with Option 3 contained in the report, but expanded to include a second storey, and for the report to be completed for Council to consider at its meeting on 20 July 2004.*
- (4) reallocate \$470,000 from account CW 4088 “Coogee Beach Café/Kiosk Design and Construct” to a new account “Coogee Beach Store Upgrade”.*
- (5) continue to pursue necessary planning approval from the Western Australian Planning Commission for the proposed café/kiosk and instruct APP(WA) Pty Ltd accordingly to follow up.”*

Following this meeting, project managers APP have held discussions with the Department of Planning and Infrastructure regarding acceptable uses on the subject land and reviewed the options for the site.

Due to the complexity of the issues associated with Option 3 it was decided, following discussions with Elected Members, to not report back to the 20 July Council meeting. Instead it was agreed to have a concept forum with Elected Members, consultants and staff to examine the preferred option.

#### Discussion with the DPI’s Land Management Branch

APP have undertaken discussions with the Department of Planning and Infrastructure’s land management Branch. They report that:

*“ It is important to note that the existing shop is located within a Crown A Class reserve.....This essentially restricts the use of the land to specific purposes that must be approved by the Department for Planning & Infrastructure’s Land Asset Management Services branch.”*

*“...while existing uses are acceptable in a renovated or new structure, it would be unlikely that the DPI would support a development that would incorporate a liquor licence being issued or any development that becomes of a significantly commercial nature. While the*



*description of allowable uses is somewhat non-specific, examples of other facilities that would be supported include 'Deep Water Point Cafe' and those that wouldn't include 'Point Walter Cafe'.* “

*“ Should the City wish to pursue a facility similar to the concept developed that includes a restaurant/ café/ kiosk, the land would probably require excision from the A Class reserve. The process to undertake such an excision is lengthy with no guarantee for success. The excision would require significant public consultation, be passed through both houses of parliament and would typically take between 1 and 2 years.”*

#### Planning Approval for the Alternative 'top of sand dune' Café/Kiosk Site

Item 5 of the June 2004 Council resolution stated that the necessary planning approvals for this site be pursued. APP has reported that:

*“ In discussions with Mr. Patrick Schmit of the DPI, the planning application that was lodged in July 2003 for the café/kiosk development located within the closed road reserve is nearing determination. The application is currently being considered by the Bushforever branch and some preliminary feedback is expected late July 2004. Notwithstanding any issues that may be raised by Bushforever, it appears that the DPI is generally supportive of the development. “*

#### **Submission**

##### Health Services Report

The City of Cockburn's Health Services Department has reported that the Coogee Beach Store does not comply with a number of current requirements for a food premises. These include insufficient food storage and preparation areas, rundown surfaces and structural appliances requiring upgrading. A number of the issues are outstanding due to the uncertain future of the premises and the lease agreements.

In order to address the outstanding food hygiene issues an entire refit of the store will be required to ensure compliance with current standards.

##### Elected Members' Concept Forum

On Tuesday 27 July a Concept Forum was held with Elected Members, representatives from project managers APP, McGees Property Consultants and Council officers.

At the forum an update was given of the investigations undertaken and an overview of the implications associated with Option 3. This was



followed by a discussion of a number of variations on this option. In regards to Option 3. the following issues were identified:

1. Advice from DPI LAMS is that a development of this magnitude would be inconsistent with the purpose of Reserve 24306 and therefore would not be supported.
2. The solution would be to excise the area containing the proposal from the Reserve.
3. Reserve 24306 is an A class reserve and any change to the boundary would require significant community consultation followed by a successful passage through both houses of Parliament.
4. The estimated time for this process given by DPI is from 1 to 2 years.
5. The return on the capital outlay in the form of rent is not expected to be high.
6. The proposal removes the current shop function.
7. A second storey does not afford a clear view of the ocean.
8. A second storey raises issues with disabled access, additional building costs and loss of floor space (stairs).
9. Proper analysis of the proposal is difficult without an indicative building plan.

It was noted during the course of these discussions that if the leaseholder of the current Coogee Beach Shop was to change a minimum of a five year lease would have to be offered to the new lessee.

Following on from the discussion of these issues the forum then examined a number of possible variations from this option. These included:

Variation 1. Redeveloping the existing shop and replacing it with a kiosk/café with an area of 120 sqm.

Variation 2. Developing a café/kiosk building of approximately 240 sqm within the road reserve immediately south of the existing shop.

Variation 3. Developing a two storey café/kiosk building of approximately 200 sqm within the road reserve at the foot of the sand dune.

#### Concept Forum Outcomes

As discussions progressed it was apparent that none of the outcomes suggested to date met all of the stakeholder expectations. It was also apparent that until the proposals for the Port Coogee Marina were finalised there would considerable uncertainty about the potential for a Café/Kiosk at Coogee Beach.



The conclusion of the Forum was to address the proposals for the development at Coogee Beach in a step-by-step manner that would allow some incremental improvements to take place. This approach could also allow for a first stage development of the café kiosk to occur in its preferred location on top of the dune.

The steps are:

1. Evaluate the redevelopment of the existing shop into a shop, kiosk and alfresco café together with the associated costs of the proposed refurbishment works.
2. Close the shop for redevelopment, fit-out and upgrading of the facilities to meet health standards.
3. Locate a temporary food vending van near the shop while the refurbishment is taking place.
4. Re-open the shop, kiosk and café as an interim arrangement to improve the services to the community and beach-goers.
5. Assess the possibility of developing the “original” café/kiosk proposal on the foredune in the vacant Powell Road Reserve, with a view to progressing with the development in stages, with the first stage being the kiosk (say 50 sq.m).
6. Operate the refurbished shop, kiosk and café until such time as it is known what commercial and beach side facilities are to be provided within the Port Coogee Marina development, particularly the proposed southern neighbourhood centre.
7. Review the situation at an appropriate time when the Port Coogee Marina development and the Coogee Beach Structure plan have been implemented to a stage that will provide a basis for considering the matter further.

While the forum provided an opportunity to explore the opportunities available at the site a further examination of the costs and building options will need to be explored before the Council would be in a position to make a decision on the approach to be taken.

In the meantime the Council continue to pursue all the necessary approvals for the proposed Café/Kiosk located in the Powell Road Reserve adjacent to the jetty.





## Report

It is proposed that the project managers APP and McGees property valuers be requested to examine the costs, and timeframe and provide an update on the approval process for the proposed initiatives.

The first step is to examine the opportunity to establish a small café/kiosk within the road reserve on the sand dune as the first stage of the large Café/Kiosk project, following receipt of all the necessary approvals for the proposed overall development. It is proposed that the services of an architect be sought to develop the layout plan, if possible utilizing the existing design that has been prepared for the site.

The design is to provide for the development to occur over time with the first phase to be a small café kiosk that could accommodate approximately 35 people (50 sq.m.). The larger restaurant component would be developed at a later date depending on the how the Port Coogee development progresses.

Improvements need to be initiated at the Coogee Beach Store to bring the building up to current Health Department standards and to also allow some outdoor café style seating in the short term.

The Council's Health Services have undertaken an inspection of the building and have prepared a detailed report on the improvements required. Following this the services of a draftsman will be required to prepare a design illustrating how the modifications can be achieved, after which detailed costings can be sought.

## 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 competitive without compromising quality."*
  - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*



4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

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

The 2004/05 Budget has set aside \$470,000 for the Coogee Beach Store Upgrade.

#### **Legal Implications**

N/A

#### **Community Consultation**

Consultation occurred as part of the Structure Plan process.

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

Nil.

- 14.2 (MINUTE NO 2522) (OCM 17/08/2004) - PROPOSED STRUCTURE PLAN - LYON ROAD, AUBIN GROVE - PT LOTS 3, 4, 5, 6, 7 AND LOTS 25 AND 26 LYON ROAD - OWNER: CONTRACTED TO BELLCROSS PTY LTD (LWP PROPERTY GROUP ARE MANAGING THE PROJECT) - APPLICANT: TAYLOR BURRELL BARNETT (9645B) (JLU) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) adopt the Structure Plan for Pt Lots 5, 6, 7 and Lots 25 and 26 Lyon Road, Aubin Grove as Stage 1 as shown in the agenda attachments subject to:
  1. This approval being limited to portion of Pt Lot 5, Pt Lots 6, 7 and Lots 25 and 26 Lyon Road (Stage 1) and that portion of Pt Lot 5, 3 and 3 (Stage 2) will be subject to further consideration upon the location of the passenger railway station being confirmed, and is to be reflected in the Structure Plan Report;
  2. The northern roundabout being relocated to the northern boundary of the future Primary School Site;
  3. Visitor parking being provided at the eastern and western



ends of the Public Open Space that straddles Pt Lots 6 and 7;

- (2) advise the applicant of the following:
1. Following the location of the passenger railway station being confirmed, the residential densities on the Structure Plan (Stage 2) being reviewed in the context of medium density lots;
  2. Detailed Area Plans being prepared for all lots within Stage 2 in accordance with Town Planning Scheme No. 3 and where possible facilitate robust building designs around the train station that will cater for residential densities being increased if the station is to be located on the northern side of Rowley Road;
  3. Potential traffic speed concerns along Lyon Road and internal roads within subdivision are to be addressed at the subdivision stage of the Structure Plan area;
- (3) adopt the Schedule of Submissions as contained in the Agenda attachment;
- (4) advise those persons who made a submission of Council's decision and forward a copy of the Structure Plan (revised) to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3;
- (5) advise the owners of Lot 21 Lyon Road (submission no. 7) to contact the Western Australian Planning Commission in relation to the rezoning of Lot 21 from 'Rural-Water Protection' to 'Urban' zone under the Metropolitan Region Scheme; and
- (6) write to the Chairman of the Western Australian Planning Commission requesting a response to its letter dated 16 June 2004 urgently regarding the location of the passenger railway station.

**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**



## Background

ZONING:	MRS:	Urban
	TPS:	Development (DA11)
LAND USE:	Market garden and rural-living	
AREA:	Lots subject to Structure Plan total an area 25.97ha	

## Submission

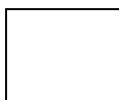
The City received a Structure Plan on the 24 March 2004 for the land between Gaebler Road to Rowley Road, east of the Kwinana Freeway. A locality plan and the Structure Plan are shown in the agenda attachments. The development of Pt Lots 1, 2 and Lots 10, 11 and 27 has been shown on the Structure Plan indicatively to illustrate the integration of these lots into the development in the future.

The proposed Structure Plan area is likely to yield approximately 470 lots, with 320 of these within the Bellcross landholdings (a copy of the Structure Plan is contained in the agenda attachments). A range of densities from R20 to R40 are proposed. R30 and R40 development is proposed around the rail station and local public open space, with a base coding of R20 across the remainder of the area. The Structure Plan also proposes four Public Open Space areas, with 11.36% of the site being given up of the land owned by Bellcross.

## Report

The Plan was advertised from the 15 May to 3 June 2004. Seven submissions were received during the advertising period and one other outside the period. Five of these submissions object to the proposal, two provide comments and one supports the proposal. The Schedule of Submissions is contained in the agenda attachments. The concerns raised in the submissions have been addressed by the applicant and could be dealt with at the stage of subdivision. The main points raised in the submissions were:

1. Location of the passenger railway station – The Town of Kwinana objects to the proposed Structure Plan suggesting that the station should be located to the south of Rowley Road rather than the north. Kwinana is currently in the process of preparing a Local Planning Strategy that proposes a district shopping centre on the southern corner of Rowley Road and the Kwinana Freeway and therefore argue that the station would be better located to integrate with the proposed centre in the Kwinana district. However this land is still zoned 'Rural' under the Metropolitan Region Scheme and will need to undergo significant planning investigations prior to the land being available for urban development. The Jandakot Structure Plan also shows the location of the train station on the northern side of Rowley Road.



The advice received from the Department for Planning and Infrastructure (DPI) to date and the City's Southern Suburbs District Structure Plan – Stage 2 Banjup show the station on the northern side of Rowley Road. Following the submission from the Town of Kwinana Council Officer's contacted the Public Transport Authority and received the following advice on the location of the station:

*“ Mandogalup station is currently planned to be located in the north west quadrant of the intersection of Rowley Road and the Kwinana Freeway in the current SWMR Railways MRS Omnibus Amendment. It is a long term station.*

*However, its location is still flexible. Originally the station was planned on the southern side of Rowley Road in the Town of Kwinana. It was moved to the north side of Rowley Road, into the City of Cockburn, prior to Bush Forever, in the belief that the intended site was to be included in Bush Forever.*

*This did not eventuate and the original site was not included in Bush Forever. However, being a long term station, and given that up till now no urbanisation was planned for the locality, the question of the best location for the station has never been revisited.*

*Our view therefore is that the Department for Planning and Infrastructure in conjunction with the Public Transport Authority, the City of Cockburn and the Town of Kwinana should review the location of the station in the context of the regional and district level structure planning that is occurring either side of the Cockburn/Kwinana municipal boundaries.”*

Following the receipt of this advice the City wrote to DPI on the 16 June 2004 requesting advice of the final location of the station. At the time of writing this report the City had not received any advice from DPI. Given the considerable investigations undertaken and agreements already reached on the location of the station it would appear that the arguments put forward for a change of location do not warrant a review. It is recommended Council write to the Chairman of the WA Planning Commission and request an urgent response to its letter dated 16 June 2004.

City Officer's met with the developer and their consultants on 20 July to discuss the Structure Plan. At this meeting it was agreed that the Structure Plan could be staged to exclude the southern section of the Plan until the issue of the location of the station had been resolved (A staging plan is contained in the agenda attachments).



The staging of the Structure Plan will allow the developers to commence development of the land and will not prejudice the southern section of the Plan whilst the issue of the location of the station is being resolved. There is also opportunity to reconsider the residential density around the station to a higher density to take advantage of the location of the station if it is located on the northern side of Rowley Road.

2. Main northern entry point to development and road layout – The Plan shows two roundabouts to enter the development. City Officer's agree with the location of the southern roundabout towards Rowley Road. The City also requested that the northern roundabout be relocated to the south to form a four-way intersection with the access road to Lot 446 (directly to the east of the subject land). The reason for the requested change is to ensure a safe and defined access road on the northern side of the future primary school site on Lot 448. Attachment in the agenda shows the future school site.

The Plan was advertised with a notation stating "Intersection treatment subject to detailed investigation during advertising process". The City has continued to negotiate with Taylor Burrell Barnett on the issue and have resolved that the intersection will become a four way roundabout. This modification is reflected in the changes requested to the Structure Plan.

3. Other comments – The City's Engineering Services have raised concern about the likely speed along Lyon Road and on some of the internal subdivision roads given the straightness and length of the roads. This issue has been raised with the developers engineers on a number of occasions and will be addressed through traffic management devices (slow points in the road pavement) at the earthworks and engineering design stage. A condition will be required to be placed on the subdivision to ensure this matter is addressed.

Visitor parking will be an issue for those laneway lots that directly abut the southern public open space (straddling Pt Lot 6 and 7). This has been raised with the applicant, who have agreed that parking is to be provided at the eastern and western ends of the public open space. This modification has been reflected in the recommendations.

The City has initiated Amendment No. 17 to Town Planning Scheme No. 3 to introduce 'Development Contribution Area No. 7' which will facilitate the collection of contributions towards a district drainage network for the area. The land within the Structure Plan is affected by this Amendment. The developer



has been notified of the requirement to contribute towards the network however it is recommended that Council formally notify the developer through the Structure Plan process.

### Conclusion

The location of the passenger railway station will have an impact on the residential densities in the southern section of the Structure Plan, however, it is considered that the robust road layout and proposed public open space locations can be supported for the northern section of the Plan. As the Structure Plan is generally in accordance with the Southern Suburbs District Structure Plan – Stage 2 it is recommended that Council endorse the northern section of the Plan shown as Stage 1 in the agenda attachments.

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

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

1. 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."*
  
2. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

SPD4	'Liveable Neighbourhoods'
APD4	Public Open Space
APD28	Public Open Space Credit Calculations
APD30	Access Street - Road Reserve and Pavement Standards
APD31	Detailed Area Plans

### **Budget/Financial Implications**

N/A



### Community Consultation

The Structure Plan was advertised for 21 days from 15 May to 3 June 2004 in accordance with Town Planning Scheme No. 3. An advertisement was placed in the Cockburn Herald on the 15 May 2004 advising of the Plan. Eight government agencies and 25 adjoining and affected owners were notified of the proposal. Eight submissions were received, 5 objections, 1 support and 2 submissions providing comments.

### Legal Implications

N/A

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

Nil.

**14.3 (MINUTE NO 2523) (OCM 17/08/2004) - SINGLE HOUSE - OVERHEIGHT OUTBUILDING - LOT 85; 25 CARRELLO CIRCUIT, COOGEE - OWNER/APPLICANT: Z & M TABAIN (3317659) (MD) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) grant approval to an outbuilding on Lot 85 (No. 25) Carrello Circuit, Coogee, 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. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a





building licence being obtained prior to construction.

6. The outbuilding shall be used for domestic purposes only associated with the property, and not for human habitation.

#### SPECIAL CONDITIONS

7. The surface finish of the boundary wall abutting the adjoining lot shall be constructed to the satisfaction of the Council.

#### FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In regards to Condition 7, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant accordingly.

#### **COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

#### **Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R30 (DA1)
LAND USE:	House	
LOT SIZE:	701 m2	
AREA OF WORKSHOP:	41 m2	
USE CLASS:	Single (R-Code) House – (“P” Use)	



## Submission

The application proposes: -

- Over-height retaining wall;
- Over-height outbuilding with a wall height of 3.05m (boundary wall); and
- Over-height workshop boundary wall (3.58m).

The applicant did not provide reasons for the over-height workshop.

Refer to Plan with the Agenda Attachments.

## Report

The application was referred to the adjoining landowner in accordance with Clause 9.4.3 of the City's Scheme. The adjoining landowner has not objected to the height of the retaining wall, over-height outbuilding or the over-height workshop boundary wall. The retaining wall is considered appropriate given the sloping nature of the block and it is considered the workshop boundary wall will not have a significant impact on the amenity of the adjoining landowner.

It is pointed out that the over-height measurement results from measuring the height of the wall from the natural ground level on the adjoining lot. The difference in levels is due to a common boundary retraining wall.

### APD18 Outbuildings Policy

The application proposes an outbuilding with a maximum wall height of 3.25m taken from natural ground level. This exceeds Council's policy by 0.85m (35%).

Council officers do not have delegated authority to deal with an application for a proposed outbuilding that has a wall height which exceeds that allowed under Council's APD18 Outbuildings policy by more than 10%.

With respect to the above, it is recommended that the application is acceptable for the following reasons:-

The proposed outbuilding is has a maximum ridge height of 4.2m, which complies with Council's policy;

No objections were received from the adjoining landowner;

The outbuilding will not have any overshadowing impact on the adjoining landowner.



The proposed outbuilding is only 41m<sup>2</sup> in area and will not detract from the amenity of adjoining properties with respect to building bulk.

It is recommended that the application be conditionally approved for reasons outlined above.

### **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."*

APD18      Outbuildings

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A.

### **Community Consultation**

The application was referred to the adjoining landowner in accordance with Clause 9.4.3 of the City's Scheme. No objections were received.

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

Nil.

- 14.4 (MINUTE NO 2524) (OCM 17/08/2004) - GABLE SHED (305 SQM)  
- LOT 3; 32 HOLMES ROAD, MUNSTER - OWNER: G SEPAROVICH  
- APPLICANT: HIGHLINE WATER TANKS (4411084) (MD) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) grant approval to an Outbuilding on Lot 3 (No. 32) Holmes 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. This approval relates to the revised attached plan.
4. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. The shed shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.

SPECIAL CONDITIONS

7. The proposed development shall be clad or coloured to complement the surroundings, and/or adjoining developments, in which it is located, and walls shall use non-reflective materials (not zinalume).

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
  2. This approval is for a shed for domestic and/or rural purposes only. Any industrial or commercial use of the shed may require separate approval from the Council.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant.



**COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Rural
	TPS3:	Rural
LAND USE:	Rural/Residential	
LOT SIZE:	2.0285 ha.	
AREA OF OUTBUILDINGS:	Existing: 85m <sup>2</sup> ; Proposed: 305m <sup>2</sup>	
USE CLASS:	Single (R-Code) House - Permitted	

**Submission**

The application proposes an additional outbuilding with a floor area of 305m<sup>2</sup> with the following dimensions:-

- 25.4m in length;
- 12.0m in width;
- 4.8m wall height; and
- 6.1m ridge height.

The application proposes an additional outbuilding to store the following:-

- Race car transporter/light truck (commercial vehicle);
- 2x drag racing cars;
- 4x show car collection;
- 4x dirt bike motorcycles;
- Jet ski; and
- General household storage.

The existing open barn outbuilding is currently being used to house the owners ride on lawn mower, tractor, van, jeep and motorcycle trailer, hence the reason for requiring another, more secure shed to store the collection of cars and bikes.

Plans are with the Agenda Attachments.

**Report**

The parking of one commercial vehicle is permitted 'as of right' in accordance with Clause 5.10.8(a) of the City's Scheme.



### APD18 Outbuildings Policy

The proposed outbuilding fails to comply with Council's Outbuildings policy in the following respect:-

- The combined floor area of the existing and proposed outbuildings is 390m<sup>2</sup>, which exceeds the maximum floor area of 300m<sup>2</sup> by 90m<sup>2</sup> set under Council policy.

With respect to the above, it is recommended that the application is acceptable for the following reasons:-

- The proposed outbuilding is setback 10 metres from the side boundary in accordance with Council's Scheme and will not have a negative impact on the amenity of the adjoining residence;
- The proposed outbuilding is setback behind the existing residence and outbuildings and will not have an impact on the streetscape;
- The outbuilding will house a truck and other vehicles, which will reduce the visual impact than if the truck and vehicles were parked in an uncovered area on-site;
- The site is located next to a poultry farm and in close proximity to the future Hope Valley-Wattleup Industrial Area. It is considered the size and bulk of the proposed shed is in keeping with the existing rural and future industrial uses within the locality.

It is recommended that the application be conditionally approved for reasons outlined above.

### **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."*



- *"To conserve the character and historic value of the human and built environment."*
- *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Planning Policies which apply to this item are:-

APD18      Outbuildings

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

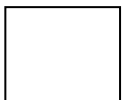
N/A

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

Nil.

**14.5 (MINUTE NO 2525) (OCM 17/08/2004) - RESIDENTIAL BUILDING - RESPITE ACCOMMODATION FOR DISABLED YOUTHS - LOT 200; 110 YANGETUP ROAD, YANGETUP - OWNER: HOMESWEST - APPLICANT: G SANSOM (4414192) (MD) (ATTACH)**

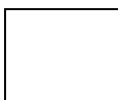
<p><b>RECOMMENDATION</b> That Council:</p> <p>(1) grant approval to the Residential Building – Respite Accommodation for Disabled Youths on Lot 200 (No. 110) Yangebup Road, Yangebup, subject to the following conditions:</p> <p><b><u>STANDARD CONDITIONS</u></b></p> <p>1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.</p> <p>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.</p>
--



3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
4. This approval relates to the attached revised plan with amendments marked in red.
5. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
6. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
7. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
8. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
9. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
10. The front fence shall be constructed with a 2.1 metre truncation (1.5m x 1.5m), as depicted on the approved plan marked in red.
11. 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.
12. Landscaping is to be undertaken in the street verge adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the Council's satisfaction.

**CONDITIONS TO BE COMPLIED WITH PRIOR TO APPLYING FOR A BUILDING LICENCE**

13. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified





by a suitably qualified practicing Engineer, and designed on the basis of a 1:10 year storm event.

14. 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.

#### SPECIAL CONDITIONS

15. The proposed use is restricted to the care of a maximum number of seven (7) persons (including primary carers and clients) unless otherwise approved in writing by the Council.
16. The type of care service provided on site shall be restricted to that defined in the applicant's letter dated 13 June 2004 as received by Council on the 15 June 2004.
17. No vehicles are permitted to park on the road and verge adjacent to the subject property. All parking associated with the use shall be contained on-site at all times.
18. No signage is permitted to be erected on the property.
19. All medication associated with the respite accommodation shall be kept in a locked cabinet or locked room to the satisfaction of the Council.

#### FOOTNOTES

1. The building is classified as a Class 3 building under the Building Code of Australia.
2. The development is to comply with the requirements of the Building Code of Australia.
3. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
4. Until the City has issued a Certificate of



Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.

(2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant; and

(3) advise the complainant of Council's decision.

**COUNCIL DECISION**  
 MOVED Cllr V Oliver SECONDED Cllr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Development Zone
LAND USE:	Vacant	
LOT SIZE:	900m <sup>2</sup>	
AREA OF PROPOSED DEVELOPMENT:	431m <sup>2</sup>	
USE CLASS:	Residential Building 'D' Discretionary Use	

**Submission**

The application proposes the following:-

- The two units are intended for the accommodation of young persons with physical and intellectual disabilities under the constant care and supervision of part and full time carers.
- The maximum number of persons living in the two units at any one time will be seven.

A plan of the proposed development is with the Agenda attachments.

**Report**

One letter of objection was received from a nearby resident in relation to the application and as such the application has been referred to Council for determination, as no delegation to officers exists to determine the application where an objection has been received.



### Community Consultation

An objection was received from a nearby resident concerned that disabled persons may wander from the premises into neighbouring properties. The applicant has addressed this objection by stating that the disabled persons will be under the constant care and supervision of part and full time carers.

The City has recently completed a comprehensive community consultation as part of the development of a Senior's Plan. One of the key issues identified in the draft Seniors Plan was the inadequate number of Respite facilities within the City of Cockburn district. There are currently only 3 beds available (6 additional beds approved) within the district for Respite, and this is inadequate for the number of people with disabilities and seniors. More respite facilities for youth accommodation are needed.

### Conclusion

The application has merit in that it provides an essential service to the community. The use will not have detrimental impact on the amenity of the area and therefore, it is recommended that the application 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."*
  
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A



### Community Consultation

Application advertised in accordance with Clause 9.4 of the City's Scheme, as follows:-

- (a) referral of application to adjoining landowners;
- (b) sign on site.

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

Nil.

#### 14.6 **(MINUTE NO 2526)** (OCM 17/08/2004) - PROPOSED CLOSURE OF PORTION OF PRINSEP ROAD, JANDAKOT (450006) (KJS) (ATTACH)

##### **RECOMMENDATION**

That Council request the Minister for Planning and Infrastructure close portion of Prinsep Road, Jandakot adjoining Lot 644, pursuant to Section 58 of the Land Administration Act 1997.

##### **COUNCIL DECISION**

MOVED Clr V Oliver SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

### Background

The road widening was created in 1994 when the former reserve (29383) was purchased by the current owner.

### Submission

The owner of Lot 644 Prinsep Road has made a written request for the portion of road to be closed and included into Lot 644.

### Report

Structure planning for the area has determined that the continuation of Prinsep Road will take off from a point further south from the original take off point. The section of road to be closed adjoining Lot 644 is now not required for road purposes.



The land will be amalgamated with Lot 644 with the resulting Lot becoming more regular in shape and therefore better configured for future development purposes.

All service authorities have consented to the closure and advertising, as required by the legislation, undertaken. No objections were received during the advertising.

The process beyond Council's decision is that the land will be valued by the Department of Planning and Infrastructure, purchased by the owner of Lot 644 and then amalgamated with Lot 644.

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

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

2. Planning Your City
  - "To ensure that the development will enhance the levels of amenity currently enjoyed by the community."

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation.**

The proposed closure was advertised in accordance with the legislative requirements.

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

Nil.

## **14.7 (MINUTE NO 2527) (OCM 17/08/2004) - DANGEROUS BUILDING - LOT 301; NO. 1 ROCKINGHAM ROAD, HAMILTON HILL - NEWMARKET HOTEL SITE (2212274) (JW)**

### **RECOMMENDATION**

That Council:

- (1) initiate legal action against the owner of Lot 301, No. 1 Rockingham Road for non compliance with the requisitions contained in the City's 403 Notice dated 14 June 2004;



- (2) seek the advice of Council's Solicitors in the matter so as to ensure the most appropriate manner to legally address the issue in accordance with Sections 403, 404, 405 and 670 of the Local Government (Miscellaneous Provisions) Act 1960 is implemented; and
- (3) initiate a legal Complaint/s as necessary to ensure the requisitions of the City's 403 Notice dated 14 June 2004 to the property owner are addressed to the City's satisfaction.

**COUNCIL DECISION**

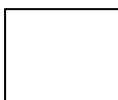
MOVED Clr K Allen SECONDED Clr S Limbert that Council:

- (1) approve the alternative structural option requested by Jet Drafting in a letter to the Principal Building Surveyor received on 6 August 2004, subject to the applicant/owner:
  1. Submitting the engineering drawings within 10 days of the Council decision.
  2. Commencing the work within 7 days of receiving the building licence issued by the City.
  3. Providing a written undertaking that the verandah braces will be replaced with verandah poles as part of the restoration work before 31 July 2005, to the Council's satisfaction.
- (2) instruct Council's Solicitor to suspend the current legal action against Kee Vee, issued under a Section 403 Notice dated 14 June 2004.

**CARRIED 10/0**

**Explanation**

Staff have recommended an alternative recommendation to Council as after a recent meeting with the owners, they advised that they are prepared to comply with the City's Section 403 Notice. However, within 2 days of this meeting, they had engaged a builder to remove the posts and the verandah. On inspection, the builder felt it would be quicker, more cost effective and better to brace the verandah roof to the existing wall, rather than to demolish and wait for new posts to be manufactured and installed. Therefore the owners, on the advice of the builder, have submitted an alternative interim approach.



## Background

The background to this proposal is:

At Council's Ordinary Meeting in May 2004 it was resolved that Council:

- (1) *declare that the building at Lot 301, 1 Rockingham Road (Newmarket Hotel) is a dangerous building as defined in Section 403 of Local Government (Miscellaneous Provisions) Act 1960, because of the two inadequate temporary verandah posts supporting the verandah roof adjacent to Cockburn Road;*
- (2) *advise the building owners they must make an application to the City's satisfaction on or before 26 May 2004, to obtain a Building Licence and Development Approval to rectify the problems. Within 28 days of approvals being given, all works to rectify the problems are to be completed; and*
- (3) *in the event (2) above is not complied with to the City's satisfaction, issue a Notice under Section 403 of the Local Government (Miscellaneous Provisions) Act 1960, requiring the owner of the land to take down the affected portion of verandah and the temporary supporting posts.*

## Submission

The property owner was required to submit to the Council a proposal to rectify the temporary verandah posts by Friday 29 July 2004, but was not received by the due date or by the time the Agenda item was prepared. This report has been prepared for Council consideration.

## Report

The situation is still not resolved to the City's satisfaction:

- The owners of the building did not implement their option to submit plans to the City by no later than 26 May 2004, to rectify the existing verandah roof and replace temporary timber posts. A Notice was therefore issued requiring the existing temporary timber posts and verandah roof (6m x 3m or thereabouts) be removed.
- The City's Notice has not been complied with. A period of 35 days within which the removal of the verandah roof and temporary posts was to be carried out has now expired. A further copy of the Notice has been forwarded to the owners by registered post, as required by the Local Government (Miscellaneous Provisions) Act 1960. The owner has an appeal right to Referees in relation to the copy of the Notice sent by registered post. The owner of the property has



14 days to appeal. The appeal option period ceases on 12 August 2004. The Department of Housing and Works facilitates the appeal process.

- The owner's agent has already liaised with the Department of Housing and Works in regard to the appeal process and in fact has already submitted some paper work to the Department. The owner's agent however, withdrew the appeal paperwork after discussion with Manager, Building Appeals, as to the merits of lodging an appeal in the situation.
- On 28 July 2004 the property owners met with officers of the City and Councillor Allen to discuss this issue, as well as other outstanding planning issues, in relation to the property. The meeting was positive, as the owners instructed their agent at the meeting to initiate action to have the verandah and temporary posts removed. The agent was instructed by the owner to contact the City by no later than Friday 29 July 2004 and confirm the details of the removal. The owners were advised that if the structure was not pulled down immediately the City would further pursue the matter by way of prosecution if necessary.

While it seems positive at this stage the owner will initiate removal of the verandah roof and two temporary support columns, the City should still prepare to address the issue should this not occur. This means that authorisation to initiate a legal Complaint should be put in place to address such a situation.

### **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."*
3. Conserving and Improving Your Environment
  - *"To conserve the character and historic value of the human and built environment."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

### **Budget/Financial Implications**

Should prosecution be necessary some costs may need to be borne in the interim by the City and if necessary legal action initiated to recover costs at a later date.





## Legal Implications

Local Government (Miscellaneous Provisions) Act 1960 Sections 403,404,405 and 670.

- Sections 403 – 405 address dangerous buildings, Notice to Owner and recovery of expenses to enforce Notice.
- Section 670 confirms a person who does not do a thing, which by or under the Act he is required or directed to do, commits an offence. The penalty in such an instance subject to conviction, for a company, is up to \$25000 and a further daily penalty not exceeding \$5000 for each day during which the offence continues.

In regard to the best course of action, the City should seek to have the notice requisitions satisfied and it would also be prudent to consider a penalty under Section 670 as well. Advice should be sought from the City's Solicitors as to the ultimate way to achieve the City's desired outcomes.

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

Nil.

### 14.8 **(MINUTE NO 2528) (OCM 17/08/2004) - CONSENT TO MORTGAGE - LEASE OF COOGEE CARAVAN PARK - FLEETWOOD PTY LTD (3310064) (KJS)**

#### **RECOMMENDATION**

That Council grants consent for St George Bank to register a mortgage over the leasehold interest held by Fleetwood Parks Pty Ltd in Coogee Caravan Park, Reserve 29678, in accordance with the document prepared by Solicitors, McLeods.

#### **COUNCIL DECISION**

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

**CARRIED 10/0**

## Background

In October 2002, the City of Cockburn entered into an agreement to lease the Coogee Caravan Park to Fleetwood Parks Pty Ltd.



Aspen Funds Management Ltd as the responsible entity for Aspen Parks Property Trust has acquired the share capital of Fleetwood Parks Pty Ltd.

The assets of Fleetwood Parks Pty Ltd is made up of a number of freehold and leasehold caravan parks including the leasehold interest in the Coogee Caravan Park. The acquisition of the share capital of Fleetwood Pty Ltd by Aspen has required funding by St George Bank. St George Bank require a mortgage over all of the caravan parks to secure their loan.

### **Submission**

Deacon Solicitors for the Aspen Group have made a written request for the City to give consent to the lodgement of the mortgage over the lease in favour of St George Bank.

### **Report**

Solicitors Phillips Fox acting for St George Bank have prepared a mortgage document which was forwarded to Solicitors, McLeods, for review. Aspen have agreed to cover the costs up to \$2,000 for McLeods to review the document. The lease document between the City and Fleetwood Parks Pty Ltd requires the consent of the lessor before the lessee can change or assign the leasehold estate in the premises. McLeods have modified the document prepared by Phillips Fox to protect the City's interests. The modifications have been agreed to by St George Bank, the documents have been finalised by McLeods, but have yet to be finally accepted by Phillips Fox.

The Coogee Caravan Park lease is for a period of 10 years with a further 10 year option period. The lease therefore is expected to run until 2022.

The current rent is \$113,000 per annum, although this will increase to approximately \$120,000 per annum in 2005/06 when the rent is adjusted to the market in accordance with the lease agreement. The market value of the rent is increased in proportion to the increase in weekly rent charged for a perimeter site. Market adjustments are made every three (3) years with CPI adjustments made in the intervening years.

The effect of the mortgage is that if Fleetwood Pty Ltd are in default in respect of their undertakings to the bank then the bank can appoint a receiver to take possession of the Caravan Park. The receiver would take action to assign the lease to a new lessee. Any assignment under these provisions would require the consent of the City of Cockburn. The mortgage of \$36,400,000 represents around 50% of the value of the six (6) caravan parks operated by Fleetwood Pty Ltd.



The value of the Coogee Caravan Park lease was determined to be \$3,500,000 by a Licensed Valuer.

### **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."*

### **Budget/Financial Implications**

The current rent received is \$113,000 per annum.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

Nil.

## **14.9 (MINUTE NO 2529) (OCM 17/08/2004) - AMENDMENT NO. 3 TO TOWN PLANNING SCHEME NO. 3 - PORT COOGEE (93003; 9662) (MR) (ATTACH)**

### **RECOMMENDATION**

That Council:

- (1) advise the Western Australian Planning Commission that it is prepared to amend its adoption of Amendment No 3 to Town Planning Scheme No 3 regarding Port Coogee by modifying Provision No. 15 and 17:

Delete Provision No.15:

15. Despite the provisions of the Scheme, the Council may, when considering a Detailed Area Plan (DAP), impose development requirements including but not limited to vehicle parking greater than the standards prescribed under the Scheme, if in the opinion of the Council, it would result in a more desirable outcome for the use and development of the land the



subject of the DAP's.

Replace Provision No.15 as follows:

*"15. A Detailed Traffic and Car Parking Study being prepared (at the proponent's cost) to determine traffic circulation and car parking requirements to serve the needs of the marina and to demonstrate the adequacy of the design."*

Delete Provision No.17:

17. Where development within the Marina Village or in areas coded R80 or higher density is to be a multi-storey development, then the ground floor shall be set aside for commercial, retail or mixed business and may not be used for any other use unless the Council decides otherwise.

Replace Provision No.17 as follows:

*"17. Where development within the Marina Village or in areas coded R80 or higher density is to be a multi-storey development, then the building design is to provide the opportunity for the ground floor to be used for either residential, and/or commercial, retail or mixed business uses, subject to the appropriateness and economic viability of the uses in the short or long term."*

- (2) advise the applicant accordingly.

**COUNCIL DECISION**

MOVED Cllr V Oliver SECONDED Cllr K Allen that Council:

- (1) defer the matter; and
- (2) have the matter presented to a Concept Forum prior to being reconsidered at the Council Meeting to be held on 21 September 2004.

**CARRIED 10/0**

**Explanation**

The reconsideration of Council Provision Nos.15 and 17 relating to the adoption of Amendment No.3 to Town Planning Scheme No.3 and the Local Structure Plan is an important issue, and therefore time needs to be provided for Elected Members to have the opportunity to understand



the implications of the request and be made aware of alternative approaches.

### **Background**

On the 16 March 2004 Council proceeded to adopt Amendment No 3 to Town Planning Scheme No 3 subject to various additional provisions being inserted into the amendment (refer to Minute No.2335 – OCM 16/03/04). The amendment documents were modified in accordance with Council's resolution and forwarded to the Western Australian Planning Commission seeking the endorsement of the Hon. Minister for Planning and Infrastructure.

### **Submission**

Planning Consultants acting on behalf of the proponent have raised concerns about two of the additional provisions required by Council as follows:-

*“15. Despite the provisions of the Scheme, the Council may, when considering a Detailed Area Plan (DAP), impose development requirements including but not limited to vehicle parking greater than the standards prescribed under the Scheme, if in the opinion of the Council, it would result in a more desirable outcome for the use and development of the land the subject of the DAP's.”*

The applicant acknowledges that Council already has the ability to require development standards over and above the requirements of the scheme in any event, by applying clause 5.6. However, it is in the interest of the developer to ensure that there is sufficient parking for commercial operators and visitors. The Centre Plan for the Marina Village should include a detailed parking assessment.

*“17. Where development within the Marina Village or in areas coded R80 or higher density is to be multi-storey development, then the ground floor shall be set aside for commercial, retail or mixed business and may not be used for any other use unless the Council decides otherwise.”*

The applicant has not objected to the above requirement in the Marina Village, which is the intention in the Structure Plan, but it was considered that the R80 sites on the southern side of the southern breakwater or on individual sites would not be viable or appropriate for ground floor commercial. The uptake of commercial development will be slow in the early stages of establishing the community and so it is the consultants belief that a more flexible approach is needed to make clear statements through the building design and policy on the mixed use objectives for the area.



## Report

Provision 15 – Car Parking Requirements are specified in Council’s Town Planning Scheme No 3 based on Table 3 – Commercial Use Classes. These parking provisions however are based on traditional commercial land uses as distinct from commercial uses within a marina village where the parking demand is likely to be higher. As an alternative to the provision adopted by Council that provides the ability for higher parking requirements to be applied than prescribed in the Scheme, it is therefore, recommended that provision 15 be amended to require a detailed traffic and parking study to determine the parking requirements for the development. This will ensure a site specific approach is taken to assess the likely parking requirements based on the level of commercial development within the marina village and could include a comparative analysis with other operating marinas.

Provision 17 – Mixed Use development is a type of development that is often slow to integrate into centres. The Marina Village is the focal point within the Port Coogee Structure Plan, which facilitates a range of retail, commercial and passive recreational activities. While sufficient land has already been identified for commercial development options, could be left open by permitting residential development on the ground floor of the apartment R80 sites as a transitional land use not the building space designed to facilitate the possible commercial development in the future should this become viable.

It is recommended that Council modify its adoption of Amendment 3 to TPS3 – Port Coogee on the above basis and notify the Western Australian Planning Commission accordingly. Upon return of the amendment documents, changes will then be carried out in accordance with Council’s decision prior to seeking the endorsement of the Hon Minister for Planning and Infrastructure.

## Strategic Plan/Policy Implications

The Corporate Strategic Plan Key Result Areas that apply are:

- *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
- *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
- *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*



- *"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."*
- *"To facilitate and provide an optimum range of community services."*
- *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
- *"To determine by best practice, the most appropriate range of recreation areas to be provided within the district to meet the needs of all age groups within the community."*

The Council Policies that are relevant are:

APD4	Public Open Space
APD28	Public Open Space Credit Calculations
APD30	Access Street/Road Reserve & Pavement Standards
APD31	Detailed Area Plans
APD32	Residential Design Codes
APD36	Shopping Centres and Service Stations

### **Budget/Financial Implications**

N/A

### **Legal Implications**

N/A

### **Community Consultation**

Council has already carried out community consultation on both Amendment No 3 to TPS3 and the Port Coogee Structure Plan in accordance with the Regulations. No further consultation is required.

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

Nil.



**14.10 (MINUTE NO 2530) (OCM 17/08/2004) - SOUTHERN METROPOLITAN REGIONAL COUNCIL COMMUNITY GREENHOUSE GASES PROJECT (9132) (PS) (ATTACH)**

**RECOMMENDATION**

That Council advise the Southern Metropolitan Regional Council that Council:

- (1) endorses the revised Regional Community Greenhouse Project Action Plan 2004-2007 as prepared by the Southern Metropolitan Regional Council and agrees to extend the “cut – off date” as specified in the clause 11(b) of the Project Participants Agreement to the date specified as 30 June 2007;
- (2) acknowledges the withdrawal of the City of Melville, and the addition of the City of South Perth for at least 2004/2005; and
- (3) reserves the right to review its endorsement and participation outlined above if any of the member Councils, subject to the Project Participants Agreement, do not agree to the proposed extension to 30 June 2007.

**COUNCIL DECISION**

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

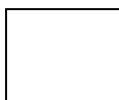
**CARRIED 10/0**

**Background**

At its meeting held in October 2001 Council adopted the Regional Community Greenhouse Gases Project and Strategic Plan. It was considered that a regional approach with other members of the Southern Metropolitan Regional Council (SMRC) was the best way of implementing the community component of the Cities for Climate Protection Program Milestone 3 – Local Action plan.

Council at its meeting held in December 2001 considered a report on the draft Project Participants Agreement for the Regional Community Greenhouse Gases Project through the SMRC and resolved the following:-

- “(1) confirm its agreement to contribute \$18,000 per annum towards the cost of employing a Regional Coordinator to administer the Regional Greenhouse Project through the Southern Regional Metropolitan Council;





- (2) *agree to the terms and conditions as outlined in the Project Participants' Agreement for the Regional Community Greenhouse Gases Project of the Southern Metropolitan Regional Council;*
- (3) *note that funding is for a period of 2 years with the possibility of an extension subject to the agreement of the participants; and*
- (4) *authorise the Chief Executive Officer to approve any minor variations as required to the Draft Project Participants' Agreement and arrange for the document to be executed."*

The report to the December 2001 meeting of Council noted that the project was for a 2 year period and would be reviewed to examine its effectiveness before considering to extend the project.

### **Submission**

In a letter, dated 5 April 2004, the SMRC submitted a review of the project to date is seeking Council agreement to extend the project for a further 3 years. The Council agreed on the 15<sup>th</sup> June 2004, to the extension of the project for a further three years, dependent on all project members agreeing to the new agreement. The Southern Metropolitan Regional Council has since informed the member Councils that the City of Melville has decided not to renew the agreement, and that the City of South Perth has requested to participate in 2004/2005.

These changes to the Regional Community Greenhouse Project warranted the need to have Council review the revised agreement.

### **Report**

In late September 2002 a two year funding of the SMRC Regional Greenhouse Gas Project commenced with the appointment of a Regional Greenhouse Coordinator on a two year contract in accordance with the Project Agreement signed by the member Councils.

At the June 2004 Council meeting the Council was provided with a report outlining the achievements of the project to date and a recommendation to endorse a three-year extension of the project. Council agreed to the recommendation and endorsed the three-year extension.

Since agreeing to the extension there has been unforeseen changes to the agreement. In July 2004, member councils were informed, in writing, by the Southern Metropolitan Regional Council of two changes to the agreement, see attached letter. The first was that the City of



Melville opted not to be part of the three year extension, and secondly the City of South Perth requested to participate in the first year of the three-year program. The main impact with the absence of the City of Melville is the reduction in funding to the project. The City of Melville was expected to provide in 2004/05 - \$29,914, 2005/06 - \$34,514 and 2006/2007 - \$35,552. Despite this reduction in funding it was decided not to increase the funding requirements of the remaining members; thus the City of Cockburn's annual contribution to the project will not change from the amounts endorsed by Council in June 2004. The SMRC are already examining options to source funding to make up the shortfall. In 2004/2005 the loss of funding has been replaced with the City of South Perth joining the partnership. The City of South Perth will be contributing \$29,000 to the program as part of a one year agreement. In the years 2005/2006 and 2006/2007 the Southern Metropolitan Regional Council is expecting to source non-member council participation and external grants. If unsuccessful any further funds will need to be considered as part of the normal budgeting process for 2005/2006 and 2006/2007.

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

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

1. Managing Your City
  - *"To manage a fleet of plant and vehicles that contribute to the efficient operation of Council's services."*
  
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**

The 2004/05 – 2008/09 Principal Activity Plan includes an amount of \$20,000 per annum for the next 3 years for this project and is proposed to be included in the draft 2004/05 Environmental Management Services budget.

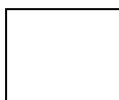
The revised costs for 2004 to 2007 are included in the 2004/05 budget and the Principal Activity Plan.

### **Legal Implications**

N/A

### **Community Consultation**

N/A



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

Nil.

**14.11 (MINUTE NO 2531) (OCM 17/08/2004) - PHOENIX SHOPPING CENTRE - TWO STAGE EXTENSIONS - LOT 63; NO. 254 ROCKINGHAM ROAD, SPEARWOOD - OWNER: VOLLEY INVESTMENTS PTY LTD - APPLICANT: CAMERON CHILSHOLM & NICOL (2206913) (VM) (ATTACH)****RECOMMENDATION**

That Council:

- (1) grant approval to the extensions of the Phoenix Shopping Centre on Lot 63 (No. 254) Rockingham Road, Spearwood subject to the following conditions:-

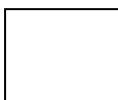
Standard Conditions

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. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 1997 "Control of the Obtrusive Effects of Outdoor Lighting".
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
6. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building.
7. The extension and/or alterations shall be in the same



materials, colour and design as the existing building.

8. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
9. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
10. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
11. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
13. 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.
14. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
15. The provision of bicycle parking facilities in accordance with the approved plans is to be provided in the locations marked " " on the attached plans, and are to be installed prior to the development being occupied.
16. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 2.0 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 3 metre truncation, as



depicted on the approved plan.

17. A minimum of 15 disabled carbays designed in accordance with Australian Standard 2890.1 - 1993 is to be provided in a location convenient to, and connected to a continuous accessible path to, the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
18. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
19. Access onto the site shall be restricted to that shown on the plan approved by the Council.

Conditions to be complied with prior to applying for a Building Licence

20. 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.
21. The applicant engaging a suitably qualified practicing Engineer to certify that the whole of the lot is suitable for the approved development to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
22. 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

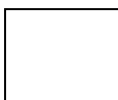
Conditions to be complied with prior to occupation



23. The landscaping, car parking and drainage (certified by a practicing engineer) must be completed in accordance with an approved detailed landscape plan, prior to the occupation of the centre extensions.

Special Conditions

24. The total centre inclusive of the extensions herein approved is to include no more than two (2) supermarkets. For the purpose of this condition a supermarket is defined as a self service retail store or market, with a sales area of 400m<sup>2</sup> (NLA) or greater, the main function of which is to sell a variety of ordinary fresh and/or packaged food and grocery items.
25. The proposed covered car parking is to be adequately ventilated to ensure that carbon monoxide concentrations within these areas complies with the Health (Carbon Monoxide) Regulations 1975. (Qualified Engineer)
26. The proposal to accommodate a minimum of 1484 car bays on site.
27. Design features are required to be incorporated on the Coles wall and new car parking deck facing Rockingham Road and on the wall facing Lancaster Street that visually break-up the building bulk.
28. The landscaping buffer along March Street to be retained and improved to the satisfaction of the Council.
29. A screen wall and a landscaping buffer to be included on the boundaries abutting Burgundy Crescent and Orleans Street to the satisfaction of the Council.
30. The northern and southern deck car parking to incorporate sails and potted trees (irrigated) as illustrated in red to the approved plans.
31. The link between Phoenix Park and the Council Civic Site being improved with the creation of a brick paved pedestrian crossing or similar on Coleville Crescent at the applicants cost.
32. The design and construction of the relocated bus stop on Rockingham Road being undertaken in accordance with the specifications approved by SKM on behalf of the Council and shall include a review of traffic and access into the centre and implications associated with the



channelisation proposal for Rockingham Road.

33. Should traffic management in Coleville Crescent become unacceptable, then the proponent must install traffic control devices in accordance with the submitted Traffic Impact Statement.
34. In the event that the approval reduced car parking for the site is deemed to be inadequate the proponent is to mark out parallel parking in Coleville Crescent (at its cost) to the specification and satisfaction of the City.
35. The upper deck bridge pedestrian access to Coleville Crescent being aligned with the pedestrian access point on Council's Civic Site as shown in red on the approved plans.

#### Footnotes

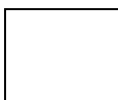
1. Under the provisions of the Metropolitan Region Scheme, approval to commence development should be obtained from the Western Australian Planning Commission and therefore your application has been forwarded to the Department for Planning and Infrastructure for determination. Development should not be commenced until approval under the Metropolitan Region Scheme has been given.
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. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Licence application. Written approval from the Council's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
4. A licence must be obtained from the Department of Environment, Water and Catchment Protection for the installation of a water bore, prior to the commencement of the development or the use of the land.

5. The development is to comply with the requirements of the Building Code of Australia.
  6. The centre extensions must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
  7. Premises is to comply with the Health Act 1911 (as amended) and subsidiary legislation where applicable.
  8. Where it is intended that a tenancy will sell food, detailed plans and specifications off premises are to be submitted to the City's Health Services for approval. The plans must comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australia New Zealand Food Standards Code. It is noted that individual tenancies are yet to be leased (therefore no plans for the internal fitout of these premises are available at this time), however Building Licence application plans for the tenancies must include information as per the above.
  9. The number of toilet facilities within the centre upon completion of these works must comply with the minimum number as per table F2.3 of the Building Code of Australia.
- (2) instruct Council officers to prepare a separate report on car parking requirements for shopping centres as the basis for an amendment to the City of Cockburn Town Planning Scheme No. 3.

**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that Council:

- (1) receive the report;
- (2) defer consideration of the application until the Council has had the opportunity to consider detailed proposals by the applicant/owner for the treatment of the:-
  1. Existing facade of the Coles store fronting Rockingham Road, together with the possibility of erecting a screen wall to the loading dock associated with some main street shopping.
  2. Existing and proposed facades fronting Burgundy Crescent and March Streets.
- (3) advise the applicant/owner to arrange to meet with the Director Planning and Development to discuss the Council's





requirements in order that proposals can be prepared to improve the visual amenity of the facades described in (2) above for the Council's consideration prior to reconsidering the application; and

- 4) under Clause 10.9.2 of the Scheme, request the applicant to agree to an extension of time to determine the application to avoid a deemed refusal.

**CARRIED 10/0**

### Explanation

Because the Council intends to spend significant sums of money revitalising and rehabilitating Rockingham Road to improve the amenity and streetscape of the locality, it is important that the existing and proposed facades of the Phoenix Shopping Centre be treated in such a way that they do not detract from the visual appearance of the adjoining areas. The shopping centre owners should work with the City to address this matter. The application should be deferred until this has been achieved to the Council's satisfaction.

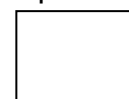
### Background

ZONING:	MRS:	Urban
	TPS3:	District Centre
LAND USE:	Cameron Chisholm & Nicol	
APPLICANT:	Volley Investments Pty Ltd	
OWNER:	Phoenix Shopping Centre and CentreLink Building	
LOT SIZE:	5.7484ha	
USE CLASS:	Shop 'P' Permitted.	

Various minor extensions have been approved over the past few years to the Phoenix Shopping Centre, most recently being the additions of the new BigW Garden Centre approved on 20 February 2002 and the new roof to pedestrian ramp enclosure on 25 March 2002. A second car parking deck on Coleville Crescent car park was approved by Council on 18 February 2003, however it was never constructed.

The Phoenix Park Shopping Centre has two main car parking areas, one to the north with 925 bays and one to the south with 252 bays. This application proposes to increase the number of bays within the southern car park.

The southern car parking area in percentage terms is more utilised than the northern car parking area, given its proximity to Rockingham Road and easy access. The Shopping Centre car parks are currently accessed from Coleville Crescent, two access points along



Rockingham Road and through Burgundy Crescent off Lancaster Street. The two access points onto Rockingham Road are utilised in a different way, as the northern access between the Commonwealth Bank and McDonalds is not highly visible or convenient to the public along Rockingham Road. Therefore the preference is to utilise the other access point, the area the subject of this application.

The current car parking layout has been redesigned recently as a result of Council approving a Garden Centre extension to the Centre on 20 February 2002.

The current Carparking provision for the centre has a shortfall of 20 car parking bays. Town Planning Scheme No. 3 requires 1197 bays and 1177 are provided.

### **Submission**

The applicant seeks approval to:-

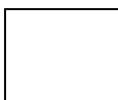
- (1) extend the retail floor area of the centre by 7775m<sup>2</sup> on the northern part of the centre.
- (2) construct a car park deck on the southern car park abutting Coleville Crescent.
- (3) extend the car parking deck on the northern car park up to Lancaster Street and demolish the CentreLink building.

The applicant in a letter dated 29 April 2004, together with the application, explained the development stages as follows.

*“Stage 1: Regrading car park and construction of a car park deck at the south-west corner of Phoenix Shopping Centre bounded by Rockingham Road and Coleville Crescent. The deck will increase the carbay numbers from 250 to 392 (142 car bays) in the SouthWest Carpark. The car park minimum requirements of 6.25 car bays per 100m<sup>2</sup> (existing complies with this requirement) will be exceeded for Stage 1.*

*The car park deck will be accessed by a one way up ramp within the car park and by a two way ramp off Coleville Crescent. Pedestrian access is by lift, pedestrian ramp and stairs located at the perimeters of the deck. The car park deck is almost completely obscured by existing planting on Coleville Crescent and partially obscured by the existing freestanding tenancy located on Rockingham Road. It is proposed Stage 1 will be fully completed and operational prior to commencement of Stage 2/3.*

*Stage 2/3: Demolition of the existing freestanding building (Centrelink) and a substantial proportion of the Northern Deck bounded by Lancaster Street and Rockingham Road and construction of a new*



*additional retail totalling 7775m<sup>2</sup> GLA and a new car park deck fronting onto Lancaster Street.*

*The total number of car bays provided for the total development (completion of Stage 2/3) is based on 5 car bays per 100m<sup>2</sup>. This ratio is the same as Regional Shopping Centres like Lakeside Joondalup Shopping Centre and Armadale Shopping Centre. Currently Stirling City Council is considering a 4 carbays per 100m<sup>2</sup> for Lakeside Joondalup Shopping Centre. We believe given the location, and the precedent of other similar Region Centres, 5 carbays per 100m<sup>2</sup> is realistic.”*

## **Report**

The proposed additions and car parking deck are permitted uses in the District Centre Zone of Town Planning Scheme No. 3. Accordingly there is no statutory requirement for the proposal to be advertised for public comment.

The proposal is located within a Clause 32 area Notice of Delegation 28/11/1998 under the Metropolitan Region Scheme. As the proposal consists of additions to the Shopping Centre plan area the application was referred to the Western Australian Planning Commission on 14 May 2004. No decision at this time has been made by the WAPC. A separate decision is required by Council pursuant to Town Planning Scheme No. 3. Accordingly both the approval from the Commission and Council are required to undertake the proposed development.

The Phoenix Shopping Centre under the City of Cockburn Local Commercial Strategy adopted by Council at its Ordinary meeting on 19 November 2002, allowed for the proposed expansion of Phoenix Shopping Centre to 28,000m<sup>2</sup>. The current centre has 18,700m<sup>2</sup>, therefore with the addition of 7775m<sup>2</sup> as proposed, to 26447m<sup>2</sup>, the floorspace expansion complies with the Commercial Strategy. The Commercial Strategy also prescribed that any such addition should include non-food floorspace only. Under no circumstances should an additional supermarket be developed at Phoenix Park, as this would undermine the potential viability of several neighbourhood/local centres.

It was also noted that steps should be taken to improve the appearance and functionality of the Phoenix Park complex. The impetus for redevelopment should also be utilised by the Council to secure a better looking centre from the perspective of the public domain. The Local Commercial Strategy is still to be endorsed by the WAPC.

The proposed additions will improve the functionality and range of goods that can be purchased at Phoenix Park, however, the applicant has sought Council's discretion to reduce the Scheme's car parking



requirements. It was on this basis that the scheme requirements for car parking for large shopping centres was examined.

### Car Parking Assessment

A phone survey of surrounding Councils identified the City's car parking requirement of 1:16 NLA or 6.25 bays per 100m<sup>2</sup> of floor area of TPS3 was excessive. Some Councils are reducing their car parking requirements for large shopping centres in order to promote more usage of public transport. (Refer attached Table of Local Government Shopping Centre Car Parking Requirements).

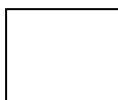
Phoenix Park is a large centre with a diversity of speciality shops with a range of peak periods and broad customer base with a large number of on site bays. Coupled with commercial and civic surrounding land uses (Council car park) it was considered appropriate to accept a car parking ratio of 5.5 bays for 100m<sup>2</sup> of floor area provided (ie 1:18 NLA), which is more consistent with the average spread of shopping centre car parking requirements of the metropolitan centres surveyed.

The following table details the car parking assessment:

<b>Carparking Requirements</b>					
Development	Land Use	Floor Area	Carparking Rate	Required Number of Carparks	Proposed Number of Carparks
Existing	Retail	18672.2	1:16 NLA	1167	
	McDonalds	291.5	1:15 NLA	19.4	
	ANZ	210	1:20 NLA	10.5	
	Total			<b>1197</b>	<b>1173</b>
TPS3 car parking requirements	Retail	26447.2	1:16 NLA	1653	
	McDonalds	291.5	1:15 NLA	19.4	
	ANZ Bank	210	1:20 NLA	10.5	
	Total			<b>1683</b>	<b>1458</b>
Recommended rate car parking	Retail	26447.2	1:18 NLA	1454	
	McDonalds	291.5	1:15 NLA	19.4	
	ANZ Bank	210	1:20 NLA	10.5	
	Total			<b>1484</b>	<b>1458</b>

With the requirement of 1 bay : 18 retail NLA bays the applicant is required to increase the proposed number of bays from 1365 to 1484 bays to comply with 1 bay : 5.5. retail NLA. In order to satisfy the recommended car parking rate above, the applicant has proposed an additional car park deck in a corner of Lancaster Street and March Street, developing a portion of the site into 3 car parking decks.

Support of the centre expansion on what is a centre that is squeezed onto a small site is conditional on the improvement of the functionality, convenience and view of the public domain (ie visual amenity). The



aspects of the centre that will be upgraded can be included as conditions of approval as follows:

- a) Improve the visual appearance to Rockingham Road. The Coles “blank wall” and new car park façade should incorporate design features such as columns, murals, moulds/frames to reduce the wall bulk impact to Rockingham Road.
- b) With the removal of the bus stop the landscaped area will be increased and will incorporate new brick paving and some pieces of art/furniture to create a focal point of meeting when coming to the centre.
- c) To screen the visual appearance of the services on the top deck from the car parking area and to break the concrete car park appearance, sails and large pot plants will be provided on the decks. The sails are not required to cover the total car parking area given that 80% of the 1458 bays proposed are under cover, thus protecting patrons from the weather.
- d) The links between Phoenix Park and the Council Civic Site should be improved with the creation of brick paved pedestrian crossing, thus reducing the traffic speeds along Coleville Crescent.
- e) The area from the proposed deck abutting the adjoining properties will incorporate a 1.8 metre high screen wall and a landscaping strip (as shown on the plans) to ensure the amenity of the surrounding residential area on boundaries and Orleans Street is protected.
- f) The façade of the centre fronting Lancaster Street will also incorporate design features and opportunity for an alfresco café at the entrance.
- g) The landscaping strip along March Street will also be retained as a condition of approval to ensure the amenity of residents on March Street is protected.

Given the above benefits to be provided in terms of the expanded range of retail and improved aesthetics, and the proximity of extra car bays from Council area (not utilised during peak hours) the car parking assessment of 1 : 5.5 NLA can be supported subject to conditions.

If Council accepts a concession on the car parking requirements of Town Planning Scheme No. 3 for the expansion of Phoenix Park, it is recommended that a separate report be prepared to the next Ordinary meeting reviewing car parking requirements, to ensure car parking



requirements for Shopping Centres are in line with metropolitan practice.

The proposal generally complies with the standard requirements of the Scheme with the exception of shade trees for car parking which can be addressed as conditions of approval. This will ensure that the top of the decked car parking area provides shade to cars and visually softens the deck with greenery.

As a result of discussions with the City the applicant has modified the proposal to improve the visual presentation of the deck to Rockingham Road. However, further treatment details of the deck will be required to be provided at building licence stage.

As a result of likely increased traffic along Coleville Crescent and Rockingham Road, the applicant was requested by the City to provide a traffic impact study. The traffic study attached to the Agenda dated 28 January 2003 is a revision of the initial study which was reviewed by Council Planning and Engineering Services. Modifications to the plans were required to ensure compliance with Australian Road Standards AS2890 – Parking Facilities.

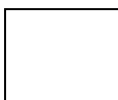
As part of the conclusion of the Traffic Impact Statement (23 January 2003) the consultant recommended traffic control measures along Coleville Crescent to reduce traffic speeds and control parking signs on the road parking during peak periods on Coleville Crescent. These could be imposed as conditions of approval. The Traffic Impact Statement did not make recommendations in respect to any other adjoining roads.

The primary issue that requires further attention from the Traffic Study relates to the volume of traffic that will now use Coleville Crescent between the Shopping Centre and Spearwood Avenue.

The increase in traffic on Coleville Crescent south of the Centre will be noticeable but will be within the capacity of the road. Traffic control measures involving the construction of a Watts profile speed hump at the southern end of Coleville Crescent and just north of Goffe Street could be installed. The requirements for the parking should be finalised after the proposed alterations have been completed and the traffic pattern established.

The applicant's consultant engineer has also recommended some design changes to Coleville Crescent such as control parking signs for peak period, and the construction of two speed humps at the southern end of Coleville Crescent and just north of Goffe Street to reduce traffic speeds. These requirements could be imposed as special conditions.

The proposal also complies with Council Policy APD36 Shopping Centres and Service Stations.



Given the above it is recommended that the proposal be approved subject to conditions.

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

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

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

The planning policies which apply to this item are:-

APD17	Standard Development Conditions and Footnotes
APD36	Shopping Centres and Service Stations

### **Budget/Financial Implications**

N/A

### **Legal Implications**

Town Planning Scheme No. 3.

### **Community Consultation**

Under Council's Scheme there is no requirement to advertise this development proposal.

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

Nil.

### **DECLARATION OF INTEREST**

Clr Reeve-Fowkes declared an interest in the following item. The nature of the interest being, that his property is in close proximity to the Fremantle-Rockingham Highway (Cockburn Road).

Clr Allen also declared an interest in the following item. The nature of the interest being, that his property is in close proximity to the proposed Port Coogee Marina.

Mayor Lee advised that written permission had been granted by the Department of Local Government, in accordance with authority



delegated by the Minister, under s5.69(3) of the Local Government Act 1995, to allow Clr Reeve-Fowkes to fully participate in the discussion and decision-making process relating to the proposed Port Coogee Marina development.

Similar written permission was previously received from the Department of Local Government for Clr Allen to fully participate in the discussion and decision-making process relating to this matter.

**14.12 (MINUTE NO 2532) (OCM 17/08/2004) - PORT COOGEE MARINA  
- RELATED ISSUES (3209006) (SMH) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the following position in respect to the future of:-

**1. Ocean Road, Spearwood**

Ocean Road be upgraded to urban standard, as a two lane undivided road and be extended to connect Hamilton Road to Rockingham Road, Spearwood.

The extension of Ocean Road be planned as part of the Structure Plan to be prepared for the land in the northern sector of the Packham Development Area which surrounds Watsons.

The western end of Ocean Road be designed and developed as a "gateway to the coast" as part of its redevelopment associated with the re-alignment of Cockburn Road (Fremantle to Rockingham Highway) to the east of the Port Coogee Marina development.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrade of Ocean Road between Hamilton Road and the Cockburn Road deviation.

**2. Spearwood Avenue, Spearwood**

Spearwood Avenue be extended west of Hamilton Road to the realigned Cockburn Road (Fremantle to Rockingham Highway) in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map.

Subject to more detailed traffic analysis and environmental assessment, Spearwood Avenue be designed and developed as





a “gateway to the coast” and constructed as a divided four lane dual carriageway,.

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

### **3. McTaggart Cove and Robb Road, Hamilton Hill**

McTaggart Cove be retained as a two lane undivided road with the existing level crossing on the railway line being retained, or upgraded in accordance with any Structure Plan adopted for the replanning and redevelopment of North Coogee.

Robb Road being upgraded to urban standard as a two lane undivided road within its existing reserve to serve as the northern access road to the Port Coogee Marina development.

The upgrading of Robb Road is to include the protection of the road from sand drift and provide for the shared use path that extends along the coast.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrading of Robb Road and the shared use path south of McTaggart Cove and be required to undertake the necessary works to prevent sand drift into the road reserve.

### **4. Fremantle to Rockingham Highway**

The Fremantle to Rockingham Highway between Rockingham Road in the north and Rockingham Road in the south be retained in the Metropolitan Region Scheme as a Primary Distributor Road (Red Road).

The highway be ultimately constructed as a divided, dual carriageway (4 lane) with at grade intersections.

The highway follow the existing Cockburn Road alignment north of the Port Coogee Marina, then deviate east of the marina in accordance with the Metropolitan Region Scheme Amendment No. 1010/33, south to follow the proposed new alignment west of the existing Cockburn Road reserve, the western side of Lake Coogee in accordance with the Metropolitan Region Scheme and proposed Metropolitan Region Scheme Amendment 1071/33.

### **5. Beeliar Drive, Munster**

Subject to the recommendation of the Environmental Protection Authority, Beeliar Drive be constructed in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map, between Stock Road and Cockburn Road,

Beeliar Drive be constructed as a divided dual carriageway (4 lanes) unless a traffic analysis determines otherwise.

**6. Beeliar Regional Park, Spearwood**

Beeliar Regional Park remains in the control and management of the Department for Conservation and Land Management.

**7. South Fremantle Power Station, Spearwood**

The future of the South Fremantle Power Station be determined as part of the proposed "Vision for Cockburn Coast".

**8. Fremantle to Midland Railway Line**

Support the use of the existing Fremantle to Midland railway line as a freight service in accordance with the State Government's 6 point Freight Network Plan, but in addition also utilise the line for a passenger rail service to serve Fremantle, Perth and Midland, as a metro rail loop to complement the Perth to Mandurah railway service.

The Fremantle, Perth and Midland rail loop to include stations at the intersection with the Perth to Mandurah line as a rail to rail interchange, Yangebup, Spearwood, Port Coogee and the South Beach Urban Village, within the City of Cockburn.

The station provided as part of the Port Coogee Marina Structure Plan be reconfirmed.

- (3) advise the Department for Planning and Infrastructure and the developer of the Port Coogee Marina of the Council's decision accordingly

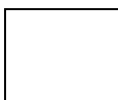
**COUNCIL DECISION**

MOVED Clr M Reeve-Fowkes SECONDED Clr A Tilbury that Council:

- (1) receive the report;  
(2) adopt the following position in respect to the future of:-

**1. Ocean Road, Spearwood**

Ocean Road be upgraded to urban standard, as a two lane



undivided road and be extended to connect Hamilton Road to Rockingham Road, Spearwood.

The extension of Ocean Road be planned as part of the Structure Plan to be prepared for the land in the northern sector of the Packham Development Area which surrounds Watsons.

The western end of Ocean Road be designed and developed as a “gateway to the coast” as part of its redevelopment associated with the re-alignment of Cockburn Road (Fremantle to Rockingham Highway) to the east of the Port Coogee Marina development.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrade of Ocean Road between Hamilton Road and the Cockburn Road deviation.

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

Spearwood Avenue be extended west of Hamilton Road to the realigned Cockburn Road (Fremantle to Rockingham Highway) in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map.

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

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

## **3. McTaggart Cove and Robb Road, Hamilton Hill**

McTaggart Cove be retained as a two lane undivided road with the existing level crossing on the railway line being retained, or upgraded in accordance with any Structure Plan adopted for the replanning and redevelopment of North Coogee.

Robb Road being upgraded to urban standard as a two lane undivided road within its existing reserve to serve as the northern access road to the Port Coogee Marina development.

The upgrading of Robb Road is to include the protection of the road from sand drift and provide for the shared use path that extends along the coast.

The Port Coogee Marina developer be required as a condition of



subdivision to contribute towards the upgrading of Robb Road and the shared use path south of McTaggart Cove and be required to undertake the necessary works to prevent sand drift into the road reserve.

**4. Beeliar Drive, Munster**

Subject to the recommendation of the Environmental Protection Authority, Beeliar Drive be constructed in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map, between Stock Road and Cockburn Road,

Beeliar Drive be constructed as a divided dual carriageway (4 lanes) unless a traffic analysis determines otherwise.

**5. Beeliar Regional Park, Spearwood**

Beeliar Regional Park remains in the control and management of the Department for Conservation and Land Management.

**6. South Fremantle Power Station, Spearwood**

The future of the South Fremantle Power Station be determined as part of the proposed "Vision for Cockburn Coast".

**7. Fremantle to Midland Railway Line**

Support the use of the existing Fremantle to Midland railway line as a freight service in accordance with the State Government's 6 point Freight Network Plan, but in addition also utilise the line for a passenger rail service to serve Fremantle, Perth and Midland, as a metro rail loop to complement the Perth to Mandurah railway service.

The Fremantle, Perth and Midland rail loop to include stations at the intersection with the Perth to Mandurah line as a rail to rail interchange, Yangebup, Spearwood, Port Coogee and the South Beach Urban Village, within the City of Cockburn.

The station provided as part of the Port Coogee Marina Structure Plan be reconfirmed.

- (3) advise the Department for Planning and Infrastructure and the developer of the Port Coogee Marina of the Council's decision accordingly.

**CARRIED 10/0**



## Explanation

Council should not take a position on the proposed Fremantle to Rockingham Highway until the matter is the subject of a review by the WAPC and advice is obtained from the Department of Environment and the Heritage Council, on how potential environmental impacts on Lake Coogee and heritage impacts of the road can be minimised and the outcome of the Coogee Beach Structure Plan is known.

## Background

Council at its meeting held on 16 March 2004, adopted the Port Coogee Marina Local Structure Plan, and Town Planning Scheme No. 3 Amendment (No. 3) with modifications. At the meeting the Council also resolved to require reports be prepared on the following matters implicated by the decision to support the development of the marina, namely:-

- Ocean Road, Spearwood
- Spearwood Avenue, Spearwood
- McTaggart Cove and Robb Road, Hamilton Hill
- Fremantle to Rockingham Highway (Cockburn Road)
- Beeliar Drive, Munster
- Beeliar Regional Park, Spearwood
- South Fremantle Power Station, Spearwood
- Fremantle to Midland Railway line.

Council at its meeting held on 20 July 2004 resolved to defer consideration of the item to give the Director Planning and Development the opportunity to present the report to the Elected Members at a Concept Forum.

On Tuesday 27 July 2004, a Concept Forum was convened and the report presented to the Elected Members.

In the meantime the Minister for Planning and Infrastructure released a "Vision for Cockburn Coast" which identifies residential and mixed uses for the land between the South Beach Village and Port Coogee, together with a new east-west road across the ridge from Janson Road and the extension of Spearwood Avenue to connect to the Cockburn Road deviation. The vision also included a transit route and stops which followed the Cockburn Road deviation from Fremantle and terminated at the Port Coogee Marina Village.

Nothing contained in the "Vision for Cockburn Coast" conflicts with the purpose or recommendations contained in the "Port Coogee Marina Related Issues" report.

The "Vision for Cockburn Coast" will be the subject of another report at the appropriate time.



## Submission

N/A

## Report

Each of the above matters will be briefly discussed in order to understand the relationship of the issue to the Port Coogee Marina proposal and the basis to the recommendation.

It is pointed out that a discussion paper was prepared by the Director Planning and Development and this was discussed with the executive officers of the City and from this consensus outcomes were derived which form the basis of the recommendations to Council.

### 1. Ocean Road, Spearwood

Ocean Road is the only road which currently provides direct access to the Port Coogee Marina from the east.

Ocean Road is located within a 20 metre reserve and is a two lane undivided carriageway.

Ocean Road connects Cockburn Road to Hamilton Road and is just over 1 kilometre long, and east of Cross Road, has 21 dwellings directly fronting onto it.

Ocean Road crosses over a high ridge which provides spectacular views across the coast to Cockburn Sound. When Cockburn Road is realigned, in accordance with the proposed Port Coogee Local Structure Plan, the junction of Ocean Road with Cockburn Road will be substantially modified to provide for a channelised 'T' intersection at Cockburn Road and Ocean Road.

Ocean Road will be an important road to serve the future marina and because of this should be retained, particularly given the fact that the extension of Spearwood Avenue, west of Hamilton Road, could be many years away.

It is concluded that Ocean Road be:-

- upgraded to urban standard, as a two lane undivided road and be extended to connect Hamilton Road to Rockingham Road, Spearwood.
- planned as part of the Structure Plan to be prepared for the land in the northern sector of the Packham Development Area which surrounds Watsons.



- designed and developed as a “gateway to the coast” as part of its redevelopment associated with the re-alignment of Cockburn Road (Fremantle to Rockingham Highway) to the east of the Port Coogee Marina development.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrade of Ocean Road between Hamilton Road and the Cockburn Road deviation.

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

Spearwood Avenue is shown on both the MRS and the local scheme as an Other Regional Road (“Blue Road”) between Beeliar Drive and Cockburn Road, serving the suburbs of Spearwood, Bibra Lake (Industrial), Yangebup and Beeliar.

Currently Spearwood Avenue has been constructed as a major road between Hamilton Road and Miguel Road, and the new rail bridge has been built to connect Barrington Street to Beeliar Drive. This is an important district road, that is planned to connect to the coast adjacent to the Port Coogee Marina.

Although shown as an Other Regional Road in the MRS, the road traverses the Beeliar Parks and Recreation Reserve west of Hamilton Road to connect into the realigned Cockburn Road Primary Regional Road (“Red Road”) which follows the coastal ridge. This is referred to as the Fremantle to Rockingham Highway.

The future of the Fremantle to Rockingham Highway is uncertain because of the State Government’s decision to delete the Fremantle Eastern Bypass from the MRS. Given this, it is unlikely that the Fremantle to Rockingham Highway will eventuate in its current location or to highway standard. It is proposed as part of the Port Coogee Marina, that Cockburn Road be diverted around the eastern side of the Port Coogee Marina up to the ridgeline.

Cockburn Road is therefore likely to be developed as a four lane divided road with at grade intersections and provide a north-south coastal route between Fremantle, Henderson, Wattleup and other destinations to the south of the district.

None of the Port Coogee Marina plans show Spearwood Avenue connecting into Cockburn Road.

It is concluded that Spearwood Avenue be:-

- extended west of Hamilton Road to the realigned Cockburn Road (Fremantle to Rockingham Highway) in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map.



- designed and developed as a “gateway to the coast” and constructed as a divided four lane dual carriageway, subject to more detailed traffic analysis and environmental assessment, Spearwood Avenue.

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

### **3. McTaggart Cove and Robb Road, Hamilton Hill**

McTaggart Cove is a short road which provides access from the existing Cockburn Road to Robb Road and the beachside car parking and grassed picnic area north of the South Fremantle Power Station.

McTaggart Cove also provides access to the entrance to the Power Station.

Robb Road is about 1.7 kms long and extends from Rollinson Road in the north and Cockburn Road in the south. It is a low traffic road which runs parallel to Cockburn Road and provides access to C Y O'Connor Beach.

North of McTaggart Cove, Robb Road is well defined, is relatively new and forms part of the beachfront redevelopment undertaken as part of the development of the Robb Jetty Industrial Estate by Landcorp.

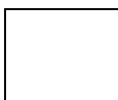
South of McTaggart Cove, Robb Road is not well defined, as it is subject to sand drift and is in a substandard condition. The road is separated from the coast by the South Fremantle Power Station and is marginally separated from Cockburn Road by the Fremantle to Rockingham railway line.

The plan for the Port Coogee Marina shows the central subdivisional road for the project linking into Robb Road, as the northern exit and entry point to the development.

Except for two entry points into the project area from the east and south off Cockburn Road, the northern connection to Robb Road is the only other road link into the development. The Robb Road connection is important for access and circulation.

However, given the existing condition of Robb Road, its relationship to the Power Station and the potential problem with sand drift over the road on its useability, its suitability as an access road into Port Coogee without substantial upgrading is questionable.

It is concluded that McTaggart Cove be:-





- retained as a two lane undivided road with the existing level crossing on the railway line being retained, or upgraded in accordance with any Structure Plan adopted for the replanning and redevelopment of North Coogee.

Robb Road be:-

- upgraded to urban standard as a two lane undivided road within its existing reserve to serve as the northern access road into the Port Coogee Marina development.
- protected from potential sand drift and provide for the coastal shared use path.

The Port Coogee Marina developer be required as a condition of subdivision to contribute towards the upgrading of Robb Road and the shared use path south of McTaggart Cove and be required to undertake the necessary works to prevent potential sand drift into the road reserve.

#### **4. Fremantle to Rockingham Highway (Cockburn Road)**

The Fremantle to Rockingham Highway has formed part of the MRS for many years as a Primary Regional Road ("Red Road").

The purpose of the highway is to provide a fast traffic route between Rockingham and Kwinana in the south to Fremantle, the Port and the northern suburbs. However, since the recent decision by the State Government to delete the Fremantle Eastern Bypass from the MRS, the future of the Fremantle to Rockingham Highway is in doubt.

Moreover, the route of the existing Fremantle to Rockingham Highway reservation which follows the ridgeline, is torturous and would be very costly to construct. Given this, together with the deletion of the Fremantle Eastern Bypass it is highly unlikely that the highway will proceed on its current alignment or be built to highway standard.

In addition, the highway would finish at Rockingham Road in the north, near the Newmarket Hotel and follow the coast south, around the Port Coogee Marina and then along the western side of Lake Coogee to Stock Road.

This connection continues to make Cockburn Road (as an alternative to the Fremantle to Rockingham Highway) a very important regional road as it leads directly into Russell Road which connects to the Kwinana Freeway, via the Hope Valley Wattleup Redevelopment Area.

Therefore the role of Cockburn Road will remain an important district road.



It is concluded that the Fremantle to Rockingham Highway between Rockingham Road in the north and Rockingham Road in the south be:-

- retained in the Metropolitan Region Scheme as a Primary Distributor Road (Red Road).
- ultimately constructed as a divided, dual carriageway (4 lane) with at grade intersections.
- constructed to follow the existing Cockburn Road alignment north of the Port Coogee Marina, then deviate east of the marina in accordance with the Metropolitan Region Scheme Amendment No. 1010/33 (Port Coogee Amendment), south to follow the proposed new alignment west of the existing Cockburn Road reserve, the western side of Lake Coogee in accordance with the Metropolitan Region Scheme and proposed Metropolitan Region Scheme Amendment 1071/33. (Deletion of the Fremantle to Rockingham Highway south of Russell Road, from the Beeliar Regional Park).

#### **5. Beeliar Drive, Munster**

Beeliar Drive is probably the most important east-west road in the district. It connects the Armadale Regional Centre and the south-east urban corridor generally, to the Thomsons Lake Regional Centre and the coast.

Beeliar Drive is an "Other Regional Road (Blue Road) under the MRS.

Should Roe 8 not be constructed west of the Kwinana Freeway, the only regional east-west roads serving the district are:-

- South Street (City of Melville)
- Beeliar Drive
- Russell Road
- Rowley Road (Town of Kwinana) (Yet to be built to serve the Outer Harbour)

Beeliar Drive has been constructed between the Kwinana Freeway and Yangebup Road (near Watson Road). It is likely that the road will be eventually constructed to Stock Road. However, west of Stock to Cockburn Road the proposed Beeliar Drive reserve follows Yangebup Road to Mayor Road where it continues directly to the coast across the northern end of Lake Coogee. The crossing of Lake Coogee could have significant environmental implications.

Beeliar Drive is the only regional road which can bring traffic from the east (Kwinana Freeway/ Armadale Road) directly to the coast and the Port Coogee Marina. It is a very important road.



It is concluded that subject to the recommendation of the Environmental Protection Authority, Beeliar Drive be:-

- constructed in accordance with the provisions of the Metropolitan Region Scheme, Scheme Map between Stock Road and Cockburn Road,
- built as a divided dual carriageway (4 lanes) unless a traffic analysis determines otherwise.

## **6. Beeliar Regional Park, Spearwood**

Immediately east of the Port Coogee Marina development is the Beeliar Regional Park which incorporates the Rotary Lookout. The park is reserved under the MRS as a Parks and Recreation Reserve and has an area of 50.4 hectares.

The reason why the regional park is affected by the Port Coogee Marina development is because of an EPA requirement that contaminated ground water collected on the coast be irrigated in the park on the eastern side of the ridge.

Currently the parkland exists in a natural state managed by CALM. There is no cost to the City. However, under the EPA requirement it is expected that the park will revert to the care and control of the City.

If it costs \$10,000/ha to maintain, based on preliminary development plans prepared by the Port Coogee developer, it could cost \$500,000 per annum to maintain, which currently represents a 2½% rate increase.

At this stage there has been no commitment to taking on this responsibility, however, it is envisaged that any plan would not include any high maintenance areas, such as grass, but be limited to irrigated trees, natural bushland and walking and cycling trails. A landscape plan has yet to be prepared.

The current situation is that the area is:-

- maintained at no cost to the City
- owned by the Western Australian Planning Commission
- managed as part of the Beeliar Regional Park by CALM
- to be used for the disposal of contaminated ground water for the Port Coogee development
- to be used for irrigating contaminated water as an EPA condition of approval for the development
- part of the Port Coogee Development Agreement which is between the developer and the State Government. The City is not a party to this arrangement.



- Unlikely to be receiving contaminated water in 8 to 10 years time as the plume will have travelled through the ground to the coast within this time, based on the environmental report.

Given these facts, it is not clear why the City should have to potentially spend a significant sum of ratepayer funds to maintain a reserve that directly arises from the approval of the development by the State.

In the circumstances it is concluded that Beeliar Regional Park remains in the control and management of the Department for Conservation and Land Management.

## **7. South Fremantle Power Station, Spearwood**

The South Fremantle Power Station is located on the doorstep of the Port Coogee Marina.

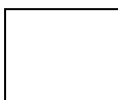
Currently the building is derelict, subject to vandalism and is an 'eyesore' on the coast.

For many years the State Government has been looking for a re-use of this large building, but despite this it has been placed on the Interim Heritage Register as an example of industrial architecture of the 1950's.

To date there has been no formal submissions received for the re-use of the power station and therefore its future is uncertain. The problems that may be associated with the ability to 'viably' re-use the power station could be its:-

- large footprint of 1 ha, with a volume 4 times this area
- design and construction method
- location, on the coast within a Parks and Recreation Reserve (MRS)
- potential for concrete erosion and failure
- potential for the site containing hazardous and contaminated materials (clean up costs)
- small local and regional market for potential re-use
- close proximity to the existing unsightly switchyard
- limited accessibility to the regional and district road system
- confined location between the coast and the railway reserve, making expansion and land cross subsidies difficult
- associated with the review of the Cockburn Coast, which makes the future land use for the site and the surrounding areas uncertain.

Given this situation, the possibility of the power station being redeveloped in the short to medium term is very low.



It is understood that Western Power will be advertising the property for public tender in the near future, subject to LandCorp not being interested in taking first option to purchase.

The involvement of a state agency, like LandCorp, is considered fundamental to the possible redevelopment of the power station, in the longer term.

It is concluded that the future of the South Fremantle Power Station be determined as part of the recently released proposed "Vision for Cockburn Coast" by the Minister for Planning and Infrastructure.

## **8. Fremantle to Midland Railway Line**

The Fremantle to Midland Railway line passes by the northern boundary of the Port Coogee Marina development.

The Local Structure Plan for Port Coogee adopted by the Council provides for a rail station adjoining the housing estate. Similarly, the South Beach Village project also makes provision for a station within its development area. These have been provided on the assumption that at some time in the future a passenger service will extend from Fremantle south to South Beach and Port Coogee.

The line that will be used is the freight line which serves Midland, Kewdale, Canning Vale, Kwinana and Rockingham. The State Government, in its 6 point plan for the freight network south of the river, proposes that the line between Fremantle and Kewdale be used to transport sea containers (CTU) between the port and inland terminals. Over the next 10 years it is predicted that 30% of all CTU's will be conveyed by rail, which could represent between 300,000 to 350,000 CTU's per year.

Based on current advice, it is difficult to combine freight and passenger traffic on a common line, because of operational incompatibilities. Given this, it may not be possible to achieve a passenger rail to the south of Fremantle.

The Council supports the State Government's 6 point transport plan which includes the increase in rail freight traffic.

The passenger line, if it eventuates, could simply come south to:-

- South Beach and South Beach Village and terminate
- Port Coogee Marina and the power station and terminate
- Thomsons Lake Regional Centre via the disused railway reserve through Bibra Lake, as an alternative connection to Perth via Fremantle



- Thomsons Lake Regional Centre via the existing railway line via Yangebup, as an alternative connection to Perth via Fremantle.

There is little doubt that a potential rail service between Port Coogee and Fremantle and by this connection, to Perth, could be valuable for tourists and recreational users. It is unlikely that it would be an alternative commuter service for those of the upper socio-economic groups that are expected to reside at South Beach and Port Coogee.

Studies undertaken in the past have indicated that there is a very low need to provide a passenger rail connection between the Perth-Mandurah line and Fremantle. The desire is to travel to the Perth CBD.

Given this it is unlikely that any passenger rail service will be achieved between Fremantle and destinations to the south in the short to medium term. Subject to the need for extensive investigation, it may be a long term possibility.

Without knowing what the future may hold at this stage, it is considered worthwhile making provision for a railway station stop to serve Port Coogee as part of the current plan.

It is therefore concluded that the:-

- the introduction of a passenger rail service along the existing rail service to serve Fremantle, Perth and Midland be supported.
- Fremantle, Perth and Midland line operate as a loop and within the City of Cockburn include stations at the intersection with the Perth to Mandurah line as a rail to rail interchange, Yangebup, Spearwood, Port Coogee and South Beach Urban Village.
- station provided as part of the Port Coogee Marina Structure Plan be reconfirmed.

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



3. Conserving and Improving Your Environment
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
5. Maintaining Your Community Facilities
  - *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and convenient and safe for use by vehicles, cyclists and pedestrians."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*

### **Budget/Financial Implications**

Monies will need to be identified for consideration in future budgets to fund the works necessary to:-

- Upgrade Ocean Road between Hamilton Road, Spearwood, and the Cockburn Road Deviation (2005/06 Budget).
- Upgrade McTaggart Cove and Robb Road, Spearwood, (2006/07 Budget)
- Construct Beeliar Drive, between Stock Road and Cockburn Road, Munster (2008/09 Budget).
- Construct Spearwood Avenue, between Hamilton Road and Cockburn Road Deviation, Hamilton Hill (2011/12 Budget).

It would be expected as a condition of subdivision that the developer of the Port Coogee Marina would contribute towards the:-

- Upgrade of Ocean Road, Spearwood.
- Construction of Spearwood Avenue, Spearwood.
- Upgrade of Robb Road, Spearwood.

The cost of building the Fremantle to Rockingham Highway, the care and maintenance of the Beeliar Regional Park east of the Port Coogee Marina, the redevelopment of the South Fremantle Power Station and the future development of a passenger service on the Fremantle to Midland line should be a state responsibility.

### **Legal Implications**

N/A



**Community Consultation**

N/A. However, some of the matters raised in the report will require community consultation as part of the approval and/or development process.

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

Nil.

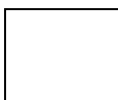
**14.13 (MINUTE NO 2533) (OCM 17/08/2004) - PROPOSED STRUCTURE PLAN - LOTS 14 AND 15 HAMMOND ROAD, SUCCESS - OWNER: VARIOUS (9656A) (JW) (ATTACH)**

<p><b>RECOMMENDATION</b></p> <p>That Council:</p> <p>(1) adopt the proposed Structure Plan for Lots 14 &amp; 15 Hammond Road, Success dated 17 May 2004 subject to the following modifications:</p> <p>1. Carnegie Parade being cul-de-saced within Lot 14, Hammond Road.</p> <p>2. Deleting the indicative development layout for Lot 14 Hammond Road.</p> <p>(2) adopt the Schedule of Submission as contained in the Agenda attachment; and</p> <p>(3) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.</p>
--

<p><b>COUNCIL DECISION</b></p> <p>MOVED Clr I Whitfield SECONDED Clr V Oliver that the recommendation be adopted.</p> <p style="text-align: right;"><b><u>CARRIED 10/0</u></b></p>
--

**Background**

ZONING:	MRS:	Urban
	DZS:	Development Area No. 13 & Development Contribution Area No. 1





LAND USE:	Residential
AREA:	2.8 Ha (approx.)

The subject land is zoned "Development" within the City of Cockburn Town Planning Scheme No.3 and is included in Development Area 13 – Hammond Road. Specific provisions relating to DA 13 require that all development within that area is in accordance with an adopted structure plan.

Subdivision approval was issued for Lots 14 & 15 Hammond Road by Western Australian Commission dated 26 July 1999 (WAPC Ref: 108336), following which, Lot 15 has now been subdivided and extensively developed with lots fronting Carnegie Parade and Joindre Way. Subdivision approval 108336 relating to Lot 14, however, has expired on 26 July 2002.

Whilst development has been undertaken for Lot 15, there is no specific zoning or Residential Density Coding applying to the land. A Structure Plan needs to be prepared and adopted for the area in accordance with provisions of Part 6.2 Development Areas of TPS3.

### **Submission**

N/A

### **Report**

Council's Strategic Planning Services has prepared a Structure Plan for Lots 14 & 15 to comply with provisions of Part 6.2 Development Areas of TPS3.

The plan shows the approved subdivision and development undertaken for Lot 15 and the indicative development layout for Lot 14. The proposed zoning for the area is residential R20, which is consistent with the surrounding land to the east and south (see Agenda attachment).

The structure plan proposal was advertised for public comment for a period of 25 days, with the comment period concluding on 18 June 2004. Owners of property within the subject land were invited to comment by letter. The local newspapers circulating in the locality carried advertisements of the proposal. Comments from the relevant servicing authorities were not required given that a large portion of the subject land (Lot 15) has been substantially developed and issues relating services have been addressed during the subdivision stage.

One submission was received from the owners of Lot 14 Hammond Road - Ms & Mr. Smith, who raised an objection to the proposal for the following reasons:



1. Do not agree with the R20 Coding on Lot 14.
2. Require R40 Coding for group housing on Lot 14;
3. Too much land being taken from Lot 14 for the proposed road construction;
4. Do not wish to develop Lot 14 for some time.

These issues are contained in the schedule of submissions in the Agenda attachment.

A meeting was held on the 16 July 2004 between Council planning officers and the owners of Lot 14 to clarify the above issues. Council planning officers advised that:

1. An R40 density coding would not be supported given that:
  - The R40 coding cannot be justified in terms of its proximity to a local centre or an area of public open space. Although the TPS3 indicates a Local Centre at the corner of Hammond Road and Bartram Road to the south, Council's current TPS3 Amendment No. 16 proposes to rezone the land from Local Centre to Residential R40.
  - The R40 coding would not be consistent with the surrounding land.
  - R20 is considered the appropriate zoning for Lot 14, which is consistent with the density of the surrounding developed area.
2. Carnegie Parade could be cul-de-saced within Lot 14 to increase the development potential of the land. However, Joindre Way will be connected with Carnegie Parade as currently shown in the structure plan to provide a permeable street network and better connectivity to the south and east.
3. The adoption of the Structure Plan by Council and WAPC would not force an immediate development being undertaken by the owner. The owners will decide the right time to development their land. However, the future development will need to be in accordance with the endorsed Structure Plan.

It should be noted that Lot 14 is within a Development Contribution Area (DCA10 – Success North). Development Contributions will be required to be paid when Lot 14 is subdivided or developed to comply with TPS3 provisions 6.3 and Schedule 12 – Development Contribution Plan.

A 10% POS provision (cash in lieu) will also be required during the subdivision or development stage to comply with the previous arrangement recorded in file.



It is therefore recommended that Council resolve to adopt the Structure Plan for Lots 14 & 15 Hammond Road subject to the modifications detailed above (see agenda attachment).

### **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."*
  - *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain 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."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

APD4            Public Open Space  
 APD30         Road Reserve and Pavement Standards

### **Budget/Financial Implications**

N/A



**Legal Implications**

N/A

**Community Consultation**

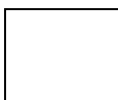
Advertised for public comments from 21/05/2004 to 18/06/2004 in local papers and affected owners were sent letters advising the proposal.

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

Nil.

**14.14 (MINUTE NO 2534) (OCM 17/08/2004) - PROPOSED STRUCTURE PLAN - LOT 5; 234 LYON ROAD, BANJUP - OWNER: CARMEL PTY LTD - APPLICANT: BSD CONSULTANTS PTY LTD (9663) (JW) (ATTACH)**

<p><b>RECOMMENDATION</b> That Council:</p> <p>(1) advise BSD Consultants that Council is prepared to adopt the proposed Structure Plan for Lot 5 Lyon Road, Banjup subject to the following changes being made to the Plan and Report to the satisfaction of the Director, Planning and Development;</p> <ol style="list-style-type: none"><li>1. Modification of the Plan to indicate the road reserves to comply with Council Policy APD – Access Street – Road Reserve and Pavements Standards.</li><li>2. Modification of the Plan to change the zoning of the proposed Lockup Storage from Residential – Special Use to Residential - Additional Use.</li><li>3. Modification of the Plan to indicate that proposed pipe outlet to freeway swale channel catchment currently shown in Lot 4 Lyon Road be relocated within Lot 5 Lyon Road.</li><li>4. Modification of the Report to address the following:<ol style="list-style-type: none"><li>a) Further information, including a POS Schedule, being provided detailing the location, area, vesting arrangements for the proposed Public Open Space (POS) provision and justification of the credit being sought for proposed Drainage Swale.</li><li>b) Further information being provided for the</li></ol></li></ol>
---



proposed drainage and nutrient management strategy including the proposed drainage system, location of the pipeline, nutrient stripping capacity and gross pollutant traps and other relevant information, in compliance with the Southern Suburbs District Structure Plan Area: Russell Road Arterial Drain Scheme.

- c) Further justification being provided regarding the location of the proposed entry point to the Lockup Storage site in terms of the safety and efficiency of the local road system.
5. Amending Town Planning Scheme No.3 by adding a new provision AU 18 – Lockup Storage in Schedule 2 – Additional Uses to formalise the proposed lockup storage use and provide development guidelines.
- (2) advise BSD Consultants that Council is prepared to initiate the TPS3 Amendment subject to the applicant preparing the required amendment documents and paying associated fees.
- (3) adopt the Schedule of Submissions as contained in the Agenda attachments; and
- (4) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

#### **COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr S Limbert that Council:

- (1) advise BSD Consultants that Council is prepared to adopt the proposed Structure Plan for Lot 5 Lyon Road, Banjup subject to the following changes being made to the Plan and Report to the satisfaction of the Director, Planning and Development;
1. Modification of the Plan to indicate the road reserves to comply with Council Policy APD – Access Street – Road Reserve and Pavements Standards.
  2. Modification of the Plan to change the zoning of the proposed Lockup Storage from Residential – Special Use to Residential - Additional Use.
  3. Modification of the Plan to indicate that proposed pipe outlet to freeway swale channel catchment currently shown in Lot 4 Lyon Road be relocated within Lot 5 Lyon Road.



4. Modification of the Report to address the following:
  - (i) Further information, including a POS Schedule, being provided detailing the location, area, vesting arrangements for the proposed Public Open Space (POS) provision and justification of the credit being sought for proposed Drainage Swale.
  - (ii) Further information being provided for the proposed drainage and nutrient management strategy including the proposed drainage system, location of the pipeline, nutrient stripping capacity and gross pollutant traps and other relevant information, in compliance with the Southern Suburbs District Structure Plan Area: Russell Road Arterial Drain Scheme.
  - (iii) Further justification being provided regarding the location of the proposed entry point to the Lockup Storage site in terms of the safety and efficiency of the local road system.
  - (iv) Further justification of the R25 density for the structure plan given that the base density code for the locality is R20, and this request is made notwithstanding the recommendation made in the Schedule of Submissions in respect to Submission No.3.
5. Amending Town Planning Scheme No.3 by adding a new provision AU 18 – Lockup Storage in Schedule 2 – Additional Uses to formalise the proposed lockup storage use and provide development guidelines.
  - (2) advise BSD Consultants that Council is prepared to initiate the TPS3 Amendment subject to the applicant preparing the required amendment documents and paying associated fees.
  - (3) adopt the Schedule of Submissions as contained in the Agenda attachments;
  - (4) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision; and
  - (5) delete recommendation (1) 3, subject to receiving written advice that the owner of Lot 4 Lyon Road has no objection to the proposed stormwater drainage pipe being located on Lot 4 generally in accordance with the proposed Local Structure Plan for Lot 5.

**CARRIED 10/0**



## Explanation

Staff have recommended an alternative recommendation to Council as the proponent of the Local Structure Plan advised on Tuesday, 17 August 2004 that the owner of Lot 4 now has no objection to the proposed stormwater pipe being located on this land. Subject to written confirmation, Condition (1) 3 be deleted. In addition, the Plan proposes a base coding of R25 for the subdivision area, which is higher than the R20 Code which applies to the surrounding land. The proponent should be requested to justify the reason for the increased density.

## Background

ZONING:	MRS:	Urban
	DZS:	Development Area 11- Lyon Road
LAND USE:	Vacant	
LOT SIZE:	4.37 ha	
AREA:		
USE CLASS:	N/A	

This report concerns a proposed structure plan prepared by BSD Consultants on behalf of Carmel Pty Ltd for land located within the Lyon Road Development area – DA11. See Agenda attachments for the location of the proposal.

The Structure Plan was submitted in February 2004 for consideration and was subsequently amended following discussions with Council officers regarding a number of issues. Council officers, acting under the delegated authority of Council (APD 42), determined that the revised plan and report dated May 2004 was suitable to be advertised for public comment.

## Submission

The submitted Structure Plan was prepared for Lot 5 Lyon Road with an area of approximately 4.37 hectares. It proposes the development of a residential estate designated R20 and R30 and a lockup storage site to the west abutting the Kwinana Freeway. Public Open Space (POS) is provided in an area containing existing vegetation considered worthy of retention. An indicative layout is also shown on the Structure Plan for Lots 4, 18, & 19 Lyon Road for the purpose of coordinating adjoining future subdivisions (see Agenda attachments).

## Report

The structure plan proposal was advertised for public comment for a period of 22 days, with the comment period concluding on 6 July 2004. Owners of property near the subject land and various agencies and servicing authorities were invited to comment. A total of 10 submissions were received including comments from DoE (W&RC),



Water Corporation, Alinta Gas, Western Power, Department for Planning and Infrastructure, Main Roads as well as adjoining landowners. A schedule of submissions and the recommended responses is included in the Agenda attachments.

The proposed Local Structure Plan is largely consistent with the endorsed Southern Suburbs District Structure Plan (stage 2) and generally acceptable to the agencies consulted subject to appropriate requirements being addressed through the Structure Plan approval and subdivision process. Issues requiring further clarification are:-

#### Lockup Storage Site

Two submissions from the adjoining landowners argued that the lockup storage use in its current location is inappropriate. These issues have been properly addressed and resolved through the preparation and endorsement of the Southern Suburbs District Structure Plan (SSDSP)– Stage 2. The lockup storage and its location are consistent with the endorsed SSDSP.

It is, however, considered that an amendment to TPS3 is necessary to formalise the lockup storage proposal as an additional use to the residential zoning to fulfil Council's resolution made at its meeting held on 19/11/2002. The applicant is required to prepare necessary amendment documents and to pay the associated fees. Upon receiving the amendment documents, Council will initiate a TPS3 Amendment by adding a new provision AU 18 – Lockup Storage in Schedule 2 – Additional Uses to formalise the proposed lockup storage use and provide development guidelines.

#### The linkage with the adjoining landholdings

Two adjoining land owners raised the objection to the indicative road linkage with their land holdings. It should be noted that this Structure Plan is focused on Lot 5 only and the development layouts shown on adjoining properties are indicative only. The City has required that the Structure Plan be prepared in such a way that it provides guidance for the subsequent planning of surrounding areas. If the adjoining land owners decide to develop their land, a detailed Local Structure Plan would be required and assessed in accordance with the TPS3 provisions and in conjunction with the subject Structure Plan.

Other Issues raised in the submissions are detailed in the Schedule of Submissions which also contains a response to the matter. It is considered that these issues can be appropriately addressed through modifying the Structure Plan and/or report as recommendations made for Council's consideration or through the future subdivision and development process.





It is therefore recommended that Council resolve to adopt the Structure Plan for Lot 5 Lyon Road subject to the changes and modifications listed in the recommendation and other detailed advice notes in the Schedule of Submissions.

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

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

2. Planning Your City
  - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
  - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
  - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
  
3. Conserving and Improving Your Environment
  - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
  - *"To conserve the character and historic value of the human and built environment."*
  - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
  
4. Facilitating the needs of Your Community
  - *"To facilitate and provide an optimum range of community services."*
  - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*
  
5. Maintaining Your Community Facilities
  - *"To construct and maintain 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."*
  - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

SPD1	Bushland conservation Policy
SPD3	Native Fauna Protection
SPD5	Wetland Conservation Policy



APD4	Public Open Space
APD20	Design Principles for Incorporating Natural Management Areas Including Wetlands and Bushlands in Open Space and / or Drainage Areas
APD26	Control Measures for Protecting Water Resources in Receiving Environments
APD28	Public Open Space Credit Calculations
APD30	Road Reserve and Pavement Standards
APD31	Detailed Area Plans

**Budget/Financial Implications**

N/A

**Legal Implications**

N/A

**Community Consultation**

Advertised for public comments from 15/06/2004 to 6/07/2004 in local papers and adjoining owners and relevant authorities were sent letters advising the proposal.

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

Nil.

**14.15 (MINUTE NO 2535) (OCM 17/08/2004) - FRANKLAND SPRINGS NEIGHBOURHOOD CENTRE PLAN - APPLICANT: TAYLOR BURRELL BARNETT - OWNER: AUSTRALAND (9643A) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the Frankland Springs Neighbourhood Centre Plan dated July 2004, Existing Alignment Option (Figure 5), subject to the two grouped housing sites of 2,133 sq.m. and 4,210 sq.m. being excluded from the Centre Plan;
- (2) forward the Plan to the Western Australian Planning Commission for its endorsement; and
- (3) advise the applicant of Council's decision accordingly.



**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

Council adopted the Frankland Springs Structure Plan on 18 July 2002 comprising two plans reflecting the existing and the developers preferred alignment of Russell Road. The Structure Plan identified the subject land as a neighbourhood centre with a retail floorspace of 5000sqm oriented to Russell Road and Hammond Road. The Western Australian Planning Commission endorsed the Structure Plan in January 2003.

The Structure Plan provides for a Centre Plan being prepared to guide the detailed development of buildings, car parking, pedestrian movement, and intersection treatment applying both alternative development types of the existing and preferred alignment of Russell Road.

On 22 April 2003 the WAPC granted approval to the subdivision of land that excluded two grouped housing sites until a Centre Plan is prepared and approved in accordance with the Commission's Metropolitan Centre's Policy for the area shown as 'commercial' by the Frankland Local Structure Plan. The Centre's Plan was specified rather than Detailed Area Plans recommended by Council. Clause 5.1 of Statement of Planning Policy of the WAPC only requires Centre Plans for Regional, District Centres and Main Street developments. As the Frankland Springs is a Centre it will serve a neighbourhood function. The Centre Plan is by default based on a Main Street development concept.

**Submission**

The objectives of the Centre Plan are as follows:-

- To facilitate the coordinated and high quality development of the Frankland Springs Neighbourhood Centre;
- To encourage and guide main street mixed use development in the Centre;
- To facilitate the short term creation of the two small lot sites in the south of the Precinct for Residential Development;
- To provide a framework for the future preparation of Detailed Area Plans and design guidelines for each site within the Centre; and
- To provide an implementation strategy for the Centre in particular to set a level of understanding over the timing for creation of lots and



commencement of development, given the proposal to relocate Russell Road;

- To identify additional criteria which will be required in the final Centre Plan, once the location of Russell Road has been finally determined.

The Centre Plan for the Frankland Springs Neighbourhood Centre includes the following elements:-

- Preferred Alignment Option (Russell Rd) (Developers Preference)

Retail floorspace of 5000m<sup>2</sup> nla;

Supermarket, specialty retail, convenience store, offices, consulting rooms, medical, residential;

Mixed business/R40, showrooms, medical, non-retail, commercial residential, main street development north of Russell Road (indicative only);

Main street retail on Hammond Road;

Service Station and Fast Food Outlets on the south side of Russell Rd;

Controlled access onto Russell Road;

Design guidelines for building configuration and orientation;

On-street parking on Hammond Road extension;

Grouped housing and small lot precincts/home based businesses;

Pedestrian connectivity and street furniture; and

Town Square.

- Existing Alignment Option (Russell Rd) (as per MRS)

Retail floorspace of 5000m<sup>2</sup> nla;

Supermarket, specialty retail, convenience store, offices, consulting rooms, medical, residential;

Larger Mixed business/R40 Precinct on the north side of Russell Rd that includes showrooms, medical, non-retail, commercial residential, main street development north of Russell Road (indicative only);

Main street retail on Hammond Road;

Service Station and Fast Food Outlets on the north side of Russell Rd;

Grouped housing and small lot precincts/home based businesses;

Controlled access onto Russell Road;

Design guidelines for building configuration and orientation;

On-street parking on Hammond Road extension;

Pedestrian connectivity and street furniture; and

Town Square.

## Report

The Metropolitan Centres Policy provides a regional planning framework for the hierarchy, location and establishment of retail and



commercial centres at a regional and district level and mixed business in the metropolitan region. The Policy requires Centre Plans for main street centres for adoption by local government and endorsement by the Western Australian Planning Commission. The purpose of a Centre Plan is to ensure that:-

“Centres are developed as integral, cohesive and accessible centres with a range of uses and high levels of employment.”

The Policy recognises the importance of neighbourhood and local centres such as the Frankland Springs Neighbourhood Centre as an important role in day-to-day convenience shopping for neighbourhood services and facilities. In addition to retailing there is also the recommended provision of small offices, health, welfare and community facilities. Retail facilities typically include a supermarket, convenience store and local shops.

The Policy supports main street development with active street frontages containing a mix of land uses to promote an integrated, legible, attractive, safe and vibrant place.

The proposed Local Centre is consistent with the WAPC Metropolitan Centres Policy, the Southern Suburbs District Structure Plan, Local Commercial Centres Policy adopted by the Council and the City's Town Planning Scheme No 3.

Previous community consultation was carried out on the Frankland Springs Structure Plan, which established the planning parameters for the preparation of the Centres Plan. For this reason further community consultation is not considered necessary.

Council's adoption of the Frankland Springs Centre Plan Existing Alignment Option (Figure 5) is supported to enable the plan to then be forwarded to the Western Australian Planning Commission for its endorsement. This is consistent with previous advice provided to the Council by the staff in respect to the alignment of Russell Road. Once adopted the Plan will establish a framework for the development of the Centre. Small lot precincts are already being established on the periphery of the Centre based on adopted detailed area plans. The determination of the final alignment of Russell Road has yet to be decided by the WAPC and following this a subdivision application will be lodged by Australand and determined for the balance of the Centre. Memorials will be placed on title advising purchasers of lots within the Centre are made aware of the Centre Plan. Council can then ensure all development within the Centre is assessed for conformity with the Centre Plan.

Because part of the Centre is currently subdivided and developed for housing, this land should be deleted from the Centre Plan Area.



It is recommended that the Frankland Springs Centre Plan adopted by Council subject to the two grouped housing sites of 2,133 sq.m. and 4,210 sq.m. being excluded from the Centre Plan and shown as residential in accordance with the 14 Unit development approval and Detailed Area Plans that apply to these lots.

### **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."*

### **Budget/Financial Implications**

N/A

### **Legal Implications**

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

### **Community Consultation**

Community consultation has already been undertaken.

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

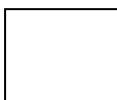
Nil.

**14.16 (MINUTE NO 2536) (OCM 17/08/2004) - INCOMPLETE RESIDENCE - LOT 812; NO. 4 KEPPEL PLACE, COOGEE - OWNER: M & R ROUCCO (3300395) (JW/MW) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) issue a Notice under Section 401(1)(b) requiring the owner of Lot 812; No. 4 Keppel Place, Coogee, to alter the building to bring the partially completed residence into accordance with the approved plans;
- (2) in the event that the property owner does not comply with the Section 401(1)(b) Notice subject to the Appeal Process, further



action be initiated under Section 670 of the Local Government (Miscellaneous Provisions) Act 1960, subject to any appeal that may be made to the issue of the Notice by the owner; and

- (3) reconsider this matter should the property owner not comply with the Council's directions under (1) and (2) above, or following the outcome of any appeal lodged by the owner, with a view to taking further action by issuing a Section 409A Notice under the Act to have the building demolished.

#### **COUNCIL DECISION**

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

**CARRIED 10/0**

#### **Background**

The background relevant to this proposal is: -

- A Building Licence was issued to M & R Ruocco (owner builder) on the 2<sup>nd</sup> March 1999 for a three-storey residence.
- Works were not commenced in accordance with the Building Licence requirements. An extension of time in relation to the Building Licence was requested and an extension was granted on the 22<sup>nd</sup> February 2002, all works were to have been completed by 22<sup>nd</sup> February 2004.
- A letter from Martella & Company, Solicitors, on behalf of G & T Pintaudi (neighbours at 6 Keppel Place Coogee) dated 14<sup>th</sup> January 2004, was received, stating concerns that the residence was not being built in accordance with the Building Regulations.
- A letter was received from Greg Rowe & Associates, Project Managers, dated 8<sup>th</sup> June 2004, on behalf of G & T Pintaudi, expressing concern that the residence under construction was not consistent with the plans.
- Building Service officers have inspected the site on three occasions and areas of non-compliance were noted and photos taken. These inspections were carried out in February and July 2004. It was noted in July that substantial works are still to be carried out to complete the residence.



- Minimal amounts of construction work are being carried out, in an intermittent manner on site. Mr Ruocco has been informed verbally and in writing that a new building licence is required to permit further works to continue and that his previously extended building licence has expired.
- A letter received from Mr.Ruocco on 20th July 2004 gives an undertaking to have the building works completed by March 2005.
- Further letters of complaint have been received on 14th July 2004 from Mr. & Mrs. Pintaudi of 6 Keppel Place and Mr & Mrs Hunt 3 Keppel Place. These letters were expressing concern in regard to the time taken to construct the partially complete residence at 4 Keppel Place and the lack of a rubbish receptacle on site and subsequent litter problems. Letters of advice have been sent confirming Council will consider the matter at its August Meeting. Mr Ruocco has been advised to provide a rubbish receptacle at the site immediately.

### **Submission**

N/A

### **Report**

The site inspections carried out by the Senior Building Surveyor revealed that the building, as constructed, has varied from the approved plans in the following areas: -

Basement: -

Windows enlarged.

Two windows added to store room

Structural beam(s) design has been altered.

Ground Floor: -

Windows enlarged.

One window removed.

Ensuite and wardrobe to bedroom 4 relocated.

Bedroom 4 enlarged.

Internal walls added or moved to alternative locations.

Structural columns omitted in various locations.

Laundry door moved and window added.

First Floor: -

Window added to stairway.

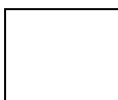
A large balcony added to the front of the house.

Windows enlarged and added.

Balcony and access added to bedroom 1.

Storeroom added to replace proposed shower in bedroom 1.

Internal walls added or moved to alternative locations.





Bedroom 2 Ensuite and WC combined.

Trafficable Roof: -

Roof balcony enlarged at the front of the house.

Central stairwell roof change from steel and glass to jarrah and colorbond sheets.

Stairwell windows enlarged.

Windows removed.

Although some of these items are of a minor nature, the highlighted variations are more serious and require certification by an engineer or rectification to bring them into compliance. The residence has been under construction for over five years. The building licence has been extended once so as to assist the owner builder. Substantial building works are still to be carried out to complete the building. The City is now receiving letters of complaint from neighbours and their agents in regard to the duration of the works, compliance issues, and litter issues.

It is important that the City address this matter in a way that compels the owner to complete the residence in the shortest possible time and to a compliant standard. The method to achieve this is discussed further under the heading of legal implications.

### **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."*

### **Budget/Financial Implications**

There will be financial costs involved in pursuing this matter through the Courts should the property owner not comply with the Section 401(1)(b) Notice issued under the Act.

### **Legal Implications**

The applicable legislation is:



The Local Government (Miscellaneous Provisions) Act 1960, Section 401, 670 and 409A.

It is envisaged the prudent way to address the issue is for the Council to issue a Section 401(1)(b) Notice under the Local Government (Miscellaneous Provisions) Act 1960 to bring the building into compliance with the approved plans. This would require Mr. Ruocco to change work already done to reflect what was approved, or, appeal to the Minister for Housing and Works.

Failure to comply with the City's 401 Notice or appeal and comply with the Minister's decision would permit the City to pursue the matter through the Court to have the notice requisitions enforced by way of a court order on the owner.

Should Mr. Ruocco choose not to comply with a court order it would be open to the City to implement the works set out in the City's Notice and/or implement punitive damages under Section 670 of the Local Government (Miscellaneous Provisions) Act 1960. Upon conviction of an offence a person may be penalised up to \$5000 and whilst the offence continues up to \$500 per day.

If a penalty does not expedite completion of the residence by the owner, the Council can issue a Section 409A Notice under the Local Government (Miscellaneous Provisions) Act 1960, requiring the owner to show reason why the partly completed residence should not be demolished. It is unlikely however that an appropriate penalty would fail to facilitate completion of the residence to the City's satisfaction.

It is important to note that this approach would allow the building to be brought into accordance with the approved plans, which were approved under the Residential Planning Codes 1991 (superseded). As such some of the residence's setbacks would not comply with the current Residential Design Codes 2002.

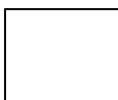
In the event that the property owner appeals to the Minister for Housing and Works against the City's Notice(s), the City make known its desire of having the residence completed by no later than June 2005, should the Minister consider upholding the appeal.

**Community Consultation**

N/A.

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

Nil.



**14.17 (MINUTE NO 2537) (OCM 17/08/2004) - OMNIBUS AMENDMENT - TOWN PLANNING SCHEME NO. 3 (93006) (MR) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;
- (2) adopt the amendment without modification(s) and in anticipation of the Hon. Minister's advice that final approval will be granted, the documents be signed, sealed and forwarded to the Western Australian Planning Commission; and
- (3) advise those who made submissions, of Council's decision accordingly.

**COUNCIL DECISION**

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

**CARRIED 10/0**

**Background**

The City of Cockburn Town Planning Scheme No 3 ("TPS3") was gazetted on 20 December 2003. There are various improvements and corrections that are required, identified through the course of the application and the administration of TPS3. The amendments necessary are a reflection of the significant number of changes that were required by the Minister for Planning and Infrastructure that lead to the final gazettal of TPS3.

Council at its Ordinary Meeting held on 18 November 2003 resolved in respect of the Omnibus Amendment to:-

- "(1) defer consideration of this item to the December Council Meeting;*
- (2) provide a printed copy of its Town Planning Scheme No.3 Text and Maps (as amended) to Elected Members, on request; and*
- (3) conduct a workshop to brief Elected Members on Town Planning Scheme No.3 Text and Maps (as amended)."*



Council at its Ordinary Meeting held on 17 August 2004 resolved to initiate the Omnibus Amendment to TPS3 subject to modifications, which were made prior to advertising.

### **Submission**

The proposed changes to the Scheme Text and Scheme Map are now set out in three Schedules as follows:-

- Schedule A – Minor Scheme Text Amendments;
- Schedule B – Major Scheme Text Amendments; and
- Schedule C – Scheme Map Amendments.

These three Schedules are contained in the Agenda Attachments and should be read in conjunction with this report.

### **Report**

The scheme amendment was referred to the Department of Environment in accordance with the requirements of Section 7A1 of the Act. The Department decided not to assess the proposed scheme amendment after having due regard to the scope of the changes.

The scheme amendment was advertised for public comment in accordance with the Regulations which included advertisements in the government gazette, signage on-site and letters were also sent to affected landowners. At the close of the submission period there were two submissions of objection received in relation to the proposed deletion of Additional Use 16 (Fashion Leather Park) from Schedule 11 of TPS3. These submissions were summarised into a table contained in the attachments and should be read in conjunction with this report.

The main concern raised by the submissions is the deletion of the following AU16 scheme provisions:-

AU16 applying to Lot 102, Pt Lot 4 & 8 Rollinson Road, Lot 303 Darkan Avenue, Lots 9 & 10, 11, 12, 13, 14, 15, 16, 17, 18, Pt Lot 1 Garston Way, Hamilton Hill where a Fashion Leather Park shall include:-

- Education Establishment
- Factory unit building
- Industry – Cottage
- Industry – General
- Industry – Light
- Industry – Service
- Office
- Public Amusement
- Recreation – Private
- Reception Centre



- Restaurant
- Shop
- Showroom

Council sought advice from McLeod & Co solicitors about the interpretation of the Fashion Leather Park (AU16), which applies to the industrial zone – Restricted Use (RU9), because the current situation is confusing. The preliminary advice from Council's solicitors is that Council should consider deleting AU16 from the scheme given that the Fashion Leather Park is unlikely to eventuate and the way in which the additional use is described is difficult to apply in the absence of the Fashion Leather Park by the original proponent.

AU16 provisions only apply to land use ancillary to the establishment of a Fashion Leather Park. General industry and other uses not associated with a Fashion Leather Park are not permitted under the current scheme. This would mean that all of the development in the Restricted Use 9 area would be restricted to the provisions of Schedule 3 of the Scheme, the same as the adjoining land. RU9 provisions are based on the former Special Industry A Zone that applied under District Zoning Scheme No 2 prior to the scheme review.

It is recommended that Council proceed to adopt the Omnibus Amendment and forward the endorsed amendment documents to the Western Australian Planning Commission for endorsement by the Hon Minister for Planning and Infrastructure.

### **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."*

### **Budget/Financial Implications**

Costs incurred relate to the administration, advertising of the scheme amendment documents and reporting to the Council.

### **Legal Implications**

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



### Community Consultation

The proposed Scheme Amendment would be subject to community consultation requirements as set out in the Planning Regulations.

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

Nil.

**14.18 (MINUTE NO 2538) (OCM 17/08/2004) - LEGAL ACTION RECONSIDERATION - NEWMARKET HOTEL - LOT 301; 1 ROCKINGHAM ROAD, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD (2212274) (DB) (ATTACH)**

#### RECOMMENDATION

That Council:

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

#### COUNCIL DECISION

MOVED Cllr K Allen SECONDED Cllr M Reeve-Fowkes that Council:

- (1) receive the report;
- (2) instruct Council's solicitors to suspend legal action against Kee



Vee for a breach of conditions 13 and 14 of the planning approval dated 21 May 2003, subject to:

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

**CARRIED 10/0**

### **Explanation**

Staff have proposed this alternative recommendation as the work should be consistently referred to as 'conservation' work and the legal action should be triggered by non-compliance with either the prescribed commencement or completion dates.

### **Background**

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

- “(1) receive the report;*
- (2) instruct its solicitors to initiate legal proceedings against Kee Vee Properties Pty Ltd (ACN 009 292 237), being the owners of Lot 301 (1) Rockingham Road, Hamilton Hill, for a breach of Special Conditions 13 and 14 of the planning approval dated 21 May 2003, in contravention of the City of Cockburn Town Planning Scheme No.3 and the Town Planning and Development Act 1928; and*
- (3) require its Solicitors to attend a briefing at a date set by the Mayor to advise Council of the likely outcomes of the above legal action and to further advise Council on whether or not it should engage a senior Counsel to facilitate and expedite Council's desired outcomes.”*



Following a request from Councillor Allen, a meeting was convened with Kee Vee, Cllr Allen and City Officers to discuss outstanding conditions of development approval and matters relating to the subdivision clearances. Kee Vee has approached the City and cited numerous financial and time constraints as the reason for the delay and has requested that Council reconsider its resolution.

The Council resolution to prosecute Kee Vee has been implemented, however, a summons has not yet been served.

### **Submission**

Kee Vee alleges that significant financial burdens have temporarily halted their development plans for the Newmarket Hotel. A recent Supreme Court decision required Kee Vee to pay damages of almost half a million dollars to the former tenant of the Newmarket Hotel. This impost has in turn significantly diminished the company's ability to carry out the required conservation works to the heritage building.

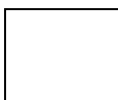
It is Kee Vee's assertion that once subdivision clearances have been issued, the tavern/bottleshop will be sold off which will create funds that can be spent on the required conservation works to the heritage building. Kee Vee have made a submission to the City detailing the company's reasons for non compliance. This submission is included in the agenda attachments.

### **Report**

There have been protracted negotiations over the years between Kee Vee and Council regarding the undertaking of conservation works on the former Newmarket Hotel. Council during these negotiations granted concessions of development approval to Kee Vee to allow the site to be developed.

Council's decision on 20 April 2004 sought to bring an end to the continued delays associated with this project. Under the circumstances described by Kee Vee it is reasonable and appropriate for Council to grant a 'stay' to the legal proceedings for a period of 6 to 8 months. This would allow enough time for Kee Vee to submit a building licence application to carry out and complete the external restoration works. Should Kee Vee default for whatever the reason, Council's solicitor can issue a summons in accordance with Council's resolution of 20 April 2004.

The Directors of Kee Vee, gave an undertaking to comply with the outstanding conditions of development approval (in particular conservation works to the heritage building) and finalise the subdivision. Kee Vee should be under no illusion that the Council could pursue the legal action should this undertaking not be honoured.





## Strategic Plan/Policy Implications

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

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

The Council Policies which apply to this item are:-

APD29 DEVELOPMENT COMPLIANCE PROCESS

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

## Budget/Financial Implications

Action taken thus far is administrative and should not impact on the City's legal expenses budget.

## Legal Implications

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

## Public Consultation

N/A



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

Nil.

**14.19 (MINUTE NO 2539) (OCM 17/08/2004) - REGISTER OF HERITAGE PLACES - PERMANENT ENTRY - SOUTH FREMANTLE POWER STATION (1048) (MR) (ATTACH)**

**RECOMMENDATION**

That Council advise the Heritage Council of WA that a decision to permanently include the South Fremantle Power Station on the Register of Heritage Places is premature and should be deferred pending the outcome of the Vision for Cockburn Coast which includes the South Fremantle Power Station Site.

**COUNCIL DECISION**

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that Council:

- (1) receive the report; and
- (2) request the Minister for the Environment to remove the South Fremantle Power Station from the Interim List of the Register of Heritage Places.

**MOTION LOST 3/7**

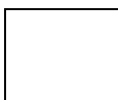
MOVED Mayor S Lee SECONDED Cllr S Limbert that the recommendation be adopted.

**CARRIED 8/2**

**Background**

In 1985, it was proposed that the power station be demolished, as part of the Coogee Master Plan.

In 1986, a private company expressed an interest in purchasing the power station site, which has an area of 12.7213 ha. It is not clear what the intention of the company was. Also in the same year the City of Cockburn offered \$100,000 to purchase the land, as the Council believed it had great recreational potential or could be re-used for industrial purposes.



In 1987, the State Government pursued the sale of the power station through the WA Development Authority.

In 1988, a proposal was made to use the land as a new Marine College operated by TAFE.

In 1990, work commenced by the State Government to dismantle the power station. The station had been idle since being decommissioned in 1985.

In 1994, the Council commissioned BSD Consultants to undertake a study of the possible re-use of the power station land. The BSD report identified opportunities for re-use such as:

- High rise housing/unit development;
- Hotel/Convention Centre;
- Major Theme Park – Public Recreation Facility;
- Major Indoor Recreation Centre;
- Industrial Activity;

The preferred option was for the Theme Park concept incorporating a mix of commercial activities.

In 1995, Woodward-Clyde were engaged by Western Power to examine the rehabilitation of the power station building.

Also in 1995, the Council adopted a concept plan to create a landscaped park with recreational facilities as the preferred end use of the land. This required the power station to be demolished.

In 1996, the Department of Commerce and Trade provided a cost estimate to implement the Council's concept plan.

In 1996, the Department of Commerce and Trade expressed concern about the delay in demolishing the power station as it was compromising the implementation of the Coogee Master Plan.

In 1997, the Fremantle Society called for the power station building to be saved from demolition.

Also in 1997, the Deputy Premier, Hendy Cowan, supported the Council for the early demolition of the power station and for the land to be used for community and recreation purposes.

On the 1 July 1997, the Heritage Council advised that it had received a report to include the building on the Register of Heritage Places. An assessment was undertaken, and on the 28 October, it was gazetted on the Register on an interim basis. The Council supported the retention of the building on the basis that a viable use could be found for it.



In 1998 Dee Seed Real Estate proposed to purchase the site on behalf of a client to create cafes and retail premises. The Council could lease back areas for community purposes. The surrounding land would be used for recreation. This approach was not pursued.

Again in 1998, the CEO, of the City of Cockburn wrote to the Premier, Richard Court, promoting the idea of re-using the power station as a Convention and Exhibition Centre. An hotel/motel could be included to take advantage of the unique location. The site could have rail access to Fremantle and ferry connections to Rottnest, Carnac and Garden Islands. This idea was not pursued.

In May 2001, Dr Les Pyke, and a group of graduates from the South East Metropolitan College undertook comprehensive research of the power station. The report examined the feasibility of the power station being used for:-

- Convention and Exhibition Centre.
- Hotel Accommodation and Apartments.
- Museum displays.
- Community co-ordination.
- Maritime exhibits.
- Research and Development Technology Centre.
- Seabird aviary.
- Opera House.
- Entertainment Centre/Cinemas/Studios.
- Theme Park.
- Shrine, Cathedral, Temple, Mosque.
- Zoological Gardens.
- Shipping trade facility.
- Amphitheatre, open air interactive cinema, speedway, turf club, stadium, trotting facility and similar ventures.
- Technology education facility.
- Transport.

In June 2001, Western Power advise that it intended to dispose of the power station site. Later in July, the Council supported a request to rezone the land under the MRS from Parks and Recreation Reserve to Urban. The WAPC did not support this.

In September 2001, Dr Les Pyke, wrote to the Mayor, advising of a group interested in developing the property into a landmark location of international standing. The group was the Magic Koala Foundation, which is a charity foundation to help underprivileged, homeless and destitute children and youths.



In April 2004 Council included the South Fremantle Power Station onto its Municipal Heritage Inventory of Heritage Places. The following management category applies:-

*“Highest level of protection appropriate: recommended for entry into the State Register of Heritage Places; provide maximum encouragement to the owner under the City of Cockburn Planning Scheme to conserve the significance of the place. Incentives to promote conservation should be encouraged.”*

#### Vision for Cockburn Coast July 2004

The recently released vision for developing the Cockburn coastal strip between South Fremantle and Woodman Point by the Minister for Planning and Infrastructure has been prepared by the State Government. It will bring together the different planning and development initiatives in the area in an overall integrated framework.

The vision will stimulate dialogue between stakeholders to progress the planning of the Cockburn Coast for urban development north and east of the Power Station in the context of the overall planning of the area.

The proposed urban development is premised on high density residential and mixed use development, provision of an efficient public transport system and good access to the beach and Regional Park.

The Cockburn Coast will become a vibrant coastal village forming a natural extension of Fremantle to the north and integration with Coogee Beach and Woodman Point Coastal Regional Park. It is a place that combines and celebrates the best of ocean-side and urban living with easy access to the cultural amenity of Fremantle and natural environment of Woodman Point Regional Park.

Within walking distance there is the natural amenity such as beaches and regional parkland, and urban amenities such as convenient public transport, commercial and boating activities.

The first step in realising the vision is to develop a structure plan, through appropriate consultation, to unify the coastal developments from South Fremantle to Port Coogee with strong connections to Coogee Beach and Woodman Point Regional Park.

One of the 16 key elements of the vision is the investigation of redevelopment options for the South Fremantle Power Station.

#### **Submission**

Proposal by the Heritage Council dated 22 July 2004 to move the South Fremantle Power Station site from the Interim list to the Permanent list of Register of Heritage Places. Refer to the attachment to the Agenda.



## Report

The South Fremantle Power Station was included on the Register of Heritage Places on an interim level on 28 October 1997. Entry onto the State Register of Heritage Places on a permanent basis as proposed should occur within a 12-month period of the initial interim registration notice except for State owned properties. Any submissions, supporting or objecting to permanent registration, are considered by the Register Committee before a recommendation on permanent entry in the State Register is made. Where objections are received to permanent registration, the Minister for Heritage then determines whether the place will be registered on a permanent basis.

The Heritage Council advised that the provisions of the Heritage Act related to development and incentives apply to a place from the date of the interim registration entry. The reason why the Heritage Council is considering the permanent registration is because Western Power are pursuing the disposal of the property and according to the Heritage Council mechanisms for the places heritage protection must be 'in place' prior to sale.

The current interim registration is acknowledged and should be maintained until suitable options for the reuse of the power station can be established. It is recommended that Council advise the Heritage Council of WA that permanent registration should be deferred pending examination of the State Government's Vision for the Cockburn Coast, which appears to include the investigation of redevelopment options for the South Fremantle Power Station. This would enable all redevelopment options for the site to be explored and not perceived or potentially limited by permanent registration at this stage. All options for the suitable redevelopment of the site are then left open for examination from a heritage viewpoint balanced against the feasibility and practicality of adapting the building to suit new uses.

In the circumstances the proposal by the Heritage Council to place the South Fremantle Power Station on the Permanent Register is premature and should be opposed.

## 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."*



**Budget/Financial Implications**

Council's decision is appealable. Legal representation will be required if an appeal is lodged with the Tribunal.

**Legal Implications**

N/A

**Community Consultation**

N/A.

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

Nil.

- 14.20 (MINUTE NO 2540) (OCM 17/08/2004) - RENEWAL/MODIFICATION OF DEVELOPMENT APPROVAL - PROPOSED GROUPED DWELLING - LOT 719; 5 AIRLIE PLACE, COOGEE - OWNER/APPLICANT: D A & G L NORMAN (3300331) (TW) (ATTACH)**

**RECOMMENDATION**

That Council:

- (1) approve the proposed grouped dwelling on Lot 719 (5) Airlie Place, Coogee in accordance with the revised plans; subject to:-

**STANDARD CONDITIONS**

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

Public Holidays.

6. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

SPECIAL CONDITIONS

7. The owner to provide permanent screening to restrict views into neighbouring properties, in accordance with the revised plans.
8. Surface finish of the boundary wall abutting the adjoining lot to be constructed to Council satisfaction.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. In regard to Condition No. 8, the surface finish of the boundary wall of the adjoining lot should be to the satisfaction of the adjoining landowner and to be completed as part of the building licence. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the Council.

**COUNCIL DECISION**

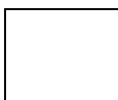
MOVED Clr S Limbert SECONDED Clr L Goncalves that the recommendation be adopted.

**CARRIED 10/0**

**Background**

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Existing 2 Story Dwelling	
LOT SIZE:	944m <sup>2</sup>	
AREA:	441.75 m <sup>2</sup>	
USE CLASS:	Permitted – Grouped (R-Code) Dwelling	

In 1994 the City approved a two storey residential dwelling on the lot. This dwelling has been constructed and is sited within the north-eastern portion of the site on a 502m<sup>2</sup> of the land.





On the 7<sup>th</sup> of July 2003 the City received an application for a three storey residential dwelling to be located on the south-western portion of the site on a 441.75m<sup>2</sup> parcel of land.

On the 21<sup>st</sup> of October 2003 Council decided to defer the application for a three story residential dwelling pending the receipt of revised plans.

On the 20<sup>th</sup> of February 2004 the application for the three storey residential dwelling was approved under delegated authority of Council.

### **Submission**

The applicant has lodged modified plans to those approved on the 20<sup>th</sup> of February 2004. The modifications are as follows: -

- The retaining wall running north-south along the west boundary has been moved to 1.6m off the boundary and reduced from RL 18.2 to RL 17.6. A 1.6m high privacy screen is shown on the plans.
- The level of the outdoor paved area has been reduced from RL 18.2 to RL 17.6.
- The level of the ground floor has been reduced from RL 18.3 to 18.1.
- The roof has been changed from tiled hip to low pitch metal deck.

The proposed modifications to the dwelling do not comply with the Acceptable Development requirements of the Residential Design Codes and the applicant seeks assessment under the performance criteria which has been summarised as follows:

1. No windows of the dwelling from a habitable room have a view of the street and the approach to the dwelling. The applicant provides the following justification:
  - This is due to the constraints of the site and the shape of the new lot.
  - The only habitable room with a view to the street is the study and this is not set back sufficiently from the boundary therefore is to be of translucent glazing.
2. The garage door occupies more than 50% of the frontage at the setback line as viewed from the street. The applicant provides the following justification:
  - This is due to the constraints of the site and the shape of the new lot.
3. The boundary wall to the dining room and void area on the first floor exceeds the 3m height limit. The applicant provides the following justification:
  - The shape of the new lot as well as the steep gradient to the site has forced that particular section of wall to exceed the required height limit.



4. The driveway occupies more than 40% of the frontage of the property. The applicant provides the following justification:
  - The nature of the site and subsequent shape of the new lot does not allow enough flexibility to be able to comply with the required criteria.
  
5. The first floor terrace is 5.4m from the rear boundary instead of the required 7.5m. The applicant provides the following justification:
  - The metal horizontal louvres adjacent to the terrace wall and 1m above finished floor level provide adequate screening thus eliminating any overlooking into the rear outdoor area of the adjoining properties at No. 6 & No. 8 Howick Court.
  
6. The windows to the living room & bedroom 1 are within the 6m direct line of site within the cone of vision. The applicant provides the following justification:
  - The horizontal metal louvres adjacent to the windows of the living room and bedroom 1 provide screening to the rear yard of No, 3 Airlie Place. This maintains the visual privacy to the adjacent properties. The vertical screen adjacent to the window at bedroom 1 prevents any overlooking downwards into the rear yard of No, 3 Airlie Place.

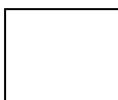
A copy of the submission made by the applicant is attached in the Agenda attachments. This provides an expanded justification to the variations under the performance criteria. In addition, a copy of the site plans; floor plans, elevations and cross sections of the proposal are included in the Agenda attachments.

### **Report**

The subject lot is situated on the west side of Airlie Place and has views overlooking Cockburn Sound. The existing two-storey dwelling would be retained on a separate lot, alongside the proposed second dwelling. The locality itself is characterised by large houses of single and two-storey construction, with the desire for an increasing number of three storey houses.

The subject lot has a steep slope to the rear, with a crossfall from RL 20 on the left front corner to RL 15 in the left rear corner. The basement level is proposed at RL 15.7. The ground floor is proposed at RL 18.0 and 18.1. The second floor is proposed at RL 20.84, which is lower than the first floor level of the existing residence.

The proposal seems to take advantage of the awkward lot configuration and slope by building into it at different levels, but this only serves to raise the height of the building and pose problems with adherence to setbacks.



Subject to Council approval the land with an area of 944m<sup>2</sup> can facilitate 2 grouped dwellings pursuant to Town Planning Scheme No. 3. The proposal does not comply with the Acceptable Development requirements of the Residential Design Codes and therefore the applicant has requested this proposal be assessed against the performance criteria.

As part of the assessment process, six adjoining neighbours were notified and given the opportunity to comment on the development. Letters were sent to the owners of No. 3 Airlie Place, No. 6 Airlie Place, No. 8 Airlie Place, No. 6 Howick Court, No. 8 Howick Court and No. 12 Howick Court, Coogee. Four owners replied within the 14-day advertising period. Three out of the four owners objected to the proposal.

The owners of No. 3 Airlie Place raised an objection and had the following concerns:

- The height and position of the proposed building would dominate and overshadow their house.
- The proposed building would create a wind tunnel through the northern side of their house.
- The traffic would increase in such a small cul-de-sac.

The owners of No. 6 and No. 12 Howick Court also objected to the proposal. These allotments are located to the west and significantly below the natural ground level of the subject site. The following summarises the grounds of objection:

- Invasion of privacy,
- Not convinced that privacy devices, such as louvres will provide privacy.
- The proposed building will block off natural light throughout most of the day.

The main concerns associated with the proposal are the potential loss of privacy for the neighbouring properties and overshadowing.

The surveillance off the street, garage door width and vehicular access width are minor issues, which have been addressed adequately by the applicant.

### ***Privacy***

The proposal includes a series of vertical and horizontal louvres to eliminate overlooking into the rear outdoor area of the adjoining properties at No. 6 and No. 8 Howick Court and the rear yard of No. 3 Airlie Place.



The applicant has not provided detailed specifications of the louvres. The applicant has advised that the louvres will be angled away from the dwelling and fixed to ensure privacy is achieved.

The City has previously consented to similar mechanisms for ensuring privacy only to encounter that once constructed, the louvres did not provide adequate screening. The owner is prepared to provide a written undertaking that should the louvres (once constructed) provide inadequate screening, the louvres be replaced with adequate screening to the City's satisfaction, whether it be by obscuring windows, replacing louvres, etc.

It is considered that the applicant has satisfactorily addressed this design aspect.

### ***Height and Bulk***

The proposed dwelling exceeds the maximum building height specified under Element 7 of the Residential Design Codes. The Codes stipulate a height of 6m to the top of the external wall (roof above), 7m to the top of the external wall (concealed roof) and 9m to the top of a pitched roof.

The modified plans have reduced the detrimental effects of building bulk and height on the neighbouring properties by reducing the height of the ground and first floor levels and modifying the roof to a lower height.

### ***Overshadowing***

The Residential Design Codes specify the sites most vulnerable to overshadowing are sites on the south side of a development site, especially if they are lower or on a south-facing slope.

The modified plans have reduced the effects of overshadowing on the neighbouring properties by reducing the height of the ground and first floor levels and modifying the roof to a lower height.

### ***Conclusion***

Coogee is an area reflective of large houses on steep topography and the area is predominantly single residential in nature. The applicant's approved plans addressed the design elements, which did not comply with the Performance Criteria of the Residential Design Codes.

In comparison to the approved plans dated the 20<sup>th</sup> of February 2004, the detrimental impacts of overshadowing and excessive height and bulk of the proposed building that form the basis of the neighbouring properties objections have been reduced by the applicant's modified plans. The revised plans will have less impact on the amenity of surrounding 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."*
- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

The Planning Policies which apply to this item are:-

APD8	Strata Titles
APD9	Retaining Walls
APD10	Discretion to Modify Development Standards
APD17	Standard Development Conditions and Footnotes
APD32	Residential Design Codes
APD33	Town Planning Scheme No. 3 Provisions

## **Budget/Financial Implications**

N/A

## **Legal Implications**

N/A

## **Community Consultation**

The City notified the affected owners of the proposal under cover of letter dated 30 June 2004.

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

Nil.



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

**15.1 (MINUTE NO 2541) (OCM 17/08/2004) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)**

**RECOMMENDATION**

That Council receive the List of Creditors Paid for July 2004, as attached to the Agenda.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr L Goncalves that the recommendation be adopted.

**CARRIED 10/0**

**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.

**16. ENGINEERING AND WORKS DIVISION ISSUES****16.1 (MINUTE NO 2542) (OCM 17/08/2004) - OFFICE ACCOMMODATION FOR THE SOUTHERN METROPOLITAN REGIONAL COUNCIL (4904) (BKG) (ATTACH)****RECOMMENDATION**

That Council:

- (1) advises the Southern Metropolitan Regional Council that it supports the business plan for purchasing permanent office accommodation for the Southern Metropolitan Regional Council, as attached to the Agenda; and
- (2) agrees to enter into a project participation agreement for the purchase of office accommodation, subject to support from the majority of the 'share percentage' as detailed in the Governance Contribution Schedule.

**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that the recommendation be adopted.

**CARRIED 10/0****Background**

The Southern Metropolitan Regional Council currently rents office space from the City of Melville at their offices in Booragoon. The Chief Executive Officer, Manager of Finance, Manager Engineering, Media/Publicity Officer and 2 clerical staff are located there.

There is also staff located at Canning Vale where the Regional Resource Recovery Centre operates.

The lease of the office space from the City of Melville expired in June 2004.

A business plan to purchase offices was considered by Council in October 2003 and it was resolved that:



- (1) it does not support the business plan recommendation to consider the option of buying a property at this stage;
- (2) it supports the Southern Metropolitan Regional Council leasing office space for a period of up to 4 years to accommodate the staff numbers anticipated in that time frame subject to:
  - (a) the lease payments being competitive to allow the SMRC to carry out its functions;
  - (b) the building having adequate on-site parking and being readily accessible from a main road;
  - (c) the building being located within the boundaries of the regional Council.

Since then the Regional Council has negotiated with the City of Melville to extend its current lease until June 2005.

### **Submission**

The Southern Metropolitan Regional Council (SMRC) has prepared an amended business plan dated May 2004, for members to consider purchasing permanent office accommodation. The SMRC has advised that the proposal supports the benefits of buying office accommodation as an investment rather than long term leasing and seeks its members' support in funding and owning a shared real estate investment.

### **Report**

The Southern Metropolitan Regional Council now has a fully operational waste processing plant at Canning Vale.

This represents an investment of approximately \$34 million and has an annual turnover of \$7 million.

The completion of this project means the Southern Metropolitan Regional Council is a permanent entity within the region and will be around for at least the next 20 years.

The Regional Council, at its meeting in May 2004, resolved that the Chief Executive Officer pursue the option of purchasing a building and that Member Councils be invited to comment on the proposal and indicate their decision to enter into a Project Participants Agreement.

The reason presented for purchase is that it represents a better investment. If a property is leased/rented for the next 20 years, no equity is obtained in property. The business plan reports that for a net cost of not greater than 10% of leasing accommodation the SMRC's





members could invest in a real estate property that would develop a considerable asset within ten years. This is further demonstrated in the financial implications in the business plan.

The previous office recommendation not to purchase the building was based on the premise it was premature when the RRRC project was not operational. Now the plant is operational, the purchase of the building is the best investment option.

It is proposed that:

- an interest only loan repayment be obtained for the first 5 years with a set rate of 6.5%. Note principal will only be repaid from sale of proceeds or additional funding;
- the SMRC set a limitation on the net cost to its members for annual borrowing costs at time of purchase and for the first three years at \$47,500. For example, should the SMRC purchase office accommodation of 500 sqm and only require 240 sqm for the first three years, then the unused office space of 260 sqm must be tenanted on a secured three year lease at commercial rental prior to any purchase commitment by the SMRC. The income generated will then offset the annual interest borrowing cost; and
- the chosen commercial office accommodation shall be an existing building purchased as a sound investment decision that is able to be tenanted and will result in a positive net return at the end of its useful life.

The estimated financial impact for members is as follows:

An allocation methodology as per the SMRC's Activity Based Costing Formula will allocate floor space to all of the SMRC's expenditure programmes. For example, 26% of the total cost is a direct payment contribution (Governance), the remaining 74% is allocated together with other administrative costs to SMRC Projects and forms part of each Project's budget expenditure which is charged as user pay fees. Where a Member is not participating in a Project it will be charged that percentage allocated to that Project.

The table below shows the 26% Governance Contribution that is a direct charge to members:

Members	Share %	Est Annual Rent 26%	Est Annual Buy 26%	Difference % PA Buy - Rent
Canning	20.81%	\$2,338	\$2,570	\$232
Cockburn	18.75%	\$2,106	\$2,316	\$210
E Fremantle	1.80%	\$202	\$223	\$21
Fremantle	7.11%	\$799	\$879	\$80



Kwinana	5.88%	\$660	\$726	\$66
Melville	25.80%	\$2,898	\$3,186	\$288
Rockingham	19.85%	\$2,229	\$2,451	\$222
<b>Total</b>	<b>100.00%</b>	<b>\$11,232</b>	<b>\$12,350</b>	<b>\$1,118</b>
		<b>26% of \$43,200</b>	<b>26% of \$47,500</b>	

**Share %** - Based on 2001 Census Population as per Establishment Agreement

**Est Annual Rent** - This is 26% of the total rental the SMRC will pay for 240 sqm office space @ \$180 p/sqm per annum.

**Est Annual Buy** – This is 26% of the limit placed on the SMRC being the net loan interest for 240 sqm office space up to 10% above market rental charges (\$198 p/sqm per annum).

**Difference PA Buy – Rent** – The difference between the estimated annual buy and estimated annual rent that members will be required to pay.

Members not wishing to enter into the Project will pay the market rental based on its population share % for the Projects it participates in.

The current office lease at the City of Melville expired at the end of June 2004 and but a short term lease arrangement has been agreed with the City of Melville for the SMRC to stay in the same office area whilst the Amended Business Plan is considered. The City of Melville has agreed to charge rental and outgoings at \$240 per sqm for a maximum period of twelve months.

This proposal is considered a Project of the SMRC under its Establishment Agreement and may be entered into by one or more member councils with equity share derived from the accumulated contributions from each participant.

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

One of the objectives of the corporate plan is to deliver services and to manage resources in a way that is cost effective without compromising quality.

### **Budget/Financial Implications**

The current rental payment at the City of Melville is \$37,440 pa for 155 sqm.

It is proposed to purchase an existing building in the City of Melville area with an area of approximately 500 sqm with a purchase price of \$1.5 million.



The repayments on an interest only loan of 6.5% will be \$102,000 for the first 5 years. It is expected to lease out 260 sqm with a return of \$54,500. The remaining repayment of \$47,500 would be paid by the participating Councils. The City of Cockburn has approximately 25% share, increasing to 30% over time. This will equate to an annual contribution of  $\$47,500 \times 25\% = \$13,000$  approximately per annum.

The leasing figure is very similar. A more detailed financial analysis is contained in the business plan, attached to the Agenda.

### **Legal Implications**

N/A

### **Community Consultation**

N/A

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

This proposal is to purchase an existing building from private owners.

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

### **17.1 (MINUTE NO 2543) (OCM 17/08/2004) - W.A. CROATIAN ASSOCIATION (INC.) REQUEST FOR LOT 21 PROGRESS DRIVE, BIBRA LAKE TO BE REVALUED BY THE VALUER GENERAL (1117890) (LJCD) (ATTACH)**

#### **RECOMMENDATION**

That Council:

- (1) request the Valuer General to review the valuation report dated 7 April, 2004, which provided a market valuation for Lot 21 Progress Drive, Bibra Lake, subject to the W.A. Croatian Association (Inc.) agreeing in writing to pay the costs of the revaluation; and
- (2) instruct the Valuer General's Office to undertake the review on exactly the same basis as when the land was sold at that time.



**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Cllr M Reeve-Fowkes that Council:

- (1) reserve its right to assert that the valuation of \$325,000 provided by the Valuer-General and dated 7 April 2004, is the operative valuation for the purpose of clause 3.6 of the original Contract for Sale between the City and the Association stamped 4 May 2000;
- (2) on a “without prejudice” basis, request the Valuer-General to review that valuation, subject to:
  1. An agreed statement between the City and the Association to the satisfaction of the City’s Solicitors first being provided to the Valuer-General, setting out key assumptions on which the valuation is to be prepared, particularly ensuring that correct zoning, System 6 Reservations, the Ministerial Statement and any other applicable restrictions are taken into account in valuing.
  2. The Association agreeing in writing to pay the costs of revaluation.
- (3) review its position on (1) above following receipt of the revaluation referred to in (2) above.

**CARRIED 10/0**

**Explanation**

Clause 3.6 of the original Contract for Sale provides the City with a right of first refusal, not an option to purchase as such. The Association was under no obligation to accept the City's offer to buy, however the Association cannot sell the land to anyone else so long as the City remains interested in buying it at the Valuer-General's valuation. While it is open for Council to ask the Valuer-General to revalue the land, any such position taken by the City should be 'without prejudice' to the City's ongoing contention that only the first valuation provided by the Valuer-General is applicable for the purposes of Clause 3.6. If the revaluation proves acceptable to both parties, it would be open to the Association and the City to proceed on a Contract of Sale and purchase outside the scope of Clause 3.6. If the revaluation proves unacceptable, the City could revert to its formal position that the first valuation only is relevant for the purposes of Clause 3.6.

Staff have recommended this alternative motion to Council.



## Background

Clause 3.6 of the Contract of Sale between the W.A. Croatian Association (Inc.) and the City in relation to Lot 21 Progress Drive, Bibra Lake states in part 'if at any time the Association decides to sell the land the Association must advise the City of that decision by written notice served upon the City at the City's address...' The Contract of Sale goes on to say that if the City wishes to exercise its first right of refusal to purchase the land then the City has 14 days in which to submit an offer to the W.A. Croatian Association (Inc.) in respect to the land.

In accordance with the terms of the Contract of Sale Council commissioned the Valuer General to provide a market valuation for Lot 21 Progress Drive, Bibra Lake. The Valuation Report of the Valuer General was presented to a Special Meeting of Council held on the 13 April, 2004 and Council decided to purchase Lot 21 Progress Drive, Bibra Lake for the sum of \$325,000, being the market valuation provided by the Valuer General.

A signed Contract of Sale or Strata Title by Offer and Acceptance form was forwarded to the W.A. Croatian Association (Inc.) on the 14 April, 2004, along with Council's cheque for \$32,500 being the required ten (10) percent deposit. The Association returned Council's cheque because it considered the offer made was inadequate owing to costs associated with the project which have improved the land. A letter dated the 7 May, 2004, was received by Council from the Association informing the City that the Association had received offers from other parties for Lot 21 Progress Drive and the offers ranged from \$380,000 to \$690,000.

The Association also took issue with the development costs as assessed by the City and suggested that the two valuers get together to discuss their individual valuations.

As the Contract of Sale provided a settlement date on or before 14 May, 2004, it was considered that an informal position on the Association's request be obtained from the Elected Members.

On the 11 May, 2004, at an Agenda Forum, Elected Members were informally asked for their view regarding the valuation of the land. The Elected Members were of the view that a Contract existed and that the terms of the Contract should be applied. This advice was conveyed to the Association by letter dated 13 May, 2004. The Offer and Acceptance along with the deposit cheque for \$32,500 was returned to the Association on that date. As at 27 July, 2004, the deposit cheque has not been presented for payment.

The legal firm of Mony De Kerloy acting on behalf of the W.A. Croatian Association (Inc.) wrote to Council on 27 May, 2004, taking issue with



the market valuation provided by the Valuer General and requested a copy of the instructions issued to the Valuer General and also asked for the land to be revalued.

Based on the 11 May discussion, Mony De Kerloy were advised by letter dated 1 June, 2004, that the Valuer General would not be requested to revalue the land. A copy of the instructions to the Valuer General was not provided (a copy of the instructions is attached to the Agenda).

### **Submission**

N/A

### **Report**

Council received a further letter from Mony De Kerloy dated 22 July, 2004, along with a copy of a valuation report for Lot 21 Progress Drive, Bibra Lake prepared by the firm of Pember Wilson and Eftos stating that the market value for the land was \$620,000 (a copy of the valuation report is attached to the Agenda). A further request was made to have the Valuer General revalue the land.

The initial market valuation undertaken by the Valuer General in May, 1998, (copy attached) separated Lot 21 Progress Drive into two parts, that is, the conservation section and the developable section. The former was valued as rural land and the remaining portion was valued as residential. In valuing the land consideration was given to the 'System 6' reservations and also the Ministerial Statement concerning the limitations to development of the land.

An analysis of both valuation reports suggests that each valuer used a different methodology to arrive at their valuation. The Valuer General provided a market valuation of \$325,000 using sales statistics of property in the Banjup area. This is considered reasonable since Lot 21 Progress Drive is situated in an environmentally sensitive area and the Banjup area with its resource zone, is also environmentally sensitive. An important factor is that it was valued on the same basis as when it was sold. It was valued on the same basis as it was originally sold by Council to the Association. The Pember Wilson and Eftos valuation report has utilised sales statistics of unrestricted developable land in Barrington Street and vacant industrial land in Cocos Drive.

Given the disparity between the market valuations it would be appropriate to reaffirm the value of the land by the Valuer General. However, if instructions are issued to implement the foregoing then the W.A. Croatian Association (Inc.) should agree in writing to pay the costs of the Valuer General for undertaking the revaluation.



### Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

### Budget/Financial Implications

Should Council proceed with the purchase of the property, a funding source will need to be identified as no funds have been provided in the 2004/05 budget.

### Legal Implications

This matter is subject to a Contract of Sale between Council and the W.A. Croatian Association (Inc.) stamped 4 May, 2000. Clause 3.6 of the Contract specifically refers.

### Community Consultation

N/A

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

Nil.

## 17.2 **(MINUTE NO 2544) (OCM 17/08/2004) - LOCATION OF ATWELL BMX JUMPS (8100) (AJ) (ATTACH)**

#### **RECOMMENDATION**

That Council approve the construction of a set of BMX jumps on Atwell Park located on the corner of Tapper Road and Armadale Road in accordance with the attached location plan.

#### **COUNCIL DECISION**

MOVED Clr I Whitfield SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

**CARRIED 10/0**

### Background

The Council allocated \$10,000 towards the provision of two sets of BMX jumps in the 2003/04 budget. One of the sets of BMX jumps was to be located at Len Packham Reserve in Coolbellup and the other to be located at Atwell Park in Atwell.



## Submission

In accordance with Council Policy AEW4, signs were erected on the proposed locations on Len Packham Reserve and Atwell Park for the BMX tracks.

No responses were received during the public comment period for the BMX jumps to be located in Coolbellup. Responses have been received from community members during the public comment period that ended on the 9<sup>th</sup> July 2004 for the Atwell BMX jumps. Comments on the community responses for the various locations are included in the report.

## Report

The City of Cockburn has previously installed two sets of BMX jumps. One is located at Market Garden Swamps on Rockingham Road and the other is located at Dixon Reserve next to the Wally Hagan Basketball Stadium. The intention is for the jumps to be used by all ages of children and youth, including those who are just learning to ride bikes. The jumps are not intended in any way to be of a competition standard.

Atwell was identified as a location requiring BMX facilities after a number of requests from community members. Children on bikes were also often riding through the Atwell Community Centre creating a potentially dangerous situation with pedestrians, in particular young children in the centre. When questioned, the youth on the bikes indicated they had no bike facilities to use in Atwell.

Coolbellup was identified as an obvious location for BMX jumps after it came to the City's attention that a large number of local children had built a network of jumps in the bushland adjoining Forrest Road. Public Liability issues required that these jumps be removed leaving the children with no bike facilities in the immediate area.

The locations for the BMX jumps were proposed in both Atwell and Coolbellup with a number of requirements being considered:

1. The locations of the jumps are highly visible to the public and passing traffic.
2. They are easy to find for the youth.
3. There are other facilities close by, i.e. shops and basketball courts.
4. There is the maximum possible buffer zone between the proposed facility and the nearest residences.

The Atwell Community Association has, prior to the comment period expressed its support for a set of BMX jumps, amongst other youth facilities to be provided in Atwell. An onsite meeting with the President





of the Atwell Community Association indicated the particular location in which the BMX jumps would best be located. An aerial photo of the proposed location is attached.

Letters were received from four residences, all within a 320m radius from the proposed location of the BMX jumps. A number of issues were identified in the letters to the City, including: safety issues for the children on bikes; environmental concerns for the "wetlands" at Atwell Reserve; antisocial behaviour of youth who will use the site; the flat area of the park being better suited to other activities. It must be noted that the Atwell Park is not an environmental wetland, it is actually a drainage sump. The park was vested with the City in June 1994 for the designated purpose of "Public Recreation and Drainage". Other locations for the BMX jumps were also identified in the letters sent in. Some of these locations included:

1. Atwell Ovals (this field is under enormous field space pressures with the current sporting clubs)
2. Mosedale Reserve (this park is relatively small and any BMX jumps would be no further than 50m from the closest residence).
3. Harvest Lakes (there is no location which is easily identifiable as a location for BMX facilities)

Atwell Park on the corner of Tapper and Armadale Roads is the only suitable site for a set of BMX jumps as many other parks in Atwell are either environmentally sensitive (Freshwater Drive Public Open Space) or are too small to accommodate this kind of facility whilst allowing a suitable buffer between the facility and residential housing. Previous experience has shown that where the buffer zone between BMX/skate parks and housing is less than 50metres, there is an unsatisfactory noise impact on those residents. The closest house to the proposed BMX jumps is approximately 85metres on the other side of Tapper Road.

As there were no complaints received regarding the location of a BMX track on the Len Packham Reserve in Coolbellup, approval to proceed with this work will be in accordance with Delegated Authority AEW4.

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

Key Result Area "Facilitating the needs of your community" Refers.

### **Budget/Financial Implications**

Funds allocated as per the 2003/04 budget have been carried forward for this project.



**Legal Implications**

N/A

**Community Consultation**

Site meetings and communications were held with the President of the Atwell Community Association. Signage was placed at the location as per Council Policy AEW4 – Installation of playground/recreational equipment on reserves.

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

Nil.

**17.3 (MINUTE NO 2545) (OCM 17/08/2004) - COOGEE BEACH SURF LIFE SAVING CLUB (8004) (RA) (ATTACH)**

**RECOMMENDATION**

That Council advise the Coogee Beach Surf Life Saving Club that it is not prepared to support an application by the Club for a Restricted Club License at this time, but is prepared to consider an application at the time the Club moves into new premises.

**COUNCIL DECISION**

MOVED Cllr K Allen SECONDED Cllr L Goncalves that Council support the application for a restricted Club Liquor License by the Coogee Beach Surf Life Saving Club Inc at the Coogee Beach First Aid Rooms and adjoining building, subject to:

- (1) Council entering into a 5 year lease agreement with the Coogee Beach Surf Life Saving Club Inc. for the use of the old First Aid building and attached buildings, in accordance with the site plan for the leased area;
- (2) the following trading hours being applicable:
  - Friday 5.00 pm – 12.00 am
  - Saturday 1.00 pm – 12.00 am
  - Sunday and Public Holidays 11.00 am – 10.00 pm
- (3) all requirements and approvals of the Department of Planning and Infrastructure, City's Health Department and the Department of Racing, Gaming and Liquor being obtained and any associated costs being met by the Club.

**CARRIED 9/1**



## **Explanation**

The availability and construction of the Club's new clubrooms site is still some 2-3 years away. The Coogee Surf Life Saving Club is now a mix of senior and junior members that provide an ongoing service to the Cockburn community. The Club has experienced only two break-in attempts which has seen them recently upgrade security measures to the building even further. It is now quite possibly the most secure building along the coast. The Surf Club's regular presence at Coogee since inception has also seen a decrease to the amount of unruly and anti-social behaviour at the beach. Their presence is not just restricted to weekends but also to week days and evenings where members undertake training. The Club now wishes to provide a positive social environment for its growing senior membership base at the conclusion of beach patrols and other weekend functions. Council should support the management of the Club in their endeavours.

## **Background**

Council at its meeting of the 21 January 2003 resolved to approve the construction of a temporary storage shed on the area of land abutting the Coogee Beach Surf Life Saving Club (CBSLC) in accordance with the Plan provided on the following conditions:

- (1) the necessary development approvals are received from the relevant State Government agencies;
- (2) the temporary storage shed meets all necessary building requirements and standards;
- (3) the Coogee Beach Surf Life Saving Club acknowledges that the storage shed is temporary until the future of the Coogee Beach Café/Kiosk has been decided by the Council;
- (4) up to \$10,000 of the amount originally offered to the Club, for the purchase of equipment be used as a contribution towards the construction of the temporary storage shed.

## **Submission**

The Surf Life Saving Club has approached the City seeking approval for a restricted club license to operate from the centre.

## **Report**

In accordance with Council Policy ACS 10 the CBSLC have been required to enter discussions on a lease agreement for the use of the premises that they occupy at Coogee Beach if they wish to have a restricted club license. The maximum proposed hours of operation for



the Club are Wednesday 5.00pm – 10.00pm; Friday 5.00pm 12.00pm; Saturday 1.00pm – 12.00pm: Sunday and public holidays 11.00am 10.00pm. The club has also provided a copy of a Bar Management policy for the operation of the liquor license.

The current facilities used by the Coogee Beach Surf Life Saving Club are on reserve land owned by the Department of Planning and Infrastructure. An application for a liquor license will required by the Department of Racing Gaming and Liquor to be signed by the owner, DPI who advise that provided the application is for a Club License by a not-for-profit organisation it could be approved.

The Coogee Beach Surf Life Saving Club has been promoted as a Club essentially for juniors with some adult membership. The premise can be described as basic and would require substantial work to bring them up to a standard acceptable to the Department of Racing, Gaming and Liquor and the City's Health Department for a Club liquor license. The experience has also been that premises that store liquor are very prone to break-ins. The Clubrooms are on the main thoroughfare between the car park and the beach and hence very public. Any anti-social behaviour by members hence could be visible.

Balanced against the issues raised above is the need for Council to encourage and support the establishment of well-run clubs with income sources that allow them to be self-supporting. To date the Coogee Beach Surf Life Club has proven to have a strong management structure and membership. The Club may well argue that its financial viability to some extent relies on it acquiring a Restricted Club Liquor License.

Should Council resolve to support the application by the Club it is recommended that appropriate clauses be inserted in a lease agreement that gives the opportunity for the City to terminate its agreement to the liquor license should it deem it necessary in the future.

If Council wishes to support an application for a restricted club liquor licence by the Coogee Beach Surf Life Saving Club Inc. at the Coogee Beach First Aid Rooms and adjoining buildings it require the Club to:

1. Enter a 5-year lease agreement with the Coogee Beach Surf Life Saving Club Inc for the use of the old First Aid building and attached buildings in accordance with the site plan for the leased area.
2. Support the application for a restricted club license for the following trading hours:
  - Friday 5.00 pm - 12.00 am
  - Saturday 1.00 pm – 12.00 am



- Sunday and Public holidays 11.00 am - 10.00pm

subject to all requirements and approvals of the Department of Planning and Infrastructure, City's Health Department and the Department of Racing, Gaming and Liquor and any associated costs being met by the Association.

The long-term position of Council has been to develop a new facility on the Poore Grove site to create two beach access nodes in the area. This proposal has been included in the Coogee Beach Structure Plan that is now out for public comment. The availability of the Poore Grove site for the construction of new clubrooms for the surf club is difficult to estimate other than to say it will be some years off. The current premises are likely to be used for some time by the club.

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

Facilitating a range of services responsive to the community needs.

### **Budget/Financial Implications**

All costs associated with the license application and any building works required to meet the requirements of Racing Gaming and Liquor would be met by the Surf Life Saving Club.

### **Legal Implications**

There will need to be a formal lease agreement created between the Club and the City. There are a number of statutory requirements to be met by the Club imposed by the Department of Racing, Gaming and Liquor and the City's Health Department for the operation of a liquor license, as the owners of the land. The Department of Planning and Infrastructure will be required to also approve the liquor licence application.

### **Community Consultation**

The Department of Racing Gaming and Liquor have specific advertising requirements for the provision of a restricted Liquor License for a club.

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

Nil.



**17.4 (MINUTE NO 2546) (OCM 17/08/2004) - PROPOSAL TO OPEN SPEARWOOD LIBRARY ON WEDNESDAYS (710400) (DMG) (ATTACH)**

**RECOMMENDATION**

That:

- (1) the Spearwood Library be opened to clients on Wednesdays for a trial period effective from 15 September 2004 to 23 February 2005; and
- (2) an assessment report on the trial Wednesday opening be presented to the Ordinary Council Meeting in February 2005 with the view of making a decision on the continuation or otherwise of Wednesday opening at the Spearwood Library.

**COUNCIL DECISION**

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that:

- (1) the Spearwood Library be opened to customers on Wednesdays for a trial period effective from 15 September 2004 to 23 February 2005;
- (2) an assessment report of the trial Wednesday opening be presented to the Ordinary Council meeting in February 2005, to make a decision on whether the Wednesday opening should be continued;
- (3) an extensive promotional campaign advising the community of the Wednesday opening times be initiated immediately, using all publicity mediums available to Council;
- (4) Council adopts the opinion that a volunteers services programme, in accordance with the Australian Library and Information Association (ALIA) Policy on the use of volunteers be initiated in its libraries; and
- (5) a report be presented to the October Council Meeting providing options to Council for the development of a volunteers programme for Library Services.

**CARRIED 10/0**



## Explanation

A promotional campaign will advise library customers of the amended opening hours for the library. Volunteer labour is increasingly valued by Council and Council believes that it is consistent with good practice and community values for volunteer services to be used in its libraries.

## Background

At the Council Meeting conducted on 20 April 2004, under the heading of "Matters to be noted for investigation, without debate", Deputy Mayor Graham requested that a report be prepared and presented to a future Council meeting outlining the issues involved in the Provision of Library Services at the Spearwood Library on Wednesdays. The report should:-

1. Outline the reasons why a service is not currently provided.
2. Indicate whether there is a reduced library staff workforce on Wednesdays.
3. Provide a comparison of opening hours between the Cockburn Library Service and library services at bordering local authorities.

Subsequently, a report was prepared and presented to the Council Meeting of 20 July, 2004, where it was resolved that:-

- "(1) *the Spearwood Library be opened to customers on Wednesdays with effect from 1 September 2004, and that any necessary funds be provided in the 2004/05 Municipal Budget; and*
- (2) *a comprehensive report be presented to the August Ordinary Council Meeting regarding the range of financial and non financial and staffing options available to Council to achieve the outcome specified in (1) above.*"

In order to have the Council resolution independently assessed, a consultant with experience in library management issues was engaged. The Report, by Poustie Consulting Pty Ltd, is attached.

## Submission

See report attached to the Agenda.

## Report

The attached report from Poustie Consulting Pty Ltd has been analysed and is considered to adequately address the resolution of



Council. Accordingly, the recommendations contained in the Report are supported.

**Strategic Plan/Policy Implications**

Key Result Area "Facilitating the Needs of Your Community" refers.

**Budget/Financial Implications**

Funds provided in 2004/05 Budget.

**Legal Implications**

N/A

**Community Consultation**

N/A

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

Nil.

**18. EXECUTIVE DIVISION ISSUES**

**18.1 (MINUTE NO 2547) (OCM 17/08/2004) - APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER (2612) (RWB)**

**RECOMMENDATION**

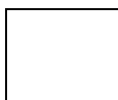
That:

- (1) Mr Don Green be appointed as Acting Chief Executive Officer as from 11 September 2004, until such time as the new Chief Executive Officer commences duty; and
- (2) the above appointment be conditional on the new Chief Executive Officer not being a current employee of the City of Cockburn.

**COUNCIL DECISION**

MOVED Cllr M Reeve-Fowkes SECONDED Cllr L Goncalves that the recommendation be adopted.

**CARRIED 10/0**





**Background**

Mr Brown ceases employment with the City on Friday, 10 September 2004. There is a need to appoint an Acting Chief Executive Officer in the period until the new Chief Executive Officer commences duties.

**Submission**

Nil.

**Report**

With Mr Brown leaving the City's employment on 10 September 2004, the appointment of an Acting Chief Executive Officer is required for the period until the new Chief Executive Officer commences duties.

At the time of writing this report, the commencement date is unknown.

Mr Green has relieved as Acting Chief Executive Officer for the past 12 years and is therefore recommended.

Council has recently adopted Policy SC30 which provides for the appointment of an Acting Chief Executive Officer during periods that the CEO is on leave. The Policy would not apply in this instance.

Should Council appoint an existing City employee to Chief Executive Officer, then it would not be necessary for Council to appoint an Acting CEO.

**Strategic Plan/Policy Implications**

Key Result Area "Managing Your City" refers.

**Budget/Financial Implications**

Funds are available for higher duties.

**Legal Implications**

The Local Government Act requires Council to appoint a Chief Executive Officer.

**Community Consultation**

N/A

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

Nil.



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

Nil

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

Nil

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

Nil

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

Nil

**23. CONFIDENTIAL BUSINESS**

Nil

**24. (MINUTE NO 2548) (OCM 17/08/2004) - 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 I Whitfield SECONDED Clr S Limbert that the recommendation be adopted.

**CARRIED 10/0**



**25 (OCM 17/08/2004) - CLOSURE OF MEETING**

MEETING CLOSED 8.12 PM

Mayor Lee closed the meeting thanking the Chief Executive Officer, Rod Brown for the high level of service and support he has provided over the 36 years with the City, before his departure on 10 September 2004. Mayor Lee on behalf of Council, Staff and the community wished Mr Brown well in his future endeavours.

**CONFIRMATION OF MINUTES**

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

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

