

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JULY 2005 AT 7:00 PM

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON THURSDAY, 14 JULY 2005 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 K Allen	-	Councillor (Via telephone link)
Ms L Goncalves	-	Councillor
Mr T Romano	-	Councillor
Mrs J Baker	-	Councillor
Mrs S Limbert	-	Councillor

IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr A. Crothers	-	Director, Finance & Corporate Services
Mr J. Radaich	-	Manager, Engineering
Mr M. Ross	-	Acting, Director, Planning & Development
Mrs B. Pinto	-	Secretary/PA, Finance & Corporate Services
Mr A. Jones	-	Communications Manager

1. DECLARATION OF MEETING

The Presiding Member declared the Meeting open at 7.00 pm.

Mayor Lee advised the meeting that due to changes in the Local Government Meeting Regulations, Councillors who were absent from Council but were able to access a telephone, could still participate in the meeting. Cllr Kevin Allen will be participating via a telephone link to his hotel room in Darwin.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

Nil.



3. DISCLAIMER (Read aloud by Presiding Member)

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

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

Nil

5 (OCM 14/07/2005) - APOLOGIES AND LEAVE OF ABSENCE

Clr V Oliver - Apology

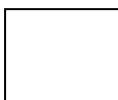
6 (OCM 14/07/2005) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Robyn O'Brien – Ordinary Council Meeting – 17 May 2005 – asked a series of questions relating to the Munster Stage 1 - Structure Plan – Lots 3, 13, 9001, 15, 16, 17 Rockingham Road and Lots 12, 51 West Churchill Avenue, Munster, and following was the response provided in a letter dated 8 June 2005.

Q1 Will Council please defer the adoption of Munster Phase 1 Structure Plan Agenda Item 14.10 to next month's meeting so Councillors have a chance to see the latest Odour Modelling from the Water Corporation which shows that land within this Structure Plan is subject to gross odours of between 10 and 5 OU at 99.9% and this is after the Corporation installs \$40M worth of odour control, an expenditure that have not committed to as yet?

A2. No. Council decided to adopt the Structure Plan at its Ordinary Meeting on 17 May 2005 on the basis that almost all of the subject land is not within the WWTP odour buffer, which is defined by the land zoned Urban Deferred in the Metropolitan Region Scheme. The Water Corporation odour modelling options also show how odour impacts relative to the Munster Phase 1 Structure Plan can be controlled within the existing 750m-odour buffer.

Q2 Will the Council advise those unfortunate people who have already purchased lots in this estate, or require the developers to put a memorial on the titles to indicate the lots



are affected by odour currently and will be in the foreseeable future.

A2. *This is a question directed to the Council for a response. Nevertheless the land is not within the current odour buffer to the WWTP. The Western Australian Planning Commission (Commission) has already approved the subdivision of land. Memorials will not be placed on new lots because this was not deemed to be an appropriate condition of subdivision approval granted by the Commission.*

Q3 *Will the Council ask Water Corporation to provide written assurances to the Council that specific odour measures will be built, when they will be built, and what exactly? Will they also ask for a modelling survey to be done showing that these measures will reduce the odour suffered by this new subdivision to 5OU?*

A3. *This is a question directed to the Council for a response. Nevertheless it is understood that the Water Corporation have or are about to lodge their Strategic Environmental Review (SER) document with the Environmental Protection Authority (EPA). The SER includes an appraisal of the plant requirements and the odour control options. It is the responsibility of the EPA not the Council to assess the sufficiency of the SER document and odour management relative to land uses in the vicinity of the WWTP.*

Q4 *Will Council please refuse to include the Section of Lot 51 West Churchill Rd that is currently zoned Urban Deferred and is in the proposed Odour Buffer being considered before the EPA and the Minister for the Environment, and a decision has not been made as yet as to where the buffer may be?*

A4. *Council decided to adopt the Munster Phase 1 Structure Plan inclusive of Lot 51, which contains an existing house, as there are no land use changes implied by the Council adoption of the Structure Plan.*

Q5 *In a separate matter will the Council disclose in the information out to public comment at the moment, closing date 24 May for the land bordering West Churchill Avenue and Albion Street, that this land is grossly affected from the Woodman Point plant and provide a copy to the public of the latest Water Corporation odour modelling.*

A5. *The Munster Phase 2 Structure Plan for West Churchill and*



Albion Street was the only document being advertised by the City for public comment pursuant to the City of Cockburn Town Planning Scheme No 3. The Structure Plan included a consideration of the odour buffer to the WWTP. The Structure Plan was also referred to the Department of Environment (DoE) and the Water Corporation (WC) for comment. The DoE and WC will advise Council if there are any significant odour impacts from the WWTP that would impact on the adoption of the Structure Plan by Council.

Council is not the author of the Strategic Environmental Review (SER). The Water Corporation are relying on the established public consultation processes of the EPA for community input on the SER. This question should therefore be directed the Water Corporation or the DoE.

Brian Forster – Ordinary Council Meeting – 17 May 2005 – asked some questions in relation to the Modification to the Harvest Lakes Structure Plan – Port of Lot 9014 Lyon Road, Atwell, and following was the response provided in a letter dated 8 June 2005.

Brian Forster, President of Harvest Lakes Residents Association. He expressed concern in relation to Item 14.7. He spoke generally about the modification to the Structure Plan. He sought clarification on the Railway Station being mentioned. It was his knowledge that this was not going to happen before 2012 and therefore requested Council to seek further clarification in relation to the plans mentioned as part of the Structure Plan.

The development of the railway station at Harvest Lakes is unknown at this stage. The station is not included in the stage one list of railway works. The Harvest Lakes station is understood to be a priority development site in future stages but it is unlikely to be developed within the next 5 years. An infill railway station is usually considered based on an assessment of need to service the community and ease demand on other stations (eg Greenwood station).

He mentioned that a number of Awards were presented to Harvest Lakes and the entire subdivision. He asked if any of these Awards will be taken away from LandCorp, because they will be changing the original plans?

LandCorp have been successful in gaining state and national recognition for the Harvest Lakes development. LandCorp won the Government Leading by Example Environmental Award Category at the awards announced by the Minister for the Environment. LandCorp won the 2005 HIA Greensmart



Professional of the Year Award. The 2004 UDIA Award for Excellence was awarded to LandCorp based on setting a benchmark for built form. These awards are consistent with the themes proposed in the Smart Village because they are based on sustainable land Development and could in fact lead to future Awards being granted to LandCorp for the Smart Village.

Mr Forster also stated that blocks of units were not in the original concept. If they are passed, will there be sufficient parking when people have social events etc..

The car parking requirements for the development are set-out in the Residential Design Codes 2002 which are based on 2 car bays per single house and separate parking requirements for grouped and multiple dwelling developments that include allowance for visitor car parking bays. Visitor car parking could also be considered in conjunction with the subdivision around the public open space where impacts during social events are expected to be localised in the same manner as with other medium density residential development in Harvest Lakes.

Another issue Mr Forster raised was the laneways behind the blocks of units were not wide enough for the refuse trucks to pass through when bins are picked up.

A 6 metre wide laneway is of sufficient width for a Council refuse vehicle to collect refuse from laneway or cottage lots provided that corner lot truncations have been designed to permit sufficient manoeuvrability.

Kim Hinton – Ordinary Council Meeting – 17 May 2005 - presented a petition in relation to traffic signals at Tapper/Armadale Road, in order to reduce traffic flow and speed on Lydon Boulevard. Following was the response provided in a letter dated 9 June 2005.

You indicated at the meeting that there was a need to establish traffic counts for Lydon Boulevard before a decision about the future of the Armadale/Tapper Roads was taken.

I advise that the most recent traffic count for Lydon Boulevard was taken near Calhausen Close in February 2002, where the average weekday traffic (AWT) was 2887.

The last count between Tapper and Haring Green was taken in August 2000, where the AWT was 1064.

In May 2005, a count was taken on Tapper Road just south of Armadale Road and the AWT was 7496.



Arrangements have been made to have new counts done on Lydon Boulevard between Tapper Road and Haring Green.

I trust this clarifies the current position in respect to traffic counts in the Lydon / Tapper Roads and Armadale / Tapper Roads intersections.

Colin Crook – Ordinary Council Meeting – 9 June 2005 - asked why Council had helped to fund a newsletter put out by the Coogee Beach Progress Association when that group has sufficient funds of its own. A response was made in a letter dated 15 June 2005 as follows:

Following is the policy which operates in relation to subsidy for newsletters.

- 1. A draft copy of the publication with quotes for the cost of production of the newsletter is provided with the funds requested from Council clearly identified.*
- 2. The Newsletter must be widely available and free of charge to those who live in the area.*
- 3. The Newsletter must promote the individual interests or platform of a Councillor or an individual who is seeking election to Council.*
- 4. Articles must be accurate and factual and provide a balanced view of the issue considered.*
- 5. No single publication will be subsidised an amount greater than \$600.00.*

The Coogee Beach Progress Association met the requirements of the policy and requested a contribution of \$110 which was duly authorised under delegated authority by the undersigned.

As stated in the policy the association could have applied for a contribution of up to \$600 towards the cost of the newsletter. The City is pleased should an association be able to produce newsletters at a low cost and or contributes its own funds toward the production of a newsletter.

7 (OCM 14/07/2005) - PUBLIC QUESTION TIME

Laurie Humphreys, Coolbellup raised a concern in relation to an article in the local paper, which stated that City had 34 crimes reported for the week ending 6 July. The point he was making was that the City received about three quarters of a million dollars from the Crime Prevention Council. He said that Council is also paying heavily for the security patrols in the area.



He asked Mayor Lee, if the security patrols have had any positive effect on the crime reduction in the City? Mayor Lee replied, that the security patrols is an excellent new service introduced by they City and the Police also think the same. It was his opinion that the service is making a difference to the community. Mayor Lee also mentioned that he was confident that the service will go on for many years..

The Chief Executive Officer added that one of the further enhancements to the security patrols is to identify trends that are occurring. Therefore to direct those resources to areas of hotspots Council employed a Manager who is experienced, a former policeman, also worked as the Loss Prevention Officer for a major retailer and a security officer for a major University. His advice is helping the City reshape this service so that Council can continue to improve it for the ratepayers of Cockburn.

Patrick Thompson, Spearwood once again requested for a statistical analysis in relation to the security patrols since its introduction. He initially requested this in December 2004 and was advised that this report will be available in February. He again requested in March/April for this information and was told that it would be available in July. It is July now and is once again requesting for the same. Mayor Lee replied that the Chief Executive Officer does have this information available, should he wish to receive it. He asked that this information be available to the public, not just himself. Mr Thompson asked where is the statistical support to show that \$2.0M is having an effect on the crime in the area? Mayor Lee advised Mr Thompson that he had two choices, either to make an appointment with the Security Manager or the information will be placed on Council's web site, when available, for public access.

The Chief Executive Officer added that the undertaking he gave Mr Thompson earlier this year was that by the end of June there would be KPIs tracked on the service. That is the case and prior to the Council meeting tonight the Councillors were given a presentation on the data that will come from the Melville system. The KPI data breaks down the type of incidents and if necessary by suburb into broad categories.

Bert Renner, Spearwood said, he had asked a question sometime ago which has till today never been answered. An estimated 2 million cu. m. of contaminated soil had to be removed. He understands that processes were in place before the development commences. He asked where would this 2 million cu. m. of contaminated soil be dumped? The community has not been advised about it. Mayor Lee asked Mr Renner whether it was the South Beach development he was referring to? Mr Renner replied that it was the whole clean-up of the area now called Coogee. He said that the area near Robb Jetty has not been cleaned up and on the other hand Mayor Road also has not been cleaned-up. Mayor Lee in answer to Mr Renner's questions stated that the contaminated soil that Mr Renner is referring to will be assessed and taken to whatever type of landfill site will accept it. He said



the developers will work closely with the Officers to ensure that the soil that is contaminated goes to the appropriate landfill site, or to an appropriate place where the soil can be treated. It all depends on the type and quality of the contamination.

Mayor Lee thanked Mr Renner.

Robyn Scherr, Coogee drew Council's attention to Page 5 of the Agenda – a response to a question Mr Crook raised at the Ordinary Council Meeting of 9 June 2005. The responses were regarding the funding given to the Coogee Beach Progress Association for a Newsletter. She made reference to Point 3, and in her opinion, should read as follows:

3. The Newsletter must not promote the individual interests or platform of a Councillor or an individual who is seeking election to Council.

She asked which newsletter did the Coogee Beach Progress Association receive a contribution of \$110.00 for? Mayor Lee replied that he was unable to respond to her question but will take it on notice and reply to Mrs Scherr in writing. She also requested a copy of the application that was made. She asked if this was a one-off application? Has the Coogee Beach Progress Association at any time requested funding?

Mayor Lee thanked Mrs Scherr and suggested she contact the Association for a response.

Logan Howlett, North Lake and chairman of the North Lake Residents Association. He said the North Lake Residents Association participated in the Cockburn Community Development Strategy and in the early stages there were a number of workshops held and they had the highest turnout of any association or suburb in the City of Cockburn. In the last two years, they had submitted Budget requests as have other associations in regard to our identified priorities, which included entrance statements to North Lake, streetscaping in general – a theme throughout the suburb. They also applied for underground power to be placed in a small area where there were overhead lines, and would like to be assured that these matters are again before Council for budget consideration. He asked whether the City of Cockburn has approached Western Power in regard to funding that becomes available through the State Budget for underground power projects throughout the State? Mr Howlett, requested that the above matters be responded to in due course.

Mayor Lee thanked Mr Howlett and requested the Chief Executive Officer to respond to Mr Howlett's requests.

Dan Scherr, Coogee made reference to a sign on Cockburn Road. He said it was mentioned that a clean-up was to commence in mid-July in the area



which is now to be called North Coogee area, which will be fenced off and remediated in three weeks.

On another matter he congratulated Mayor Lee and his Council on the advancement made towards democracy in relation to Public Question Time.

Finally he asked if the Council had been in touch with Telstra about the placement of a replacement of a telephone booth which was at the Fish and Chip Shop at the end of Powell Road? Mayor Lee replied that he had no answer and directed the question to Manager, Engineering, who replied that he was not aware that the phone booth was not there. Mayor Lee advised Mr Scherr that the City will endeavour to find out and requested Manager, Engineering to enquire into the matter.

Mayor Lee thanked Mr Scherr.

Laurie Humphreys, Coolbellup stated that in 1997, when he was Councillor at that time, Council placed a sum of \$350,000 on the budget for the refurbishment of the Coolbellup Community Centre. He said 8 years later, the same matter has been deferred. He asked if someone can tell him what the recommendation on Page 117, Item 17.4 of the Agenda means?

Mayor Lee requested the Chief Executive Officer to respond, to which he replied that it was him that requested for the matter to be deferred on the basis that a number of the major capital works projects the City has initiated due to a significant cost escalation of buildings is going to require reconsideration of Council's capital works funding. Funds are available on the budget for Coolbellup and the whole redevelopment. At this stage if it is included in the Budget, the relocated facilities including new changerooms and club rooms would not be built to a higher standard on the Coolbellup Reserve or Len Packham. Provisionally the costings for those that have come in as a result of a tender is several hundred thousand dollars more than originally allocated. There are also other tenders that have been analysed by the City staff that are at a much higher rate. In view of this he requested Council whether they would consider postponing a decision on that until November when a Strategic Planning Workshop is scheduled to present a forward capital works program for the next 10 years which then places the appropriate priority of each on those items.

Mr Humphreys asked which part of the 10 years will the Coolbellup development take place? Mayor Lee replied that it is hoped it would be very soon.

Tanya, Hamilton Hill spoke on behalf of her father, F. De Vanna, regarding the removal of a Norfolk Pine tree. She said it is a fire hazard as it is very close to the house. She said that the Council advised them to build a wall which they did. Now the wall is cracked as well because of the Norfolk Pine. Her father uses a wheelchair and at times a walking stick and wishes to



brick-pave the area as he finds it difficult to move around due to the Norfolk Pine being so close to the house as the roots are overgrown. She strongly urged Council to authorise for its removal.

Mayor Lee thanked Tanya for her input and mentioned that the matter is before Council for deliberation tonight.

Debra Lane, Coolbellup referred to Item 16.3, Page 97 of the Agenda. She thanked the Council for listening to the residents and recommending not to proceed with the modifications.

Mayor Lee thanked Ms Lane.

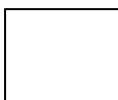
Yelena Stojanovic, Hamilton Hill spoke regarding the Item 14.7. She said that she agrees with the service but disagrees with its location. It poses a safety risk, parking on a 90° bend is a safety risk. She also feels that there is insufficient parking planned for the number of people working on site. She said the proposed building would occupy a significant portion of the block resulting in an invasion of privacy. Furthermore, there would be lack of space for leisure activities. She stated that there are mainly elderly people who live in the street.

Mayor Lee thanked Ms Stojanovic for her input and advised that the matter is before Council for its deliberation.

Mike Ball, Jandakot spoke regarding the Childcare Centre. He had major concerns regarding the noise emanating from the Centre. He said he purchased his property about 2 years ago and enjoyed the first 3 months living on the property until approval for a Childcare Centre was given. He and his wife have retired now and wish to live a quiet life. His concern was that when approvals are given for such Centres, neighbours should be consulted as to how this will affect them. He stressed that as a result of this it has completely disrupted their lifestyle and strongly urged Council to do something about it.

Mayor Lee thanked Mr Ball.

Marinko Gavranich, Hamilton Hill spoke in relation to Item 14.11. He stated that there is already a Youth Crisis Accommodation in the area. He said that he is situated in the centre of these drug and rehabilitation places. The Fremantle Youth Hostel run by the Fremantle Youth Accommodation has had several complaints made to them, but no action has been taken till now. He expressed concern as to the need for another Youth Crisis Centre to be built, and urged Council to give due consideration to the neighbours in the vicinity before approving an application like this.



Mayor Lee thanked Mr Gavranich for his input.

Hugh Raison, Hamilton Hill asked the Council whether they would like such a Centre built next to their house? Mayor Lee replied that Council is not building the Centre. He mentioned there are quite a few residents in the Complex that he lives in who are over 70 years of age. He is not opposed to any disadvantaged youth, but build such crisis centres in a rural setting. He emphasised that education centres, conducting workshops for such youth where they can learn trades to become useful citizens should be considered. The residents of Blackwood Avenue, Rockingham Road and Ives Street are concerned about their safety, as a result of this Centre which will soon be built.

Mayor Lee thanked Mr Raison for his input.

Rob Gelmi, Hamilton Hill spoke on behalf of his parents who live on Ives Street, adjacent to the proposed Youth Crisis Accommodation being built. He stated that he made his concerns very clear in the email sent to all Elected Members. He asked why were residents not consulted when the Council knew that such a facility was being proposed? He expressed concern about the safety of the residents in the surrounding area.

Mayor Lee thanked Mr Gelmi.

Patrick Thompson, Spearwood spoke in relation to Item 14.11. He felt that it was a good thing for this type of youth accommodation to be built for youth in a crisis. Although he sympathises with people who oppose such accommodation being built in the vicinity of their homes, consideration should be given that these youth need help, understanding and support. These youth should never be condemned. He had concerns that current society has abandoned such youth, that they are not capable of doing anything.

Mayor Lee thanked Mr Thompson.

Robyn Scherr, Coogee referred to Item 13.2 – Proposed amendment to localities of Coogee, Spearwood and Hamilton Hill to establish new locality of North Coogee. She asked whether this was going to be advertised? Mayor Lee requested Director, Administration and Community Services to respond to which he said that the affected property owners will be consulted as to whether they had any objections or not. The result of this survey, should there be a majority in favour, will then be forwarded to the Geographic Names Committee. Mrs Scherr, clarified that would it only be those property owners in Coogee, Spearwood and Hamilton Hill which will be surveyed? Director, Administration and Community Services replied, that is correct. Mayor Lee added that it would otherwise have to be approved by Council.



Mrs Scherr thanked Mayor Lee.

Robyn O'Brien, Munster spoke in regard to Item 14.4 – Approval of Structure Plan, Munster – Phase 2. She said that she had spoken to Cllr Limbert for a proposal to include Memorials on Titles. She asked whether Council would inform prospective purchasers that the matter of potential odour on new subdivisions is to be taken out as part of the recommendation? She requested Council to consider advising potential purchasers in other ways by advertising in newspapers asking developers to include on the brochures for sale of land, so people know this is going to happen that it is not put on titles which would be unfair and inequitable, considering Phase 1 does not have this on the titles. Secondly, at a meeting on Monday Water Corporation finalised 3 stages of odour control for their plant. They admitted that they affect areas past Stock Road to the east, grossly above the EPA 5 ODU limit requirement and that the two stages that they say may begin in 2007 completing in 2009 will only bring odour back to part of this new land subdivision. People will be waiting four years, but there is no certainty that they will not be suffering odour. In fact Water Corporation wrote a letter to the Director, Planning and Development saying that this new land subdivision will have detectable odours in the coming years. She asked if Council would pass a motion to write to the Department of Environmental Protection to request them to compel the Water Corporation to put Phase 1 and 2 in place sooner than 2007 to begin constructing those odour controls immediately, because urban zoning needs protection. The Water Corporation said it needs protection from urban encroachment but in her view, it is the other way around.

Mayor Lee replied saying that Council cannot pass a motion but he will personally write to Dr. Gill of the Water Corporation regarding bringing those dates forward and will also send a copy to Mr Fran Logan, Minister for Housing and Works.

CLRS TILBURY, GONCALVES AND BAKER LEFT THE MEETING AT THIS POINT THE TIME BEING 7.53 PM.

Dan Scherr, Coogee spoke in relation to Item 13.2 - Proposed amendment to localities of Coogee, Spearwood and Hamilton Hill to establish new locality of North Coogee. He pointed out that geographically it would make more sense if this development was named West Coogee because all those houses on the border are to the far west of Coogee.



8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2855) (OCM 14/07/2005) - ORDINARY COUNCIL MEETING - 09/06/2005

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Thursday, 9 June 2005 be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 6/0

8.2 (MINUTE NO 2856) (OCM 14/07/2005) - SPECIAL COUNCIL MEETING - 22/06/2005

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Wednesday, 22 June 2005, be adopted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 6/0

CLR TILBURY RETURNED TO THE MEETING AT THIS STAGE THE TIME BEING 7.54 PM

8.3 (MINUTE NO 2857) (OCM 14/07/2005) - SPECIAL COUNCIL MEETING - 29/06/2005

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Wednesday, 29 June 2005, be adopted as a true and accurate record.



COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 7/0

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

10 (OCM 14/07/2005) - DEPUTATIONS AND PETITIONS

Clr Goncalves tabled a petition with some 106 signatures, objecting to the proposal for youth crisis accommodation to be built on Lot 305 (128) Rockingham Road, Hamilton Hill.

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

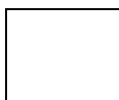
13. COUNCIL MATTERS

CLRS GONCALVES AND BAKER RETURNED TO THE MEETING AT THIS STAGE THE TIME BEING 7.55 PM

13.1 (MINUTE NO 2858) (OCM 14/07/2005) - CODE OF CONDUCT - ELECTED MEMBERS AND STAFF (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council adopts the Code of Conduct documents for Elected Members and Staff as contained in the attachment to the Agenda.



COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that Council adopt the Code of Conduct documents as attached to the Agenda, subject to deleting the words 'up to a value of \$20.00' from the final paragraph of Clause 3.7 of the Elected Members' Code of Conduct and Clause 3.8 of the Staff Code of Conduct.

CARRIED 6/3

Explanation

The above amendment reflects the original Officer's recommendation which was placed before Council at its June 2005 Meeting. That recommendation was based on legal advice and should be supported.

Background

This matter was deferred from the June 2005 Council meeting for further consideration of limiting the value of hospitality able to be extended to Elected Members or staff pursuant to the Codes, without requiring such occasions to be recorded.

Pursuant to Sec. 5.103 of the Local Government Act, 1995, Council is required to adopt a Code of Conduct to be observed by Elected Members and employees. In addition, Council is required to review the Codes within 12 months of its Ordinary Elections.

Submission

To adopt amendments to the Codes which are currently applicable to the City of Cockburn, as identified in the attachments.

Report

When this matter was previously reviewed following the 2003 Council elections, it was reported that the Code of Conduct provisions of the Local Government Act, 1995, were under review, primarily to incorporate more enforceable procedures for non-compliance or breaches of the Code. This process has now developed to a stage where significant changes to the Local Government Act are proposed, the effect of which the review requirements of Council's current Codes are, and will remain, applicable.

During 2004, the "token gift" provisions of Council's Codes were publicly questioned as to their application. Subsequent to these queries, clarification was sought, and obtained, on the validity of Council's processes in this regard.



While this clarification also verified the integrity of Council's systems and the application of Code requirements, it was suggested that a review of the "token gifts" provisions of the Codes would overcome any misunderstanding in the future.

In essence, there are two separate obligations placed on Elected Members and staff in the accepting and/or declaring of gifts. Under the Code, "token gifts" offered by persons undertaking business with Council may be accepted, provided the value of the gift is within the limits designated by Council.

Upon the acceptance of such token gifts, details are to be provided to the CEO, following which they must be entered into a Register kept for recording purposes, unless the gift involves the provision of hospitality, which includes entertainment, food and/or refreshments to a specified value, and promotional mementos. All other token gifts received must be recorded. In addition, gifts which exceed the value determined by Council cannot be accepted. However, any number of individual gifts can be received from the same person or persons provided they are within the monetary limitation.

Under the provisions of the Local Government Act, 1995, the receiving of gifts is treated in a significantly different manner. Each year, Elected Members and specified staff are required to complete an annual Return of their financial interests in a prescribed form. One of the matters to be disclosed relates to the receipt of gifts. The difference between gifts in this situation and that which applies to the Code of Conduct is that gifts do not have to be disclosed in this return if they do not amount to \$200 (cumulative) for the relevant financial year or are received by a relation. Token gifts totalling an individual or cumulative value of \$200 or more during the financial year, are required to be recorded in the Annual Return, irrespective of whether they are of a hospitality or material nature.

In this regard, it is recommended that the value provisions of the Codes be increased to \$200 and that the recording of such gifts, relative to hospitality up to a value of \$20.00 per occasion, in a register not be required.

This is recommended because the declaration provisions of financial interests requires the recording of gift(s) beyond \$200 in total to be declared in the Financial Interests Returns of Elected Members and staff each year.

Such gifts, whether hospitality or otherwise, are then available for public inspection in any case. Therefore, if relevant, these gifts will be transparently declared in one return as part of either the Financial Interest provisions process, or the token gift requirements of the Code, unless they are of a value of less than \$20.00, which is considered to be an amount of such an insignificance so as to not warrant recording.



To confuse this system by having differing standards appears unnecessary and could lead to the misunderstanding of each process.

Strategic Plan/Policy Implications

Key Result Area “Managing Your City” refers.

Budget/Financial Implications

N/A

Legal Implications

Sec. 5.103 of the Local Government Act, 1995, refers.

Community Consultation

N/A

Attachment(s)

- (1) Correspondence – McLeods – Opinion on Code of Conduct and Gifts.
- (2) Correspondence – Department of Local Government and Regional Development.
- (3) Draft Codes of Conduct – Elected Members and Staff.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

13.2 (MINUTE NO 2859) (OCM 14/07/2005) - PROPOSED AMENDMENT TO LOCALITIES OF COOGEE, SPEARWOOD AND HAMILTON HILL TO ESTABLISH NEW LOCALITY OF NORTH COOGEE (1050) (DMG) (ATTACH)

RECOMMENDATION

That Council:

- (1) conducts a survey of landowners affected by the proposal to change the boundaries of Coogee, Spearwood and Hamilton Hill to establish the new locality of North Coogee, as shown in attachment 2 to the Agenda; and
- (2) subject to a majority of affected landowners supporting the



proposed locality change, submit an application to the Geographic Names Committee requesting the recommended amendments.

COUNCIL DECISION

MOVED Clr S Limbert that Council:

- (1) conducts a survey of landowners affected by the proposal to change the boundaries of Coogee, Spearwood and Hamilton Hill to establish the new locality of North Coogee, as shown in attachment 2 to the Agenda; and
- (2) subject to all of the affected property owners supporting the proposed locality change, submit an application to the Geographic Names Committee requesting the recommended amendments.

MOTION LAPSED FOR WANT OF A SECONDER

MOVED Clr L Goncalves SECONDED Clr T Romano that the recommendation be adopted.

CARRIED 9/0

Background

The suburb boundaries of Coogee, Spearwood and Hamilton Hill have existed for some time and are shown at attachment 1.

Submission

To amend the boundaries of these suburbs and establish the new locality of North Coogee, as shown at attachment 2.

Report

Currently, the Cockburn coastline, from its northern boundary with the City of Fremantle to the proposed Port Coogee is contained within three suburbs, being Hamilton Hill, Spearwood and Coogee.

With the revitalisation of the area from disused industrial land to a high quality residential and commercial hub, it is opportune to review this situation.



In recent times, preliminary approvals for residential developments at both ends of this area have been given, with a total housing yield of nearly 1000 lots being the result.

Added to this is the State Government's vision for the "Cockburn Coast" concept, which includes other areas of infill urban development estimated to create a minimum of another 500 housing lots, dependent upon densities yet to be approved.

This creates an ideal opportunity to envelop these developments into a new locality based on both historical identity, as well as the future development of the land.

In the past, this area of Cockburn, from the northern boundary heading south, was identified more with Coogee than with Hamilton Hill or Spearwood. More particularly, the former industrial uses on the land were said to be located in "North Coogee", which, of course, was not the case because there was no such suburb. In all probability, this was due to the industries being located on the seaward side of the limestone ridge, which separated it from the market gardens and residential areas of Hamilton Hill and Spearwood.

In addition, the original suburb of Coogee was contained mostly to the western side of the ridge and elevated sites on the top of the ridge itself. Therefore, it was a natural tendency to relate the residential area of Coogee to the industries which were established along the coast and used Cockburn Road as a thoroughfare.

The rationale for the extension of the suburb boundaries of Hamilton Hill and Spearwood to the coast is unknown, but it can only be assumed that they were based on road reservations or some other defining landmark in the past. If this was the case, they are no longer relevant and it would make sense to redefine the boundaries in any case.

However, as one of the guiding principles used by the Geographic Names Committee (GNC) is that new localities will only be considered prior to the development of new urban areas, it is appropriate to be cognisant of the urban areas being proposed for the area in question (see Attachment 4).

Apart from the Port Coogee and South Beach developments to be commenced in the near future, there are now proposed to be additional areas of urban infill between these two project areas. This will ensure that minimum criteria applicable to new localities, in terms of size and housing lot numbers can also be achieved. Provided there is a majority support of current landowners for the proposal, it is not envisaged that the proposal will be rejected.



Only a small number of existing sites in the proposed area will retain their current usage, however, it is not expected that this will have a detrimental impact on the outcome.

In order to retain the historical relevance to the area, as well as integrate the proposals for future development, it is recommended that North Coogee be the preferred name of the proposed redrawn suburb.

Strategic Plan/Policy Implications

Key Result Area "Facilitating the Needs of Your Community" refers.

Budget/Financial Implications

A full costing estimate of \$20.00 per property has previously been determined for Council to undertake surveys of this kind. Some 75 properties are affected, making a total of \$1,500. This would be funded from the Community Consultation Account.

Legal Implications

The Department of Planning and Infrastructure, through the Geographic Names Committee is the responsible authority for approving amendments to suburb boundaries.

Community Consultation

If the proposal proceeds, the affected community will be consulted through the landowner's survey, the results of which will determine whether the proposal can proceed.

Attachment(s)

Maps identifying proposed local changes

Advice to Proponent(s)/Applicant

N/A

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

Nil.



13.3 (MINUTE NO 2860) (OCM 14/07/2005) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE MEETING MINUTES 29 JUNE 2005 (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 29 June 2005, as attached to the Agenda, and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr S Limbert that the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting of 29 June 2005, as attached to the Agenda be received, and the recommendations contained therein be adopted, with the exception of the following items, which are to be withdrawn and considered separately:

- (1) Item 9.3 – (Minute No.133) (DAP&PS 29/06/2005) – Proposed New Policy SC32 – Information Technology Allowance (1055) (ATC) (ATTACH);
- (2) Item 12.1 – (Minute No.143) (DAP&PS 29/06/2005) – Proposed New Policy SEW2 – Street Lighting (10300) (SMH) (ATTACH); and
- (3) Item 12.2 – (Minute No.144) (DAP&PAS 29/06/2005) – Proposed New Policy SEW3 – Local Area Traffic Management (1030) (SMH) (ATTACH);

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 29 June 2005. The minutes of the meeting are required to be presented to Council and its recommendations considered by Council.



Submission

The minutes of the Committee meeting are attached to the Agenda. Items dealt with at the Committee meeting form the basis of the Minutes.

Report

The Committee recommendations are now presented for consideration by Council and if accepted, are endorsed as the decisions of Council. Any elected member may withdraw any item from the Committee meeting for discussion and propose an alternative recommendation for Council's consideration. Any such items will be dealt with separately, as provided for in Council's Standing Orders.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation

Committee Minutes refer.

Attachment(s)

Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting dated 29 June 2005.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



(MINUTE NO 2861) (OCM 14/07/2005) - ITEM 9.3 - (MINUTE NO.133) (DAP&PS 29/06/2005) - PROPOSED NEW POLICY SC32 - 'INFORMATION TECHNOLOGY ALLOWANCE' (1055) (ATC) (ATTACH)

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Clr S Limbert that Policy SC32 - 'Information Technology Allowance', as attached to the Minutes be adopted, subject to the words 'and Router' being added to the words 'Broadband Internet Access' where they appear under the headings of 'Background' and 'Section 1' of the Policy.

CARRIED 9/0

Explanation

A Router is also supplied to Elected Members as part of the broadband internet access and therefore this item should be added to the list of items supplied.

(MINUTE NO 2862) (OCM 14/07/2005) - ITEM 12.1 - (MINUTE NO.143) (DAP&PS 29/06/2005) - PROPOSED NEW POLICY SEW2 - STREET LIGHTING (1030) (SMH) (ATTACH)

COUNCIL DECISION

MOVED Clr K Allen SECONDED Clr A Tilbury that this matter be referred back to the Delegated Authorities, Policies and Position Statements Committee for further consideration.

CARRIED 9/0

Explanation

Before Council endorses the four basic types of street light types the details should be circulated to the Committee for further evaluation.

(MINUTE NO 2863) (OCM 14/07/2005) - ITEM 12.2 - (MINUTE NO.144) (DAP&PS 29/06/2005) - PROPOSED NEW POLICY SEW3 - LOCAL AREA TRAFFIC MANAGEMENT (1030) (SMH) (ATTACH)

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Clr I Whitfield that:

(1) the report be received; and



- (2) the proposed Policy SEW3 – ‘Local Area Traffic Management’ be adopted for inclusion in Council’s Policy Manual subject to substituting the words ‘by at least 4 property owners or occupiers’ with ‘by the owners or occupiers of at least 4 individual properties’ in Clause 2 of the Policy.

CARRIED 9/0

Explanation

The substitution of the words in Clause 2 does not change the intent of the Clause, but makes the requirement clearer.

14.1 (MINUTE NO 2864) (OCM 14/07/2005) - NEGOTIATION TO HALT THE CLOSURE OF PORTION OF ROAD RESERVE BETWEEN 31 AND 32 HARING GREEN, ATWELL (451031) (KJS) (ATTACH)

RECOMMENDATION

That Council advise the instigator of the petition seeking a halt to the closure of a portion of road reserve between Haring Green and Empress Crescent, that negotiations for a delay in the transfer of land has not been successful because of the advanced stage of legal and financial transactions.

COUNCIL DECISION

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

CARRIED 9/0

Background

Council at its meeting held on 17 May 2005 resolved to:

- “(1) *negotiate a delay of proceedings and re-examine Council’s decision to close a portion of the accessway;*
- (2) *authorise the Chief Executive Officer to negotiate with the owners of 31 and 32 Haring Green, Atwell for a delay in the transfer of portion of Haring Green Road Reserve;*



- (3) *if a delay of transfer of proceedings referred above is achieved, request that Council Officers prepare a report that re-examines the decision of the Council Meeting of 15 June 2004 to close portion of Haring Green; and*
- (4) *advise the instigator of the petition of Council's decision."*

Submission

N/A

Report

The owners of 31 and 32 Haring Green were contacted with a request that they delay the acquisition of the land the subject of the closure of portion of Haring Green.

A copy of Council's request was also sent to the Department of Planning & Infrastructure Land Asset Management Services (DPI LAMS). DPI LAMS response was that "letters of offer and acceptance are legally binding contracts and it would be extremely difficult to reverse the current course of action". The course of action referred to was the offers that have had been made to the owners of 31 and 32 Haring Green.

In a letter received from the owners of 31 and 32 Haring Green, Atwell on 22 May 2005 the owners advised that they were not prepared to delay purchase of the portion of Haring Green.

In a joint letter the owners state that they have made purchase payments to DPI and have also paid both Alinta Gas and Water Corporation for works to cut and cap services in the section of the road reserve.

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

N/A

Attachment(s)

Location Map.

Advice to Applicant(s)/Stakeholders

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

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

Nil.

14.2 (MINUTE NO 2865) (OCM 14/07/2005) - REMOVAL OF HERITAGE LISTED NORFOLK PINE TREE - 3/104 FORREST ROAD, HAMILTON HILL - OWNER: F DE VANNA - APPLICANT: T DE VANNA (2213477) (JB) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse the removal of the heritage listed Norfolk Pine Tree at 3/104 Forrest Road, Hamilton Hill, for the following reasons:
 1. Council's support for the recoding of the land from R15 to R30 which facilitated the 12-unit development, was subject to all four Norfolk Pine Trees being retained.
 2. The Norfolk Pine Tree is one of the tallest and most visually recognised trees in the area and forms part of a grouping of four Norfolk Pine Trees that have been entered on the City's Municipal Heritage Inventory in recognition of their cultural heritage significance.
- (2) issue a Schedule 9 Refusal Notice of Determination on application for Planning Approval and MRS Form 2 Notice of Refusal accordingly.
- (3) provide the applicant with a copy of the Arboricultural Report in order to provide advice on how to mitigate any possible nuisance issues pertaining to the location of the Norfolk Pine Tree.



COUNCIL DECISION

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

CARRIED 9/0

Background

ZONING:	MRS:	URBAN
	TPS:	RESIDENTIAL R30
LAND USE:	RESIDENTIAL	
LOT SIZE:	296m ²	
USE CLASS:	N/A	

On 15 September 1995 Amendment No. 122 of District Zoning Scheme No. 2 was gazetted and recoded the site (104 Forrest Road) from Residential R15 to Residential R30.

The Scheme Amendment acknowledged the presence of the Norfolk Pines and stated that the trees “represent an important attribute, not only to the site, but the general locality” and that the “residential units will be sited to enable the retention of the mature Norfolk Pine trees”.

On 5 December 1995 Council granted Planning Approval for a twelve grouped dwelling development. Condition 1 of this approval stated that “No [Grass Trees] or any trees or shrubs taller than two metres high existing on the land being removed without prior written approval of the Council, and where such vegetation is to be retained, it shall be marked and/or protected to Council’s satisfaction”; it is noted that Norfolk Pines were marked for retention on the site plan.

On 24 April 1996 a building licence was issued for units 7 – 12 located to the rear of the property. Concerns over the stability of the trees were raised after site works occurred; on this basis an Arboriculturalist was requested to inspect all four Norfolk Pine Trees. The report concluded that “all four trees were extremely attractive, healthy, and vigorous. None of them reflected any outward signs that would have even remotely suggested that they represent an unacceptable element of danger. Further, there was nothing to suggest that the trees had been destabilised by the construction works and, therefore, that they would be likely to fall over”.

On 16 August 1996 a revised plan was approved for six group dwellings at the site (a total of twelve), with condition No. 12 of the approval stating that “all four Norfolk Pine trees to be retained and protected to Councils satisfaction during the construction period”; it is noted that this has occurred.



On 27 August 2003 a letter was received from Simone Bingham, the secretary for the owners of 104 Forrest Road; it requested advice on how to stop the Norfolk Pine at unit no. 3 / 104 Forrest Road from lifting brick pavers. Council employed the services of an Arboricultural Consultant to inspect the issue of the Norfolk Pine Tree lifting pavers. Based on the findings of the Arboricultural Report the following advice was given:

- "A. The root closest to the dwelling that is creating the most significant lifting of the pavers (80mm tree root) may be removed at a point roughly level with the small concrete garden wall and the root removed from the ground.*
- B. The wound left from severing the above root will need to be treated with an appropriate sealant to prevent any infections from entering the tree through this wound.*
- C. The two larger roots are roughly 50 to 70 millimetres below the bottom of the pavers. The pavers on top of these roots may be removed, and some of the sand removed that is covering these roots. Doing this will create a more level surface when the pavers are replaced. These roots may not be cut or removed."*

On 20 April 2004 Council resolved to adopt a Municipal Heritage Inventory Review, which included the four Norfolk Pine Trees at 104 Forrest Road, Hamilton Hill, (see Municipal Heritage Inventory Place Number 89 "Four Norfolk Pine Trees").

Submission

On the 22 March 2005 the City received an application to remove the Norfolk Pine Tree located at 3/104 Forrest Road, Hamilton Hill (see Attachment No. 2). The applicant's rationale for the removal of the tree is summarised as follows:

- A. The tree represents a hazardous situation, which is increasing.
- B. The tree is a fire hazard.
- C. The tree roots are causing damage.
- D. Litter shed by the tree represents a nuisance and a fire hazard.

Report

An Arboricultural Consultant, was engaged by the City to provide an updated report of the Norfolk Pine tree located at 3/104 Forrest Road and to consider the significance of the points raised by the applicant in justifying the removal of the tree.

The application was also advertised to properties within a 150m radius of the proposal for submissions. At the close of the submission period



24 submissions were received, of these 5 objected to the removal of the tree and 19 had no objection; in addition 2 late no objections were received. These submissions have been summarised in the agenda attachments and include Council responses.

Based on the observations and conclusions provided in the Arboricultural Report the Norfolk Pine Tree remains attractive and healthy. It was also recommended that some works were required by the owner to maintain and monitor the tree.

The applicant should be provided with a copy of the Arboricultural Report to provide advice on how to mitigate any impacts pertaining to the location of the Norfolk Pine Tree.

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:

APD17 STANDARD DEVELOPMENT CONDITIONS AND
FOOTNOTES

Budget/Financial Implications

The cost of engaging a Consultant to prepare the Arboricultural Report was \$577.50 from the Consultants Budget 2004/05.



Legal Implications

N/A

Community Consultation

Application was advertised to properties within a 150m radius of the proposal for submissions; see Attachment No.4 Schedule of Submissions.

Attachment(s)

- (1) Location Plan
- (2) Letter from Applicant
- (3) Arboricultural Report Dated 19 May 2005
- (4) Schedule of Submissions
- (5) Municipal Heritage Inventory Place Number 89 – Four Norfolk Pine Trees

Advice to Proponent(s)/Submissioners

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

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

Nil.

14.3 (MINUTE NO 2866) (OCM 14/07/2005) - PRIMARY SCHOOL SITE ON LEN PACKHAM RESERVE (9624) (AJB) (ATTACH)

RECOMMENDATION
That Council:

- (1) raise no objections to the Department of Education and Training and its contractors having access to that portion of Len Packham Reserve approved by the Hon Minister for Planning and Infrastructure to be excised for the purpose of the new Coolbellup Primary School, subject to satisfactory arrangements being made for the coordination of such building activities with the modifications to Councils infrastructure and the program of ceasing existing uses of that area and relocating existing facilities;
- (2) support the granting of a 3 metre wide easement over Len Packham Reserve and/or Reserve 30189 for the purpose of accommodating services between the school site and Cordelia Avenue subject to all costs being met by the Department of



- Education and Training; and
- (3) advise the Department of Education and Training accordingly.

COUNCIL DECISION

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

CARRIED 9/0

Background

Council at its meeting held on 17 December 02 (Item 17.4) resolved to support locating the proposed new Coolbellup Primary School on portion of Len Packham Reserve subject to a number of conditions.

At its meeting held on 17 February 04 (Item 14.17) Council resolved to support the development of the new Coolbellup primary School on the south western portion of Len Packham Reserve and to initiate amendment No 10 to TPS No 3 to rezone the school site and the shopping centre precinct to "Development" zone.

Council at its meeting held on 19 October 04 (Item 14.12) resolved to support development of the new Coolbellup primary school site on Len Packham Reserve which includes a battle axe leg from Waverley Road for access.

Amendment No 10 was granted final approval on 5 April 04.

By letter dated 16 May 05, Department for Planning and Infrastructure – Land Asset Management Services advised that the Hon Minister for Lands has granted approval for the proposed excision of the proposed Coolbellup primary school site from Len Packham Reserve.

The Department of Training and Education (DET) has advised that surveyors have been appointed to undertake the survey and prepare the necessary documentation.

Submission

The Department of Education and Training has advised that it will be calling tenders for the construction of the new school shortly. By fax dated 17 May 05 and email dated 16 June 05, DET has requested access to the site for the construction of the school and a 3m wide easement over Len Packham Reserve for services to the site from Cordelia Avenue.



Report

As noted above, the Hon Minister for Lands has granted approval for a portion of Len Packham Reserve to be excised for the purpose of the new Coolbellup primary school and formalities to finalise the excision are in progress. On this basis officers raise no objections to the Department of Education and Training having access to the site. The Department will need to liaise with the City to ensure the coordination their program with the termination of current uses of that area and service infrastructure relocation that may be necessary.

No objections are raised to the granting of a 3 metre easement over Len Packham Reserve and or adjoining Reserve 30189 between the school site and Cordelia Avenue, as generally shown on the plan included in the Agenda attachments subject to all costs being met by the Department of Education and Training.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To deliver services and to manage resources in a way that is cost effective without compromising quality."*
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

Undertaken previously as part of the Enquiry by Design process and Amendment No 10 which was advertised for public comment

Attachment(s)

Plan

Advice to Proponent(s)/Applicant

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

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

Nil.

- 14.4 **(MINUTE NO 2867) (OCM 14/07/2005) - LAKE COOGEE ESTATE (MUNSTER PHASE 2) LOCAL STRUCTURE PLAN - LAND BORDERED BY WEST CHURCHILL AVE, ROCKINGHAM RD, FROBISHER AVE AND THE BUFFER ASSOCIATED WITH THE WOODMAN POINT WASTEWATER TREATMENT PLANT - OWNER: VARIOUS - APPLICANT: URBAN FOCUS (9517A) (CP) (ATTACH)**

RECOMMENDATION

That Council:

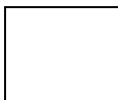
- (1) adopt the Lake Coogee Estate (Munster Phase 2) Structure Plan for the land bordered by West Churchill Avenue, Rockingham Road, Frobisher Avenue, and the Woodman Point Wastewater Treatment Plant buffer pursuant to clause 6.2.9 of the City of Cockburn Town Planning Scheme No.3 subject to amending the plan to:
 1. Include Lot 4 West Churchill Avenue and Lot 3 Rockingham Road as Residential R-40 sites;
 2. Include Lot 2 West Churchill Avenue, Lot 10 Coogee Road, Lot 500 Albion Avenue as Residential R-20 sites;
 3. Change the density coding of the R-30 cell in the northeastern corner of the Estate to R-40;
 4. Exclude all land from the Structure Plan located within the current odour buffer associated with the Woodman Point Wastewater Treatment Plant and the Kwinana Air Quality EPP Buffer;



5. State that Coogee Road shall be cul-de-sac'd temporarily on the northern side of Frobisher Avenue for the duration of Stage 1 of the development of the proposed Marine Technology Precinct in Development Area 6 to the south;
 6. State that further discussions are to be held between the proponent, the City and Transperth regarding the preferred bus route, road treatment and detailed design;
 7. Realign the north-south road over Lot 1 West Churchill Avenue to the eastern boundary of Lot 1 West Churchill Avenue; and
 8. Show the location of proposed dual use paths along Rockingham Road, Coogee Road, West Churchill Avenue, Frobisher Avenue and Albion Avenue; and
- (2) request the proponent to obtain the written agreement of all the owners of Lot 103 West Churchill Avenue to participate in the Structure Plan and to provide evidence to Council accordingly;
 - (3) adopt the officer comments in the Schedule of Submissions as contained in the Agenda attachment;
 - (4) advise the proponent of the service agency responses in the Schedule of Submissions;
 - (5) advise the owners of Lot 4 West Churchill Avenue, Lot 3 Rockingham Road, Lot 2 West Churchill Avenue, Lot 10 Coogee Road and Lot 500 Albion Avenue of (1) 1. & 2. above;
 - (6) advise those persons who made a submission of Council's decision including a copy of the Schedule of Submissions; and
 - (7) upon completion of (1) & (2) above, forward a copy of the Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of Town Planning Scheme No. 3.

COUNCIL DECISION
MOVED Cllr S Limbert SECONDED Cllr A Tilbury that Council adopt the recommendation subject to the inclusion of Clause (8) which reads as follows:

- (8) advise the applicant that upon an application for subdivision being lodged with the Western Australian Planning Commission that it will not recommend a condition requiring notifications or



memorials on all new lot titles regarding odour because the land subject of the adopted Structure Plan is not included within the odour buffer surrounding the Waste Water Treatment Plant.

CARRIED 8/1

Explanation

Council should not recommend a subdivision condition that requires notifications on new titles because Council's adoption of the Structure Plan excludes land affected by the odour buffer. Such a condition could also unnecessarily discourage purchasers, as this has the potential to devalue the land. Council also did not require notifications on titles for the subdivision of land within the Munster Phase 1 Structure Plan area.

Background

ZONING:	MRS:	Urban, Urban Deferred
	TPS3:	Development Zone Development Area 5, Development Contribution Area 6
LAND USE:	Horticultural, Vacant land & Residential landuses	
LOT SIZE:	N/A	
AREA:	N/A	
USE CLASS:	N/A	

Submission

Urban Focus has submitted a Local Structure Plan on behalf of various landowners in Munster within the area defined by West Churchill Avenue to the north, Rockingham Road to the east, Frobisher Avenue to the south and the buffer associated with the Woodman Point Wastewater Treatment Plant ("WPWWTP") to the west.

The proposed Structure Plan specifies zonings and residential density codings for the various landholdings, while taking account of issues such as:

- urban design principles;
- proximity to the local shops at the intersection of West Churchill Avenue and Rockingham Road;
- development constraints and associated buffers, including, the WPWWTP buffer; the Kwinana Air Quality EPP Buffer and midge buffers;
- geotechnical condition of the land;
- drainage and nutrient management; and



- Public Open Space (“POS”) requirements.

A copy of the proposed Structure Plan and report is contained in the Agenda attachments.

Report

The proposed Structure Plan (Munster Phase 2) was advertised for public comment in May 2005, in accordance with Town Planning Scheme (“TPS”) requirements. At the close of the submission period 30 submissions had been received. A Schedule of Submissions is contained in the Agenda attachments.

The key points raised in submissions include:

- Inclusion of small land parcels not currently included within the Structure Plan;
- Increasing the density of the Residential R-30 cell in the north east corner to R-40;
- Opposition by landowners affected by the WPWWTP buffer to development occurring within the structure plan area until the Water Corporation “fixes” the odour problem;
- Opposition to land located within the current WPWWTP buffer being included in the Structure Plan and zoned for residential purposes.

The Schedule of Submissions (attached) provides recommendations in respect to the issues raised in the submissions received.

The key issues raised in submissions are addressed below.

Inclusion of Small Lots:

The following Lots are located within the planning area but are not currently participating in the Urban Focus Structure Plan:

1. Lot 4 West Churchill Avenue
2. Lot 2 West Churchill Avenue
3. Lot 3 Rockingham Road
4. Lot 10 Coogee Road
5. Lot 500 Albion Avenue.
6. Lot 107 Hobsons Avenue.

These Lots do not have any residential density coding shown and would otherwise need to be the subject of future separate structure planning prior to development occurring unless they are included in the Structure Plan at this stage.

It is appropriate to consider including these Lots (with the exception of Lot 107 Hobsons Avenue) in the Structure Plan for the following reasons:

- each Lot contains an existing dwelling, is small in area and has limited development potential;



- in order to provide landowner certainty as to the density coding affecting these land holdings;
- to provide a statutory basis for considering future development proposals affecting the land;
- the small areas of these Lots mean inclusion of them should not compromise landowner agreements and the provision of Public Open Space for the Estate as a whole.
- to prevent the need for further structure plans to be prepared where the issue can be easily resolved as part of the current Structure Plan.

It would be inappropriate to include Lot 107 Hobsons Avenue in the Structure Plan as:

- The owner of Lot 107 is reluctant to have the land included;
- Lot 107 is of sufficient area (1.1761ha) to sustain its own Structure Plan prior to development occurring.
- the inclusion of Lot 107 would compromise existing agreements among participating landowners.
- the Structure Plan envisages the separate provision of Public Open Space for Lot 107 by nominating proposed POS where Hobsons Avenue is to be closed.

Residential Development Densities:

The general principle of allocating higher Residential density coding to the land in the northeastern corner of the planning area is supported due to:

- proximity to the local shops at the intersection of Rockingham Road and West Churchill Avenue;
- proximity to arterial road network and public transport;
- higher density encourages variety in housing form;
- provides increased accommodation opportunities for the potential labour force associated with the nearby Australian Marine Complex.

Although the Structure Plan proposes Residential R-30 at this location, R-30 is at the lower end of the 'medium density' housing spectrum. This would effectively establish a standard with which development of land outside the planning area but also near the commercial centre would need to be consistent. In order to achieve a more efficient pattern of development, it is recommended that the Structure Plan be amended to increase the density in this location to R-40, which would be consistent with the coding of land in similar locations elsewhere in the City. The proponent has verbally indicated agreement for this to occur.

Furthermore, in order to regularise this higher density cell, it is recommended that Lot 4 West Churchill Avenue and Lot 3 Rockingham Road be included as R-40 coded sites..



Woodman Point Wastewater Treatment Plant Buffer:

Submissions have been received from landowners within the WPWWTP buffer which do not support development within the structure plan area until odour from the WPWWTP is effectively “fixed” at source. Management of the odour generated from the WPWWTP is primarily a matter for the Water Corporation to address, although potential landuse conflict is a relevant matter for the Council to consider in determining the Structure Plan proposal.

It is noted the Environmental Protection Authority (“EPA”) has been requested by the Minister for the Environment to provide strategic advice under Section 16(e) of the Environmental Protection Act regarding the WPWWTP buffer in order to inform the long term planning of the area. The EPA has requested the Water Corporation to prepare a Strategic Environmental Review, which is yet to be released for public comment. The EPA will finalise its advice to the Minister once the SER has been released for public comment. It is not known at this stage how long this process will take.

Notwithstanding this, the Council is required make a determination on the current Structure Plan under TPS3, which has been prepared on the basis of the current location of the 750m odour buffer. It is significant to note that the Water Corporation has stated in its submission that it does not oppose proposals outside the current buffer location, but strongly opposes the development of odour sensitive landuses within the buffer, including open space associated with existing dwellings that have been included in the plan.

It is considered that while odour emissions from the WPWWTP may occasionally be detectable within the Structure Plan area, this is not significant enough to prevent the Council adopting the current Structure Plan, for the following reasons:

- the EPA review of the odour buffer is an ongoing exercise which is not grounds in its own right to prevent development occurring on unconstrained land in the meantime;
- the Water Corporation strongly opposes the establishment of odour sensitive landuses within the existing buffer zone but has no objection to development occurring outside the buffer;
- the proposed Structure Plan provides for development to occur generally outside the current odour buffer;
- conditions can be recommended at the subdivision stage to the Western Australian Planning Commission requiring the registration of Memorials on Titles to inform prospective purchasers of the potential for odour to occur.
- in a recent letter from the Water Corporation dated 22 June 2005, the following comments were provided in relation to the WPWWTP: *“I can confirm that one of the Corporations objectives with the odour upgrade is to remove detectable levels of odour from those areas currently zoned to be developed for residential purposes. However,*



due to the size of the works, inherent complexities and wider corporate financial responsibilities it is envisaged the upgrade will be undertaken as a staged project. Given this, surrounding residential areas will experience detectable levels of odour in the intervening period”.

The proposed Structure Plan utilises cadastral boundaries to rationalise the WPWWTP buffer, which results in some residential zoned Lots spanning and falling within the odour buffer in various locations. In accordance with the Water Corporation submission, it is recommended that the Structure Plan be amended to exclude all land from within the buffer, which will result in minor changes to the street block and roading configuration.

Development Area 5 (DA5) within Schedule 11 of the City’s Town Planning Scheme No. 3 also excludes residential development from occurring within the Woodman Point WWTP. Council cannot approve any residential development within the existing odour buffer for any land included in the Urban Deferred Zone of the Metropolitan Region Scheme (MRS).

Other Issues:

The Structure Plan is based on a “modified grid” street pattern, which is robust in design in terms of neighbourhood structure, legibility, permeability and POS placement.

The plan proposes the closure of a portion of Hobsons Avenue and inclusion of that land in the development, either as residential land or POS to compliment the future planning of Lot 107 Hobsons Avenue.

The Residential R-30 land adjoining the POS is supported, subject to the requirement for a Detailed Area Plan to ensure development of the Lots addresses the POS.

It is recommended that Coogee Road be cul-de-sac’d temporarily on the northern side of Frobisher Avenue for the duration of Stage 1 of the development of the proposed Marine Technology Precinct to the south. This would segregate traffic associated with the Marine Technology Precinct and prevent it from traversing through the proposed Structure Plan area. Further discussions are required however with Transperth regarding the preferred bus route between neighbourhoods, road treatment and detailed design. The Structure Plan report should be amended to refer to this.

The plan should also be amended to show the location of proposed dual use paths along Rockingham Road, Coogee Road, West Churchill Avenue, Frobisher Avenue and Albion Avenue.

Issues such as potential soil contamination, acid sulphate soils, drainage and nutrient management, development contributions, odour



and midge Memorials can all be addressed by conditions at the subdivision stage.

In conclusion, the proposed Structure Plan accords with sound planning principles and can be supported subject to amending the plan to:

- (a) include Lot 4 West Churchill Avenue and Lot 3 Rockingham Road as Residential R-40 sites;
- (b) include Lot 2 West Churchill Avenue, Lot 10 Coogee Road, Lot 500 Albion Avenue as Residential R-20 sites.
- (c) change the density coding of the R-30 cell in the northeastern corner of the Estate to R-40.
- (d) exclude all land from the Structure Plan located within the buffer associated with the Woodman Point Wastewater Treatment Plant and the Kwinana Air Quality EPP Buffer.
- (e) state that Coogee Road shall be cul-de-sac'd temporarily on the northern side of Frobisher Avenue for the duration of Stage 1 of the development of the proposed Marine Technology Precinct in Development Area 6 to the south.
- (f) state that further discussions are to be held between the proponent, the City and Transperth regarding the preferred bus route, road treatment and detailed design.
- (g) realign the north-south road over Lot 1 West Churchill Avenue to the eastern boundary of Lot 1 West Churchill Avenue.
- (h) show the location of proposed dual use paths along Rockingham Road, Coogee Road, West Churchill Avenue, Frobisher Avenue and Albion Avenue.

Strategic Plan/Policy Implications

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

1. Managing Your City
 - *"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."*
2. Planning Your City
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*

The Council Policies which apply to this item are:-

SPD4 'LIVEABLE NEIGHBOURHOODS'
APD4 PUBLIC OPEN SPACE



APD6	RESIDENTIAL REZONING AND SUBDIVISION ADJOINING MIDGE INFESTED LAKES
APD16A	STANDARD SUBDIVISION CONDITIONS AND REASONS FOR REFUSAL
APD20	DESIGN PRINCIPLES FOR INCORPORATING NATURAL MANAGEMENT AREAS INCLUDING WETLANDS AND BUSHLANDS IN OPEN SPACE AND/OR DRAINAGE AREAS
APD28	PUBLIC OPEN SPACE CREDIT CALCULATIONS
APD30	ROAD RESERVE AND PAVEMENT STANDARDS
APD31	DETAILED AREA PLANS

Budget/Financial Implications

N/A

Legal Implications

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

Community Consultation

The proposed Structure Plan was advertised for public submissions in accordance with statutory requirements. 30 Submissions were received.

Attachment(s)

- (1) Structure Plan and Report
- (2) Schedule of Submissions

Advice to Proponent(s)/Applicant

The Proponents have been advised in writing that the matter is to be considered at the July Council meeting.

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

Nil.



14.5 (MINUTE NO 2868) (OCM 14/07/2005) - PROPOSED STRUCTURE PLAN - PORTION LOT 20; LOT 21 AND PT 261 HAMMOND ROAD, SUCCESS - OWNER: WRF MANAGEMENT PTY LTD - APPLICANT: TAYLOR BURRELL BARNETT (9638E) (MD) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt the Structure Plan for Portion Lot 20, Lot 21 & PT 261 Hammond Road, Success, subject to the following modifications to the Structure Plan, pursuant to clause 6.2.9 of the City of Cockburn Town Planning Scheme No. 3;
 1. The southern-most east-west road within the Structure Plan area being modified from a "T – head" to a cul-de-sac configuration;
- (3) adopt the officer's comments on the Schedule of Submissions contained in the Agenda attachments;
- (4) forward a copy of the Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to clause 6.2.10 of Town Planning Scheme No. 3; and
- (5) advise the applicant and submissioners of Council's decision accordingly; and

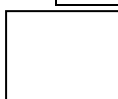
COUNCIL DECISION

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

CARRIED 9/0

Background

ZONING:	MRS:	Urban
	TPS:	Development Zone Development Area (DA 8) Development Control Area (DCA 2)
LAND USE:	N/A	
LOT SIZE:	Pt L20: 0.2185 ha L21: 2.4954 ha Pt L261: 1.0116 ha	
AREA:	3.7255 ha	
USE CLASS:	N/A	



Extensive negotiations have occurred between the proponent and the Council regarding the provision of additional Public Open Space (POS) to provide for the protection of a Multiple Use Wetland (MUW) and bushland located on the eastern portion of the subject land.

Council at its meeting held 19 October 2004 resolved that it was prepared to advertise the proposed Structure Plan, subject to deleting all of the Residential R40 lots on the east side of the public open space edge road. This was intended to increase the area of public open space consistent with the objective of bushland/wetland conservation, still permitting R40 Coding over other portions of the balance of the land.

The proposed Structure Plan has been amended to meet the City's requirements and the proposed structure plan has been advertised for public comment.

Submission

On the 10 May 2005 the City received a revised Structure Plan for Portion Lot 20, Lot 21 and Pt Lot 261. Approximately 19% of the total area of the Structure Plan is shown as (POS). This plan shows the residential component at an R25 Density Code.

Refer Structure Plan contained with the Agenda Attachments.

Report

The proposed structure plan is considered to be generally in accordance with the Southern Suburbs District Structure Plan (SSDSP) Stage 1 in that it provides for the realignment of Hammond Road and provides for the protection of key bushland and wetland areas within the POS.

Residential Density

Originally Council agreed to allow for higher density residential R40 lots to abut the POS given the POS area exceeds the normal 10% requirement, with the balance of the lots being zoned R20. The applicant has subsequently revised the plan by removing the R40 density lots and the Structure Plan now proposes that all the residential land be coded R25.

The proposed R25 code is considered a more flexible option and will allow for a range of lot sizes to be provided, ranging from 360m² to 600m² and a larger unit site adjacent to the POS.

Public Open Space (POS)

The POS occupies approximately 19% of the total area of the Structure Plan site. The additional POS is a result of a negotiated outcome



between the City and the proponent and has been obtained to protect bushland and a Multiple Use category wetland located on the eastern side of the structure plan area.

Land Swap

In order to maximise the vegetation retention within the eastern portion of the site, a land exchange has been arranged between the proponent and Gold Estates, owner of Lot 20. This will include a 2185m² area being transferred from Lot 20 to Lot 21, to be utilised for residential purposes; and an area of 2456m² being transferred from Lot 21 to Lot 20 to be utilised for open space purposes.

The land exchange has been agreed to by the landowners involved through a legally binding land exchange agreement.

Drainage

Due to the requirement to provide more than 10% of the site for POS in order to protect the remnant vegetation on-site, it was agreed that drainage generated within the Structure Plan area could be discharged directly into Cressida Gardens drainage network.

The strategy is for all stormwater collected on site to be discharged to the Water Corporation Main Drain that links the Kwinana Freeway Swale Channel to the Russel Road Buffer Lake. The pipeline runs through the Cressida Gardens Development.

Confirmation was given from consultant hydrologists that upstream hydraulics and the downstream capacity can accommodate the drainage from Lots 21 and Pt Lot 261. The proponent is to construct a connection to a drainage pit near the intersection of Caterpillar Road and the Existing Hammond Road alignment.

On site drainage infiltration and nutrient stripping will be encouraged through the use of baseless drainage manhole structures. Due to site constraints, the primary drainage management facility will be downstream through the Russell Road Buffer Lake.

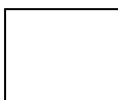
Community Consultation

The Structure Plan was advertised from the 12 May 2005 to 3 June 2005, for a period of 21 days. At the close of the submission period one submission was received in addition to comments from the Water Corporation, the Department of Environment and Western Power.

Refer to Schedule of Submissions contained with the Agenda Attachments.

Conclusion

It is recommended that Council adopt the Structure Plan as the basis for future subdivision and development of Portion Lots 20, Lots 21 & Pt 261 Hammond Road, Success and refers the plan to the Western



Australian Planning Commission for final endorsement subject to the following modifications:

1. removal of a "T-Head" treatment on the southern most east-west road in favour of a cul-de-sac in order to improve access and manoeuvrability for vehicles.

Strategic Plan/Policy Implications

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

2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
 - *"To foster a sense of community within the district generally and neighbourhoods in particular."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*

The Council Policies which apply to this item are:-

SPD1	BUSHLAND CONSERVATION POLICY
APD4	PUBLIC OPEN SPACE
APD 20	DESIGN PRINCIPLES FOR INCORPORATING NATURAL MANAGEMENT AREAS INCLUDING WETLANDS AND BUSHLANDS IN OPEN SPACE AND/OR DRAINAGE AREAS
APD28	PUBLIC OPEN SPACE CREDIT CALCULATIONS

Budget/Financial Implications

N/A

Legal Implications

It should be noted that under clause 6.2.7.4 of the Scheme, the Commission must provide comments to the Council within 30 days of referral which was on 15 June 2005, but did not submit any comments within that time. Under clause 6.2.10.2 the Commission can only endorse or not endorse the plan. It cannot endorse with conditions.



Community Consultation

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

Attachment(s)

- (1) Site Plan;
- (2) Structure Plan;
- (3) Schedule of submissions

Advice to Applicant(s)/Stakeholders

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

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

Nil.

14.6 (MINUTE NO 2869) (OCM 14/07/2005) - PROPOSED NEW SPECIAL USE 21- TOWN PLANNING SCHEME NO. 3 - LOT 33 (NO. 30) MELL ROAD, SPEARWOOD - OWNER: ESTATE OF L MASTAGLIA - APPLICANT: PETER WEBB AND ASSOCIATES (93037) (SJB) (ATTACH)

RECOMMENDATION

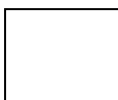
That Council:

- (1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)
RESOLUTION DECIDING TO AMEND CITY OF COCKBURN TOWN PLANNING SCHEME – DISTRICT ZONING SCHEME NO. 3 AMENDMENT NO. 37

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

1. Amending the Scheme Map to rezone Lot 33 Mell Road, Spearwood, from Rural to Special Use 21.
2. Amending the Scheme Text to include a new Special Use



21 in Schedule 4 for Lot 33 (SN30) Mell Road, Spearwood as follows:

No.	Description of Land	Special Use	Conditions
SU 21	Lot 33 (SN30) Mell Road, Spearwood	Residential High Dependency Aged Care Facility	<p>Planning Approval</p> <p>The inclusion of measures in any development on the site to reduce the impact of any midge nuisance.</p> <p>Imposition of a Section 12A Memorial on the title or the title of any new developed unit advising prospective purchaser(s) and requiring the owner to advise prospective tenants that the land may be affected by midge infestation</p> <p>Payment of Development Contributions that apply to the area</p>

Dated this day of 2005.

Chief Executive Officer

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



48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment; and

- (7) advise the applicant, purchasers and the landowner of the Council's decision.

COUNCIL DECISION

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

CARRIED 9/0

Background

N/A

Submission

Peter Webb and Associates on behalf of Aegis Aged Care Group propose to include a new Special Use Zone (SU21) in to Schedule 4 – Special Uses Zone for Lot 33 Mell Road, Spearwood to make provision for an Integrated Aged Care Facility.

Report

A submission for rezoning of Lot 33 (SN30) Mell Road, Spearwood has been received from Peter Webb and Associates on behalf of Aegis Aged Care Group. Aegis Aged Care Group have a contract to purchase the site. The proposal seeks rezoning of the site from "Rural" to "Special Purpose Zone – Integrated Aged Care Facility" to enable the development of an aged care facility. If acceptable, Aegis would also like to incorporate a Child Care Centre adjacent to the Aged Care facility.

The proposed aged care facility will be designed to cater for around 100 elderly residents. It is envisaged this comprise 40 low care (hostel) and 60 high care (nursing home) residents. The applicant has not submitted a development plan for the site but has provided drawings of a similar site proposed to be constructed in Mindarie. The design serves as an example of the features and services that will be incorporated into development of the subject site. Detailed plans will be required at the development application stage prior to the proposal commencing. This can be specified as a condition/requirement that applies to development of the site. At this stage the appropriateness of



the proposed use for the site needs to be considered as part of this rezoning.

The applicants advise there is an acute need for additional aged care accommodation in this part of the City of Cockburn. This shortage will be exacerbated by the planned closure of the Southern Cross Care facility at Foley Village in Hilton. This will result in the effective loss of 96 beds over the next 24 months.

Aegis has 17 facilities at 13 sites in the Perth Metropolitan area which are owned and/or operated by Aegis.

The Child Care Centre is proposed as studies have shown that the close proximity of these two activities is highly desirable for both children and elderly residents/patients.

The land comprises a total land area of 1.3102 hectares. It enjoys a southern frontage to Mell Road of 86.96 metres and an eastern frontage of 148.5m.

Consideration of Issues

There are a number of issues that need to be considered, as follows:

1. Need for Rezoning

The subject land is currently zoned "Rural". Under this zoning, the use class "Aged or Dependant Persons Dwelling" is a "D" (discretionary use). The proposal encompasses more than just dwellings and is an integrated facility that does not specifically fit under the definition of "Aged or Dependant Persons Dwelling". The use is an Aged Care Hostel/Nursing Facility. A rezoning is therefore needed.

2. Watson Buffer

The entire site falls outside of the Watsons buffer and is therefore suitable for residential use. The rezoning requires referral to the Department of Environment and as such the DOE will confirm the proposal is suitable for the site before it can proceed.

3. Midge Buffer

Policy APD6 sets out the policy with respect to residential rezoning and subdivision adjoining midge infested lakes. The policy discourages residential uses within 500m of a lake and between 500-800m a memorial is required on title advising prospective purchasers that the land may be affected by midge infestation.

The site falls within 500m of Market Garden Swamp 1. Notwithstanding this, residential use is envisaged in DA1 – Packham. The site also



represents a rounding off of the existing residential area, that is located closer to the swamp. It is recommended that a requirement be the introduction of measures to reduce the impact of midges and advice to all prospective tenants and/or purchasers.

4. Need for Structure Planning

The land is included in Schedule 11 – Development Areas of TPS3 as DA1 Packham, which has the following provisions:

- “1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision and development.*
- 2. To provide for residential development (excluded from the odour buffer surrounding Watsons of buffer to Woodman Point WWTP, Munster Pump Station) and other appropriate land uses.*
- 3. Not less than seventy-five percent (75%) of all land within the Residential Zone shall be developed for the purpose of single houses.*
- 4. Land uses classified on the Structure Plan apply in accordance with clause 6.2.13”*

Under the above provisions a Structure Plan is required for the area. A structure plan will be commenced within the next 6 to 12 months by City officers as directed by Council. The structure plan is required to coordinate development and the provision of services for the required predominant use of single houses, which will involve subdivision. A road connection through the area as a possible extension of Ocean Road through to Rockingham Road is also likely to be required.

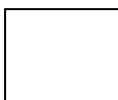
The site is fully serviced and is in a location with two road frontages so as to not prejudice future subdivision of the remainder of the area. The site is located south of where an extension of Ocean Road through to Rockingham Road is likely to be aligned. The site does not exceed 25% of the Development Area and is also entirely outside of the Watsons buffer. There are no other properties that could be developed in isolation that are entirely outside of the current Watsons buffer.

Clause 6.2.4.2 of TPS3 enables development on sites, such as the subject site to proceed prior to structure planning, which appears to be applicable in this instance.

5. Development Contributions

Clause 6.3 of TPS3 requires development contributions for Development Areas. As the area is subject to structure planning the Development Contributions that apply to the area have not been calculated. A provision can be included in the Scheme requiring the payment of Development Contributions.

6. Appropriateness of Use for Site



Policy APD12 provides guidelines for the development of Aged Persons Accommodation dwellings. The policy sets out the following requirements:

- “1. to ensure the residents/patients of the proposed facility and their visitors are “located within easy access to community and recreational facilities, shops and public transport”;*
- 2. to ensure the proposed facility ‘adequately provide for the comfort, safety, security and well-being of the residents’;*
- 3. to ensure the resident/patients of the proposed facility and their visitors are provided ‘with opportunities for social contact’.*

The policy also sets out requirements in terms of location:

“1. Location

- (a) The site is to be located within 400m walking distance (5 minute walk) from local facilities and services such as a local store, postal/banking services and public telephones.*
- (b) The site is to be no more than 200m walking distance from a bus stop.*
- (c) District facilities and services such as seniors centre/activity programs, library, health/medical, recreational, information and commercial/retail services should be easily accessible by road and public transport, or within 400m walking distance.”*

Whilst this policy is for aged persons accommodation and not specifically an aged care hostel/nursing home facility, the policy provisions are satisfied as follows:

Shopping Centres – The Coogee Plaza containing a Post Box, ATM, Lunch Bar and other facilities is located on Hamilton Road approximately 450m from the site. There is a convenience store (Mcbeths Deli and Lunch bar) located on Rockingham Road approximately 700m from the site. Higher order facilities are available at the Stargate Spearwood Shopping Centre containing Post Office, Public Telephone, Chemist and supermarket facilities is located less than 1.0km away on Rockingham Road

Public Transport – The nearest bus stops are 400m and 700m from the site in Hamilton and Rockingham Roads. Accepting that the facility is a high care centre.

Medical Centre – The Phoenix Medical Centre is located 2.53km away on Rockingham Road via bus.

Police Station – located 1.13km away on Rockingham Road.

Church Services – located 0.23km and 1.93km from the site on Mell Road and Rockingham Road.



Senior Citizens Clubs – located 2.67km and 5.0km from the site.

Recreational Facilities – Market Garden Swamp No 1 is within close proximity of the site. There are also a number of other recreational parks and services in close proximity to the site.

These are located slightly further than the recommended distances but there are limited large enough sites to accommodate the proposed facility within close proximity of these facilities. In addition, it is also noted that this policy is for aged persons accommodation and not specifically for an aged care hostel/nursing home facility that is more self contained, as is proposed.

7. Child Care Centre

The request for a Child Care Centre has not been assessed as no details have been provided and Council's policy not addressed as part of the application. This can be addressed as part of the structure planning for the area.

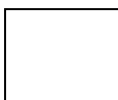
Conclusion

The proposed additional uses of Integrated Aged Care facility is compatible with the existing residential uses and meets the demand for such a facility in the area. There are no impacts and the proposal will not prejudice structure planning of the area. The potential midge infestation can be addressed as part of the proposed scheme amendment conditions. Given that the proposed additional use is considered compatible with the existing and surrounding uses, it is recommended that Council initiate Scheme Amendment No. 37.

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



The Council Policies which apply to this item are:-

APD12 AGED PERSONS ACCOMMODATION –
DEVELOPMENT GUIDELINES

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

Following initiation the proposed Scheme Amendment would be advertised for a period of 42 days in accordance with the Town Planning and Development Act 1928 (as amended). All affected landowners and government agencies would be advised of the proposed amendment and asked to make comment.

Attachment(s)

- (1) Proposed area of development
- (2) Example of Integrated Aged Persons Facility development layout

Advice to Proponent(s)/Applicant

The Aegis Aged Care Group Collage Inc (purchasers) and Peter Webb and Associates (applicant) have been notified in writing that the proposed Scheme Amendment is being considered at the July 2005 Council meeting.

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

Nil.

- 14.7 **(MINUTE NO 2870) (OCM 14/07/2005) - REQUEST FOR RECONSIDERATION OF PROPOSED RESOURCE RECOVERY CENTRE - LOTS 1, 410 AND 451 MIGUEL ROAD, BIBRA LAKE - OWNER/APPLICANT: MOLTONI CORPORATION PTY LTD (4109346; 4113473; 4413031) (JB) (ATTACH)**

<p>RECOMMENDATION That Council:</p> <ul style="list-style-type: none">(1) receive the report;
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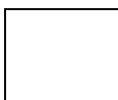


- (2) advise the applicant that:
 1. On balance of the issues raised in the two divergent legal opinions it is satisfied that there is an arguable case that the proposed Resource Recovery Centre could be classified as an Industry – General (Licensed) use pursuant to the City of Cockburn Town Planning Scheme No. 3;
 2. It is prepared to make a final determination of the application pursuant to Strategic Council Policy SC17 – “Request for Reconsideration of Refused Applications” and waiving the 14 day reconsideration period for the applicant to forward requests in writing.
- (3) advertise the proposal for 14 days to all adjacent and adjoining landowners for comment;
- (4) refer the application back to a future Meeting of Council upon the closure of the public comment period; and
- (5) advise the applicant accordingly.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr L Goncalves that Council:

- (1) receive the report;
- (2) advise the applicant that:
 1. On balance of the issues raised in the two divergent legal opinions it is satisfied that there is an arguable case that the proposed Resource Recovery Centre could be classified as an Industry – General (Licensed) use pursuant to the City of Cockburn Town Planning Scheme No. 3;
 2. It is prepared to make a final determination of the application pursuant to Strategic Council Policy SC17 – “Request for Reconsideration of Refused Applications” and waiving the 14 day reconsideration period for the applicant to forward requests in writing.
- (3) advertise the proposal for 14 days to all adjacent and adjoining landowners for comment;
- (4) refer the application back to a future Meeting of Council upon the closure of the public comment period, should submissions of



objection be received, otherwise the application will be determined under delegated authority; and

(5) advise the applicant accordingly.

CARRIED 9/0

Explanation

It was determined that if no submissions of objections were received that the application should be dealt with under delegated authority.

Background

ZONING:	MRS:	Industrial and Other Regional Roads
	TPS NO. 3:	Industry and Other Regional Roads
LAND USE:	Vacant	
LOT SIZE:	LOT 1: 0.2931HA, LOT 410: 2.135HA, & LOT 451: 3.3134HA Miguel Road, BIBRA LAKE.	
AREA:	5.7415HA	
USE CLASS:	Industry – General (Licensed) ‘D’ (Discretionary) or Noxious Industry ‘X’ (Not Permitted).	

The City received an application for a proposed Resource Recovery Centre to be located at Lots 1, 410 and 451 Miguel Road, Bibra Lake on the 18 April 2005. The proposed use is said to involve the filling on the former sand excavation pit with inert, compacted, landfill. The applicant explained how the site will use a crushing plant to in order to separate transported rubble for filling and compacting, with recoverable materials stockpiled in preparation for export.

In determining the application it is necessary to classify the proposal using Table 1 (Zoning Table) of Town Planning Scheme No. 3. The proposed use either falls within a “Industry – General Licensed” use class which is a “D” use, allowing Council the discretionary powers to approve the use. Alternatively, if the use falls within the “Industry – Noxious” use class which is a “X” use, there is no discretionary powers afforded to Council to approve the use under the Scheme.

In order to determine the most appropriate use class definition under Table 1, for the proposed use, the City sought a legal opinion from Council’s Solicitors (provided as a separate attachment). Council’s Solicitors advice, on balance, of both use class definitions was that “the use could be classified as an Industry – General Licensed use”, but in their opinion “the better classification is noxious industry”.



Based on this legal advice the application was determined on 25 May 2005 to more readily fall within the “Industry – Noxious” “X” (not permitted) use class, for the Industry Zone. The City took the conservative view and the proposal was refused on that basis.

On request from the applicant a short summary of Council’s Solicitors legal advice was provided. In response to the City’s legal advice and the “correctness” of Councils refusal the applicant employed Hotchkin Hanly Barristers & Solicitors and provided an alternative legal opinion on 10 June 2005 regarding how the proposed use should be classified. Refer to separate attachments.

The applicant’s legal opinion was sent to Council’s Solicitors on 16 June 2005 for further advice on the issues raised in their arguments for reclassifying the proposed use as an “Industry – General Licensed” use class. In McLeod’s letter dated 17 June 2005 they have indicated that the arguments made by Hotchkin Hanly Barristers & Solicitors do not alter their original legal advice. However, McLeod’s acknowledge the view expressed by Hotchkin Hanly Barristers & Solicitors could probably be argued in the Supreme Court on a challenge by prerogative writ to set aside the use class classification made by Council, but it may be difficult for such action to succeed.

On the 14 June 2005 a second application for the “Stockpiling of Clean Fill” was received for Lots 1, 410 & 451 Miguel Road, Bibra Lake with an intended purpose of raising the finished floor level by approximately 3m.

Submission

The applicant has submitted a request for the reconsideration of a proposed Resource Recovery Centre at Lots 1, 410 & 451 Miguel Road, Bibra Lake; allowing for the proposed use to be re-classified as a “Industry – General Licensed”.

Report

The legal opinion provided by Council’s Solicitors was that the proposed Resource Recovery Centre at Lots 1, 410 & 451 Miguel Road, Bibra Lake “could” be approved as an “Industry – General Licensed” use but that they thought the “better classification is noxious industry”. Based on this legal advice the application was refused under Delegated Authority of Council. In accordance with Councils Policy “SC17 – Requests for Reconsideration of Refused Applications” the applicant is requesting that Council reconsider the previously refused application.

On balance, of all the arguments raised by competing legal advice, legal advice and the potential for a Supreme Court Action to set aside the use class classification, Council could form the opinion that a



classification of "Industry – General Licensed" is a reasonable alternative in which case the following comments are provided.

1. Council can upon reviewing the two legal opinions reach its own conclusions as to the most appropriate classification of the use under Town Planning Scheme No. 3 because it seems open to adopt either view under the circumstances.
2. Policy SC17 allows Council to reconsider the application by Council granting its final determination.
3. Council's TPS3 requires that the application may be advertised for public comment and this should be carried out prior to Council determining the proposal.

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 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:-

SC17 REQUESTS FOR RECONSIDERATION OF REFUSED APPLICATIONS
APD35 FILLING OF LAND

Budget/Financial Implications

Legal costs if the application goes to Supreme Court.

Legal Implications

Potential for Supreme Court proceedings to determine and possibly set aside the "Industry – Noxious" use class classification made by Council.

If Council accepts the use is Industry – General (Licensed) the proposal will be determined by Council exercising its discretion which opens an avenue for an appeal to the State Administrative Tribunal.



Community Consultation

N/A

Attachment(s)

- (1) Development Application
- (2) Location Plan
- (3) Management Plan
- (4) Confidential documents (under separate cover)

Advice to Proponent(s)/Applicant

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

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

Nil.

14.8 (MINUTE NO 2871) (OCM 14/07/2005) - RECONSIDERATION OF CONDITION 7 (RETROSPECTIVE APPROVAL FOR EXISTING RETAINING WALLS) - LOT 179; 7 AIRLIE PLACE, COOGEE - OWNER/APPLICANT: D A & G L NORMAN (3300331) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) issue a fresh retrospective approval for the retaining walls on Lot 719; 7 Airlie Place, Coogee, in accordance with the approval granted on 22 April 2004, and the following modified Condition 7 as follows:-
 - “7. The owners to provide a 2 metre long and 1.6 metre high permanent screen to restrict views from the new terrace into the adjoining property (being No. 12 Howick Court) as shown on the attached plan within 3 months from the date of the approval.
- (2) issue a fresh Schedule 9 Notice of Approval accordingly;
- (3) advise the owner that because the retaining walls have been constructed the Council is unable to issue a building license retrospectively; and
- (4) advise the complainant of Council’s decision.



COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr T Romano that Council:

- (1) note the Officer's report;
- (2) not agree with the applicant's request to delete the requirements of Special Condition 7 of retrospective development approval for retaining walls approved by Council at its meeting on 20 April 2004 on Lot 179 (No.7) Airlie Place, Coogee;
- (3) require the owner of 7 Airlie Place, Coogee to erect the privacy screen within fourteen(14) days;
- (4) require a Compliance Officer of the City of Cockburn to inspect the property to ensure that the applicant has complied with the conditions which have been imposed; and
- (5) advise the applicant and submissioner accordingly.

CARRIED 8/1

Explanation

Council agreed to grant retrospective approval for retaining walls at its Ordinary Council Meeting on 20 April 2004, which included a special condition to erect a privacy screen. The only way to ensure that privacy is afforded to 12 Howick Court is to require the screen to be erected in accordance with the approval. It is also important that Council maintains continuity in the development approval it has granted. Further more the applicant did not appeal the condition when it was specified over a year ago.

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R20
LAND USE:	Residential	
LOT SIZE:	944sqm	
AREA:	N/A	
USE CLASS:	Single (R Code) Dwelling (Retaining Walls)	

Council at its Ordinary Meeting on 20 April 2004, resolved to approve the existing retaining walls subject to various conditions which included Special Condition 7 as follows:-

- "7. *The owner to provide a 1.6 metre high permanent screen to restrict views from the new terrace into the adjoining property*



(being No. 12 Howick Court) as shown on the attached plan within 3 months from the date of the approval."

The length of the required privacy screen was approximately 6.5 metres. This requirement is consistent with the Privacy requirements of the Residential Design Codes, which adopts a 7.5 metre cone of vision from all major habitable openings high than 500mm from natural ground level (refer site plan). Although the extent of the cone of vision is greater than marked in red, it was considered that the privacy screen could terminate at the base of the next ascending terrace.

Submission

The applicant requests reconsideration of this condition in order to *"remove the unwarranted screen from the permit requirement."*

The applicant claims that the aperture between the parapet wall and the roof of the adjoining patio is so minor that a privacy screen requirement is an anomaly.

Report

The applicant requested the Acting Director Planning and Development inspect the property to determine that the privacy screen was indeed not required. An inspection was undertaken and it was determined that overlooking into the adjoining property (No.12 Howick Court) from the constructed terraces (the subject of the retrospective approval issued in April 2004) is possible as the height of the wall was well below the required 1.6 metre height. It was agreed that the length of the privacy screen could be reduced to approximately 2 metres in lieu of the 6.5 metre requirement.

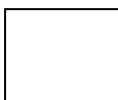
Strategic Plan/Policy Implications

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:-

APD9 Retaining Walls
APD17 Standard Development Conditions and Footnotes



APD29 Development Compliance Process
 APD32 Residential Design Codes
 APD33 Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

The prior retrospective planning application was a result of a formal complaint lodged by the owner of the property immediately north of the subject site at No. 12 Howick Court, Coogee.

Attachments

- (1) Site Plan
- (2) Elevation

Advice to Proponent(s)/Applicant

The Applicant and Complainant have been advised that this matter is to be considered at the July 2005 Council Meeting.

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

Nil.

- 14.9 **(MINUTE NO 2872) (OCM 14/07/2005) - MODIFICATION TO HARVEST LAKES STRUCTURE PLAN - SMART VILLAGE - PORTION OF LOT 9023 LYON ROAD, ATWELL - OWNER: LANDCORP - APPLICANT: ROBERTS DAY (9644A) (ACB) (ATTACH)**

RECOMMENDATION

That Council:

- (1) takes no action on sub-recommendation (5) of Minute No. 2805 of the Council Meeting held on 17 May 2005, relative to this item and which reads as follows:
 - (5) *not support the development of the Smart Housing village proceeding independently of the development of the Harvest Lakes Town Centre or alternatively the future Passenger Railway Station;*



- (2) adopt the proposed modifications to the Harvest Lakes Structure Plan over a portion of Lot 9023 Lyon Road, Atwell, subject to the Structure Plan and Structure Plan Report being amended to delete the proposed R50 Code north of Congenial Loop and substitute with an R40 Code;
- (3) adopt the Officer's comments in the Schedule of Submissions contained in the Report Attachments;
- (4) advise the applicant and submissioners of Council's decision accordingly; and
- (5) forward a copy of the revised Harvest Lakes Structure Plan to the Western Australian Planning Commission for its endorsement pursuant to Clause 6.2.10 of the City of Cockburn Town Planning Scheme No. 3.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Deputy Mayor R Graham that Council adopt the recommendation subject to the deletion of Clause (2), which refers to a modification of the Structure Plan Coding from R50 to R40 north of Congenial Loop.

CARRIED 9/0

Explanation

The change in Coding is no longer considered necessary on reflection of the Community Information Forum outcomes. This part of the Structure Plan has been identified for townhouse type development, which is considered appropriate from a planning viewpoint because the land will have direct access and a pleasant aspect overlooking public open space.

The implication of this recommendation is for Council to consider adopting the advertised version of the proposed changes to the Harvest Lakes Structure Plan.

Background

The background relevant to this proposal is contained within Item 14.7 (Minute No. 2805) OCM 17/05/2005.

Council at its meeting on 17 May 2005 resolved the following:



- “(1) *note the officer’s report;*
- (2) *defer a decision on the proposed Harvest Lakes Structure Plan modifications referred to by LandCorp as a Smart Housing Village;*
- (3) *request LandCorp to give a briefing to Council on the scope of the project proposed;*
- (4) *request LandCorp and City Officers to undertake a Community Forum with interested residents of Harvest Lakes to explain the scope of the changes proposed to the Structure Plan and give the opportunity for greater resident participation in the planning proposals for the Smart Housing Village before a decision is made by Council on the suitability of the residential density changes proposed;*
- (5) *not support the development of the Smart Housing Village proceeding independently of the development of the Harvest Lakes Town Centre or alternatively the future Passenger Railway Station; and*
- (6) *advise the applicant and submissioners of the Council’s decision accordingly.”*

Landcorp is due to give a briefing to Council on Thursday 7 July 2005.

In regards to a Community Forum, Landcorp engaged Creating Communities who are experienced Consultants providing services in Community Consultation, analysis and facilitation to undertake a community forum. Letters were individually sent to all owners within Harvest Lakes including those in the process of purchasing lots. This Community Forum was undertaken over three days. Information and plans were on display on both Tuesday 7 June 2005 and Thursday 9 June 2005 between the hours of 3pm to 6pm. Creating Communities provided information and answered questions on behalf of Landcorp. There were 5 attendees on Tuesday and 7 attendees on Thursday.

A Community Information Forum was then held on Saturday 11 June between the hours of 11.30am to 3pm. Landcorp, City of Cockburn representatives, Roberts Day and Creating Communities Australia attended the Forum. There were 61 attendees.

In addition to the above, the applicant is proposing to meet with representatives of the Harvest Lakes Residents Association on Thursday 30 June 2005 to discuss the proposal further.

Submission

The proposal is to:-

- Modify a small pocket west of Lyon Road adjoining the Kwinana Freeway reservation and adjacent to the linear ridge top public open space within the Atwell South Structure Plan to increase the



density codings from Residential R12.5 and R20 to R30, R50 and R60.

- Increase the densities on the approved Structure Plan to promote diversity in housing types including terrace style dwellings, 2 storey walk-up style apartments and single storey urban style housing.
- Construct a 'Smart Village' and develop a unique urban environment that will provide a transition between the surrounding residential form of development (to the north and east) and the urban environment of the village centre to the south.

A copy of the report prepared by the Applicant is included in the Agenda Attachments.

Landcorp provides the following statement in regards to the Harvest Lakes Smart Village:

"Landcorp's proposed Smart Village in Atwell addresses the need for quality, well-designed homes with minimum impact on the environment, suited to the changing needs of West Australians.

The Smart Village at Landcorp's multi-award winning Harvest Lakes Estate will feature house and land packages using GreenSmart principles.

With young families, single parents, retirees, young professionals and empty nesters in mind, the Smart Village demonstrates that quality homes can be designed for one and two-person households without compromising property value.

The Smart Village's proximity to the Kwinana Freeway and the proposed railway station means it will incorporate elements such as transit-oriented design.

Landcorp is working closely with the building industry and the City of Cockburn to ensure the Smart Village achieves its objectives, which include:

- *The highest demonstration of HIA GreenSmart minimum and best practice options in sustainable development.*
- *Increase housing diversity, specifically to design dwellings and lot sizes that best reflect current households sizes and types.*
- *Greater number of households to support the village centre and maximise use of transport nodes.*
- *Setting new sustainability benchmarks for subdivision and housing."*

Report

Outcome of Community Forum



At the Community Forums that were held on 7, 9 and 11 June 2005, all attendees were invited to view the displays and ask questions. They were then requested to complete a feedback sheet and provide comments on the development. A total of forty-five 'Community Forum Feedback Sheets' were completed over the three days. There were seven questions on the form. Six related to specific design features of the Smart Village and a final question asked the respondent whether the proposal was supported in general.

Results indicate an overwhelming support for each of the six design features and 56% support for the overall Smart Housing Village for Harvest Lakes. A copy of this report is included within the Agenda Attachments.

Questions were as follows:

		Support	Do Not support
Q1.	Mandatory design guidelines that incorporate environmentally sustainable principles	98%	2%
Q2.	Creation of a demonstration sustainable project	88%	12%
Q3.	Provision of more housing for single person households, couples and smaller families	61%	39%
Q4.	Ensuring Harvest Lakes continues to provide a diverse range of housing options	80%	20%
Q5.	Greater access to public open space	98%	2%
Q6.	Better pedestrian linkages to proposed village centre, schools and community facilities	93%	7%
Q7.	Overall, do you support the Harvest Lakes Smart Housing Village proposal?	56%	44%
Q8.	Other Comments		

Respondents who did not support the proposal, advocated the Smart Housing Village's design features with 89% supporting Q1, 61% supporting Q2, 94% supporting Q5 and 83% supporting Q6.

Respondents who provided Other Comments at Q8 were grouped into 3 categories including supporting comments, supporting comments with reservations about apartments and non-supporting comments. Non supportive comments were mainly associated with the following:

- No apartment style development,
- High density not included within the original structure plan,
- Believes the estate should be mainly occupied by owner-occupied families,
- Possible Homeswest,
- Densities no higher than R40,



- Already diverse range of lots available,
- No railway station planned for some time,
- No high density housing.

Timing of Smart Housing Village

Council at its meeting on 17 May 2005 resolved to adopt an alternative recommendation to the officer's report. Item (5) was to *"not support the development of the Smart Housing Village proceeding independently of the development of the Harvest Lakes Town Centre or alternatively the future Passenger Railway Station."*

Clause 6. 2.9.1 states that after considering public submissions the local government is to:

- "(a) adopt the proposed structure plan, with or without modifications; or*
- (b) refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by the owner, give reasons for this to the owner."*

Council unfortunately cannot impose a timeframe for the construction of the Smart Housing Village because this is not a relevant planning consideration, because 'the market' determines the timing of the supply of housing. Council can only adopt the Structure Plan (with or without modifications) or refuse to adopt the modifications. Upon further consideration the legality of this requirement is also questionable and is also unlikely to stand the test on appeal to the State Administrative Tribunal. Therefore, no further action on this part of the Council resolution should be pursued.

Officer's Comments

The proposal for more compact and diverse housing choice has merit. The modifications proposed to the Harvest Lakes Structure Plan are supported subject to the R50 Code north of Congenial Loop being substituted with an R40 Code. This will provide a better transition of densities generally north of the linear public open space, while retaining the higher R50 and R60 proposed Codes at the freeway end of the POS and linking into the future town centre. Subject to this amendment the proposal is supported for the following reasons:-

1. To establish more diverse housing types more suited to young families, single parents, young professionals and retirees for a more varied and socially sustainable community, not currently provided for in Harvest Lakes.
2. Consistency with transport oriented development ("TOD") initiatives of "Network City" that seek to align transport systems and land use to optimise accessibility and amenity through



building higher density town centres around public transport modes – especially railway stations (future). Ultimately the Smart Village proposal will be consistent with this principal albeit that the railway station timing is not yet known. The establishment of the Harvest Lakes Town Centre is likely to occur first.

3. Develops upon the initiatives of “Liveable Neighbourhoods” to facilitate a range of housing types with residential densities that increase toward the future town centre.
4. Street Network provides for a high level of internal connectivity and good external connections for local vehicle, pedestrian and bike movements and traffic management to restrain speed, and create safe conditions for all street users.
5. Detailed Area Plans can be formulated to establish detailed controls regarding the built form and environmental initiatives provided by LandCorp in Harvest Lakes.
6. The allocation and distribution of public open space remains consistent with the approved Harvest Lakes Structure Plan.
7. The site of the Smart Housing Village is bounded by the freeway, vacant undeveloped land to the east of Lyon Road and north of Harmony Avenue. These undeveloped areas make this an ideal location because the adjacent land has not yet been subdivided. When the adjacent land north of the POS is eventually developed to an R20 Code density, it will provide a suitable interface with R30 Coded lots proposed.
8. Most of the submissions of objection received, while substantial in number, have raised a range of concerns that have been generally misconceived. For example Homeswest housing is not part of the plan, reduced property values is totally unfounded, public consultation was extended and was extensive via letters to over 100 households, advertisement in local newspaper, LandCorp Community Information day and Public Community Forums.
9. The Traffic Report indicates that traffic volumes within the Village Centre will increase as a result of the intensified residential density. There will be a transitional arrangement in traffic management with the ultimate configuration mainly affecting traffic volumes in the future town centre.

Strategic Plan/Policy Implications

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



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

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The proposal was advertised in accordance with clause 6.2.8 of Town Planning Scheme No. 3 for a period of 21 days. The advertising period concluded on 20 April 2005.

A Community Information day was held at Harvest Lakes Community and Environment Centre on 16 April 2005.

A Public Community Forum was undertaken over 3 days on 7 June, 9 June and 11 June 2005 whereby all Harvest Lakes residents and future residents were personally invited to view displayed information including concept plans, ask questions and fill out questionnaires.

Attachment(s)

- (1) Smart Village Precinct Structure Plan Modification report prepared by Roberts Day.
- (2) Schedule of Submissions.
- (3) Harvest Lakes Community Forum - Smart Housing Village.
- (4) Community Forum Feedback Sheet.

Advice to Proponent(s)/Applicant

All those people who filled out the Community Forum Feedback Sheets and those who made a previous submission were advised that this matter is to be considered at the July 2005 Council Meeting.



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

Nil.

14.10 (MINUTE NO 2873) (OCM 14/07/2005) - OUTBUILDING - LOT 166; 90 BRITANNIA AVENUE, BEELIAR - OWNER/APPLICANT: C & F DIPANE (3411074) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) grant its approval to the Outbuilding (240m²) on Lot 166; 90 Britannia Avenue, Beeliar in accordance with the approved plan subject to the following conditions:-

STANDARD CONDITIONS

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. 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.
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 shed shall be used for domestic and/or rural purposes only associated with the property, and not for human habitation.
6. All stormwater being contained and disposed of on-site to the satisfaction of the Council.

SPECIAL CONDITIONS

7. The existing Outbuilding on the lot being demolished and removed to the satisfaction of the Council.
8. The shed must not encroach into the three metre wide fire

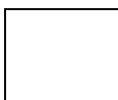


break around the perimeter of the property.

9. Satisfactory arrangements for the provision and maintenance of a vegetation screen along the eastern boundary of the outbuilding (marked red on approved plan).
10. The proposed outbuilding walls shall be clad or coloured to complement the surroundings in which it is located, and shall use non reflective materials and colours.
11. The outbuilding having a maximum wall height of 4 metres and ridge height of 6 metres in accordance with Council's Outbuildings Policy APD18.
12. The proponent is to control odours from the premises to ensure no nuisance impact on adjoining properties.
13. No cleaning of crayfish pots or crayfish is to occur on site. Cooking of crayfish is also not permitted.
14. The outbuilding can only be used for domestic or rural purposes and incidental use for dry storage of crayfish pots and fishing equipment to the satisfaction of the Council.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
 2. With regards to Condition 7, the applicant is to apply for Planning Approval and a Demolition Licence and approval issued prior to any demolition works on-site.
 3. With regards to Condition 9, the proposed outbuilding shall be screened from view of the street and surrounding development as far as practicable.
 4. With regards to Condition 10, white and zincalume wall cladding is not considered acceptable.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval – Approval (inclusive of MRS Form 2 Notice of Approval).



COUNCIL DECISION

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

CARRIED 9/0

Background

ZONING:	MRS:	Rural
	TPS3:	Rural Living
LAND USE:	House, Outbuilding	
LOT SIZE:	4,047m ²	
AREA:	240m ² Outbuilding	
USE CLASS:	Single (R-Code) Dwelling (Outbuilding)	

Submission

The proposal is to:-

- Construct a 240m² outbuilding to store crayfish equipment.

Report

The proposal is acceptable from a planning point of view except for:-

- The reduced front setback of 9.7 metres from Jervois Street in lieu of the required 20 metre setback under Town Planning Scheme No. 3.
- The proposed outbuilding size exceeds the requirements contained within Council Policy APD18 Outbuildings.
- The aggregate areas of the existing and proposed sheds exceed the 200m² size requirement in accordance with Council Policy APD18 Outbuildings.

In respect to these matters it is recommended as follows:-

- The existing outbuilding be demolished and removed from the property.
- The street setback be reduced given the general occurrence of reduced setbacks in the rural living area. It is however requested that the applicant vegetate the eastern boundary screen the outbuilding from view of the road and reduce the visual bulk along the street.
- The shed should be constructed with a colorbond finish, in a colour which harmonises with the rural setting.



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."*

The Planning Policies which apply to this item are:-

APD10	Discretion to Modify Development Standards
APD17	Standard Development Conditions and Footnotes
APD18	Outbuildings
APD29	Development Compliance Process
APD33	Town Planning Scheme No. 3 Provisions

Budget/Financial Implications

Nil.

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

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

Advice to Proponent(s)/Applicant

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



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

Nil.

14.11 (MINUTE NO 2874) (OCM 14/07/2005) - YOUTH CRISIS ACCOMMODATION (GREAT MATES) - LOT 305; 128 ROCKINGHAM ROAD, (FRONTING IVES STREET), HAMILTON HILL - OWNER: DEPARTMENT OF HOUSING AND WORKS - APPLICANT: G LANGLEY (2207245) (SS) (ATTACH)**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) defer consideration of the application for Youth Crisis Accommodation by Great Mates on Lot 305 (No. 128) Rockingham Road (Ives Street), Hamilton Hill in accordance with the approved plan, to allow further public consultation by the applicant with the objectors, and Elected Members to be briefed in detail on the proposal by the applicant;
- (3) encourage the applicant to consider an alternative location for the proposed facility with alterations and additions to the existing dwelling or where a new purpose built accommodation is constructed in this location with all access via Rockingham Road;
- (4) upon receipt of a modified proposal proceed to readvertise the revised plans for further public comment;
- (5) refer the proposal to a future meeting of Council following (3) above; and
- (6) advise the applicant and submissioners accordingly.

COUNCIL DECISION

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

CARRIED 9/0

Background

ZONING:	MRS:	Urban
	TPS3:	Residential R-20
LAND USE:	Grouped Dwelling	
LOT SIZE:	1416m ²	
USE CLASS:	Residential Building - Discretionary Use	

Council granted approval to the client group 'Great Mates' for a Residential (R-Code) Building in a Residential Zone on the 15 May 2003 on Lot 1 (No.243) Spearwood Avenue, Spearwood. The approval was granted for a 2 year period after which time an application for planning permission was to be submitted to Council for re-assessment.

The client group through the Department of Housing and Works (owners) and the Department of Community Development (benefactor) has submitted an application on the 4 April 2005 for a purpose built facility for youth in crisis.

Submission

'Great Mates' already operate crisis accommodation at 243 Spearwood Avenue, Spearwood. The applicant seeks Council's permission to continue providing this service by building a purpose built, 6-bedroom facility on 128 Rockingham Road, Hamilton Hill.

The accommodation will provide 24 hours accommodation service to young people aged between 15-20 years who are homeless or at risk of becoming homeless. The service provides safe, affordable and supported accommodation for young people.

The accommodation would be built at the rear of an existing house facing Rockingham Road. The purpose built facility would front onto Ives Street and accommodate up to 6 young people at a time, (3 male and 3 female).

Great Mates employs 7 staff including 1 full time coordinator, 1 full time drug and alcohol Education Support Worker, 4 full time residential youth worker and 1 part time residential youth worker. There is also casual and relief staff in addition to the permanent staff.

The focus of the service is to improve independent living skills to assist young people moving from crisis to more stable accommodation in the community. The facility will provide alternative accommodation offering services such as advocacy, community service referrals, support and informal counselling, through individual support plans.

Further information is contained in the Agenda attachment.



Report

Under Council's Town Planning Scheme No. 3 (TPS3), the proposed use is classified as a Residential (R-Code) Building in the Residential Zone. The proposal is a use that is not permitted unless Council exercises its discretion to approve the proposal. The property is zoned "Residential R20" under the Town Planning Scheme No. 3. The proposed development is generally consistent with the orderly and proper planning of the locality and the preservation of the residential amenity of the locality.

The affected landowners comprising all landowners within Ives Street and the adjoining properties that abut the rear of the property were notified in accordance with scheme requirements of the application and given the opportunity to comment within a period of 14 days. A total of 71 landowners were notified.

The applicant also erected a sign on site for 14 days in accordance with clause 6.2.3(c) of the scheme as requested by the City. At the close of the advertising period, forty (40) objections were received, three (3) no objections and ninety-eight (98) petitioners objecting to the proposal, many from the adjoining units who had already provided comments.

The predominant concern from adjoining residents was primarily related to increased crime and personal safety/security issues. The other main areas of concern were related to location of the development amongst an established residential area, and the fear of decline of adjoining property values. Refer to the attached schedule of submissions for further details.

The concerns regarding crime and decreased sense of security dominated reasons for objection. Great Mates have been operational at their Spearwood premises for over 2 years with no formal complaint being received from adjoining landowners. The issue raised regarding the lowering of property values also cannot be substantiated, and is not a valid planning consideration.

Nevertheless, the significant number of resident objections points to how significant an issue the proposal is to local residents. Furthermore, car parking of vehicles and the increase of vehicle movements appears satisfactory, as Council can ensure that the vehicle movements to the premises are restricted to a maximum of 6 vehicles per day and that all vehicles park within the property. Further, the youth occupants depend on public transport and other modes of transport as opposed to private vehicles. This should rectify the perception from the public of their dependence on cars. The facility accommodates 3 car parking bays within the lot. As the vehicle movements to and from the facility will be limited, it is considered that the car movements and parking originated from the facility will not adversely affect the adjoining landowners.



In assessing the suitability of the location for the proposed development, due regard should be given by the applicant to explore fronting onto Rockingham Road instead of Ives Street which is only an access Road.

Accessibility for the youth occupants would greatly improve through direct access to public transport facilities along Rockingham Road, as well as satisfy adjoining landowners of Ives Street who've objected to their street being used as a thoroughfare. This option could entail either the alteration and extension of the existing house or redevelopment for purpose built accommodation. This would require the cooperation of the applicant and further public consultation. In summary the merits of providing crisis accommodation fulfils a social gap and wider public interest. A Rockingham Road location 'in principle' is considered to be a preferred location.

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

The Planning Policies which apply to this item are:-

SPD4	'Liveable Neighbourhoods'
APD5	Public Works and Development by Public Authorities
APD10	Discretion to Modify Development Standards
APD17	Standard Development Conditions and Footnotes
APD32	Residential Design Codes

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

14 Day period in which adjoining properties along Ives Street were sent letters requesting comments.

Attachment(s)

- (1) Schedule of Submissions
- (2) Location Plan
- (3) Site Plan

Advice to Applicant(s)/Stakeholders

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

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

Nil.

14.12 (MINUTE NO 2875) (OCM 14/07/2005) - SCHEME AMENDMENT - FAMILY DAY CARE CENTRES (9485) (ACB)**RECOMMENDATION**

That Council:

- (1) not initiate a scheme amendment to introduce planning approval requirements for Family Day Care Centres under the City of Cockburn Town Planning Scheme No. 3; and
- (2) advise the applicant of Council's decision accordingly.

COUNCIL DECISION

MOVED Cllr S Limbert SECONDED Cllr I Whitfield that Council:

- (1) not initiate a scheme amendment to introduce planning approval requirements for Family Day Care Centres under the City of Cockburn Town Planning Scheme No. 3; and
- (2) note that any member of the community or public can contact the City's Children's Services Manager if there are any concerns regarding existing Family Day Care Centres operating in the district, and that the City's Day Care Program has an excellent complaints procedure in place; and



(3) advise the applicant of Council's decision accordingly.

CARRIED 9/0

Explanation

It should be acknowledged that any member of the community can contact the Children's Services Manager during normal office hours to discuss their concerns regarding any Family Day Care Centres that are operating in the district. The Family Day Care Scheme has an excellent complaints procedure in place which enables any complaint to be dealt with objectively and without fear of retribution.

Background

The background relevant to this proposal is:-

- Complaints have been received from a resident residing adjacent to a Family Day Care Centre currently operating from a house in a residential area.
- A Family Day Care Centre is exempt from requiring planning approval under Town Planning Scheme No. 3 provided the family day care complies with the meaning given to it under the Community Services (Child Care) Regulations 1988.
- The Town of Cockburn in March 1978 investigated the need for child care in the district. Indications were that the community would be best served by a Family Day Care Scheme. A recommendation for the proposal to establish a Scheme was developed by the recreation Officer. Council adopted the recommendation and a submission proposing the establishment of a Scheme was sent to the Federal Office of Child Care. The submission was successful and on 31 July 1978 a Coordinator was appointed. At the inception of the Scheme, no Family Day Care homes were operating in the District.
- The Family Day Care Scheme was initially designed to establish and promote quality child care within the community, and this is still its prime function. Its aim is to make available child care to all families who may need it, utilising the resources available within their own community. It works on the principle that women and men who have raised successfully their own children, who are genuinely interested in the welfare of children and who can provide a home that is safe, have the abilities and resources that can be successfully applied to the care of other people's children. Many of our care givers are trained child care workers.



- Family Day Care is primarily a community service, consisting of licensed, home-based childcare centres providing care for up to four pre-school children. The licensed homes are flexible enough to meet the unique needs of the community, and are managed and supervised to ensure they meet standards of quality care. The Licensing Authority for the whole of Western Australia is the Childcare Services Unit. The management and supervision are provided by the City of Cockburn Family Day Care staff.
- Parents have the opportunity of selecting care arrangements to suit their requirements. Families with special needs have access to subsidy assistance with the fees. With the accelerating growth in the population of the region, the Scheme has endeavoured to keep up with the demand and to continue providing a choice for parents.

Submission

Concerns have been raised from an elderly couple living adjacent to an existing Family Day Care Centre about the excessive noise created by the children. The resident formally requests a Scheme Amendment to Clause 8.2.1 (k) Family Day Care Centre, which would no longer make them exempt, but require Council approval.

Report

Changes to the City's Town Planning Scheme No. 3 to require planning approval for Family Day Care Centres could not be applied retrospectively to existing operators. The applicant seems to be under the belief that their neighbour's Family Day Care Centre would be caught by the Scheme Amendment but this is clearly not the case. Only new operators would be required to obtain approvals by an amendment to the TPS3 was finalised but this approach is not recommended.

Family Day Care means "*premises used to provide family day care within the meaning of the Community Services (Child Care) Regulations 1988.*" Under the Community Services (Child Care) Regulations 1988, family day care means "*a child care service provided to a child in a private dwelling in a family or domestic environment.*" The Regulations limit licenses to a maximum of 5 pre-primary school age children or 7 primary school age children.

On 31 July 2005 the Scheme will have been operating for 27 years. The City's Children's Services Manager has been with the Scheme for 25 years. During this period of service this is the first noise complaint received.

Altering the system in dealing with Family Day Care will prolong the process and be a retrograde step for the Family Day Care Scheme and for the people of Cockburn.



In most neighbourhoods the residents are unaware that the service is there because of the small numbers of children permitted, the licensing requirements, and the support and supervision provided by the Scheme.

There is a high demand for this service. All places in the Scheme are fully utilised and the pressure for further places is increasing, making it difficult for the City of Cockburn to provide the necessary support for the growing number of young families in the region.

At the same time, it is becoming increasingly difficult to recruit Caregivers because of the legislative requirements imposed by the Licensing Authority. Prospective caregivers are also required to undergo extensive training within the Scheme, the whole process having been Quality Assured. Any changes to the Town Planning Scheme, or introduction of further requirements to be met would be highly detrimental to caregiver recruitment. This has been demonstrated within the City of Fremantle, which has only a single Family Day Care home due to their restrictive planning policy for Family Day Care.

Given the adverse impact this scheme amendment will have on the district and ultimately the community, it is recommended that the Scheme Amendment not be initiated. There is also no ability to address the applicant's concerns within the scope of a Scheme Amendment as this could only be applied to new operators. It also seems inappropriate to amend the City's TPS3 when neighbour concerns are in most circumstances rare.

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."*

The Council Policies which apply to this item are:-



APD44 LOCATION OF CHILD CARE CENTRE WITHIN
RESIDENTIAL AREAS – DEVELOPMENT GUIDELINES

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

The Applicant and the adjoining property owner have been advised that this matter is to be considered at the July 2005 Council Meeting.

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

Nil.

14.13 (MINUTE NO 2876) (OCM 14/07/2005) - AUSTRALIAN MARINE COMPLEX - SUBDIVISION CLEARANCE - VARIOUS LOTS ON SPARKS ROAD, STUART DRIVE, KEEL WAY AND ALACRITY PLACE - OWNER: LANDCORP - APPLICANT: GHD (123978; 125390) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) acknowledge that those lots subject to current building construction do not need to be remediated and clearance of geotechnical requirements will be granted accordingly;
- (3) request a notification under Section 70A of the Transfer of Land Act is to be prepared in the form below and lodged with the Registrar of Titles Office for endorsement of development works for those lots subject to current offers to purchase. This Notification is to be sufficient to alert prospective purchasers of the geotechnical investigation and site classification including building and site construction requirements, as part of conditions



of two separate subdivision approvals granted by the Western Australian Planning Commission (WAPC Ref. 123978 and 125390). The Notification should (at the cost of the applicant) state as follows:

This land has been classified 'P' under AS2870 – 1996, because of the presence of very loose sand conditions in the natural soil profile at depth. Lot owners will require a geotechnical enquirer to investigate and design foundation system. Piling may be required for heavy structures. Other requirements apply to drainage into soakwells being well away from shallow foundations or areas subject to settlement. Refer to GHD reports titled 'Australian Marine Complex Stage 2B – Lot 517 to 521 Alacrity Place Industrial Subdivision (December 2004); and report on Geotechnical Investigation and Australian Marine Complex Stage 2B – Lot 5 to 9 Sparks Road Industrial Subdivision (December 2004).

Note: GHD is to confirm the design parameters that will facilitate the Design Construction of lightly loaded minor structures on individual lots without the need for lot owners to prepare Geotechnical Reports and details in this regard will be added to the above notification.

- (4) request a commitment from Landcorp to achieve a site classification 'A', Class 'S' or Class 'M' standard in accordance with AS2870 (1996) on future industrial subdivision stages within the Australian Marine Complex; and
- (5) advise Landcorp and GHD of Council's decision to support the clearance of conditions relevant to geotechnical matters on this basis under both subdivision approvals (WAPC Ref.123978 and 125390).

COUNCIL DECISION

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

CARRIED 9/0

Background

The background relevant to this proposal is:-



The Western Australian Planning Commission granted subdivision approval (Ref. 123978) on 23 March 2004 to create 6 industrial lots from 2,400m² to 4,107m² in area with a larger 3.85ha lot generally along Sparks Road, Henderson, subject to various conditions which include conditions 5 and 6 below.

- “5. *The applicant providing a geotechnical report certifying that the land is physically capable of development, to the satisfaction of the Western Australian Planning Commission. (LG)*
6. *The applicant providing a geotechnical report certifying that the land is physically capable of development, to the satisfaction of the Western Australian Planning Commission.”*

The WAPC granted a second subdivision approval (Ref 125390) on 9 August 2004 to create 5 industrial lots from 4,798m² to 7,800m² in area along Keel Drive, Henderson, subject to various conditions which include conditions 9 and 10, which were the same conditions as 5 and 6 of subdivision approval dated 23 March 2004.

- GHD submitted a request to the City for the purpose of clearing the subdivision conditions relevant to the local government from subdivision approvals (WAPC Ref: 123978 – Alacrity Place Stage 1 and 125390 – Sparks Road Lots 5 to 9).
- Council in accordance with Policy APD35 *Filling of Land* requires certification by way of a qualified Geotechnical Engineer’s geotechnical report and a Certificate classifying the site as Class A in accordance with Section 2 of Australian Standard AS 2870 (1996) or a similar classification in respect of non-residential sites.
- Council Policy APD35 further states that Class “P”, “H” and “E” sites will not be accepted by Council and must be fully remediated to enable building construction based upon a Class “A”, Class “S” or Class “M” standard.
- The City requested Geotechnical reports as part of the original subdivision of super lots within Jervoise Bay. GHD confirmed under cover of letter dated 13 January 2004 that *‘completion of all fill earthworks was undertaken in accordance with approved methodologies.’* GHD further stated, *“based on our regular inspections of the earthworks whilst in progress and our review of the Quality Records of compaction, we are satisfied that the land is suitable for industrial development although it is recommended that geotechnical investigations be carried out to design appropriate foundation systems for specific developments.”*
- The letter of 13 January 2004 was forwarded to Coffey Geosciences for advice on the adequacy of engineering undertaken as part of the Australian Marine Complex, Jervoise Bay. Coffey advised the letter from GHD was insufficient to make a decision and recommended that additional information be provided to the City. Copy of correspondence in Agenda Attachments.



- The City requested additional information under cover of letter dated 16 January 2004. Specifically, the City requested information as to whether any future buildings that are similar in size and loading to buildings covered under the Residential Standard AS2870 1996 can be designed with foundations based on site classifications used in that Standard. The answer from GHD was 'Yes.' Copy of correspondence in Agenda Attachments.
- In answering 'yes,' GHD confirmed that the super lots complied with AS2870 1996 which implies that the geotechnical investigations for the current two subdivisions should have similar findings given the subdivision areas are included within the overall Jervoise Bay development.
- GHD has now provided Geotechnical Reports that conflict with the original advice provided by GHD as part of the super lot subdivision clearances. Geotechnical Reports prepared by GHD now state both sites are Class 'P' which recommend further investigations on a lot-by-lot basis to ensure appropriate foundation design.

A meeting was held on 6 July 2005 with Landcorp, GHD Engineers and City Officers to discuss the geotechnical investigations and Council's Fill Policy. The report recommendation has been supported by Landcorp and GHD as a means of resolving this matter.

Submission

The applicant has requested that Council waive it's own Policy of not developing 'P' class sites. The applicant has requested the City clear the WAPC conditions relating to these industrial subdivisions.

The applicant provides the following in support of their request.

- *"The system used to classify sites applies to residential developments and not industrial developments.*
- *"The existing conditions at both the sites are predominantly capable of supporting class 'A' type foundations, but the presence of very loose zones of insitu material at a depth (>3m) albeit localised, necessitates a 'P' classification of the sites generally."*
- *Existing fill has been in place for some time*
- *The cost to remove the fill and treat the localised loose material would be prohibitive and technically unnecessary.*
- *The geotechnical reports suggest further investigations on a lot-by-lot basis to ensure appropriate foundation design.*
- *The purpose of the 'P' classification is to promote an awareness of a typical soil condition and is not intended to suggest that existing conditions are unable to support development.*



- *In many of the lots, further investigation would be expected to result in reclassification to 'A' class and therefore typical shallow foundation design.*
- *Some developments may require localised ground improvement or deeper foundation solutions.*
- *The localised loose soil zones generally appear at depths of >3m and are unlikely to affect the performance of pavements.*
- *Additional investigation and foundation design requirements of 'P' class sites will add a cost to prospective owners, however it is likely these lots will be reduced in value by the site classification.*
- *Alacrity Place Stage 1 has been previously approved for subdivision and the proposed subdivision is merely a reorganisation of the lot boundaries.*
- *Purchasers of the lots have been found and titles are urgently required.*
- *Council has already approved development on Lots 521 and 517 Alacrity Place Stage 1."*

A copy of the applicant's submission is included in the Agenda Attachments.

Report

Notwithstanding that the system used to classify sites usually applies to residential development there is no alternative means for classifying industrial land and it is appropriate that the Australian Standards in relation to footings be applied. Australian Standards AS2870-1996, although not designed for use in heavy industrial areas provides useful general guidelines that can be applied to industrial sites. The essential criteria resulting from this classification is that the City has adequate information to review any future building application within the development.

The applicant has stated that the site has been given a general 'P' classification and that further investigations on a lot-by-lot basis may result in reclassification of the land to 'A' class in most instances. The applicant believes that the responsibility should be borne by the prospective developer and that notifications on Titles are sufficient to alert prospective purchasers of special requirements. It is however not general practice and developers are aware that the City will not permit the creation of land with a 'P' classification.

The applicant further states that Alacrity Place Stage 1 has previously been approved for subdivision and therefore subdivision clearance of the current applications are merely a formality. Notwithstanding that Alacrity Place Stage 1 has previously been approved for subdivision, there are now stricter controls in place to ensure that land is



developable and it is inappropriate and would be irresponsible for the City to overlook this issue.

Council approved development on Lots 517 and 521 on the basis of previous assurances that the land can be developed. This City now finds that current findings are inconsistent with previous information provided by the applicant.

In respect to these matters it is recommended that:-

- (1) Those lots currently undergoing construction works should be cleared in respect of geotechnical requirements of the subdivision approval;
- (2) The 6 lots subject to offers of purchase from Landcorp could be dealt with by way of notifications or new titles informing purchasers of the geotechnical investigations and requirements for an engineer's detailed investigations and footing designs and any other special requirements including light weight construction.
- (3) Those lots subject to future subdivision must be remediated to an 'A', 'S' and 'M' classification under AS2870 (1996).

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:-

Nil.

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

- (1) Site Plan
- (2) Extract of Geotechnical Reports
- (3) GHD letter dated 20 June 2005
- (4) Coffey Geosciences Pty Ltd facsimile dated 13 June 2005
- (5) GHD letter dated 13 January 2004
- (6) Coffey Geosciences Pty Ltd facsimile dated 15 January 2004
- (7) City of Cockburn letter dated 16 January 2004
- (8) GHD facsimile dated 16 January 2004

Advice to Proponent(s)/Applicant

The applicant was advised that this matter is to be considered at the July 2005 Council Meeting.

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

Nil.

14.14 (MINUTE NO 2877) (OCM 14/07/2005) - INITIATION OF AMENDMENT NO. 36 - TOWN PLANNING SCHEME NO. 3 - THE LAND BOUNDED BY FROBISHER AVENUE, ROCKINGHAM ROAD, RUSSELL ROAD AND LAKE COOGEE - APPLICANT: LANDCORP - OWNER: LANDCORP, THE STATE OF WESTERN AUSTRALIA, THE CITY OF COCKBURN AND VARIOUS PRIVATE OWNERS (93036) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the following amendment:-

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

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

AMENDMENT NO. 36

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

Amending the Scheme Map as follows:

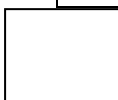


1. Rezoning Lot 48 Rockingham Road from 'Public Purpose – Civic', Lot 4897 Russell Road from 'Public Purpose – Primary School' and Lot 4436 Russell Road from 'Parks & Recreation' to 'Special Use (9)' and Development Area (6).

Amending the Scheme Text as follows:-

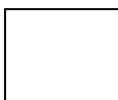
1. Modifying the Fourth Schedule – Special Use Zones in the Scheme Text, Special Use (SU 9) to read as:

No.	Description of Land	Special Use	Conditions
SU 9	Rockingham Road and Russell Road, Munster, the Marine Industry Technology Park	<p>Marine Industry Technology Park - includes land and buildings used for the purpose of the research and development, technological development, training and education of persons involved in ship design, building, repair and engineering located within a purpose built industrial park planned and developed in accordance with an adopted Structure Plan and design and development guidelines which provides for the construction of high quality buildings located within an attractive landscaped setting and where all emissions and hazards are contained on site.</p> <p>1. Objectives</p> <p>In considering an application for Planning Approval the Council, in addition to any other matter it is required to consider, shall have regard to the following objectives:-</p> <p>(a) the promotion of the purposes and functions of the Technology Development Act 1983 (as amended);</p> <p>(b) the encouragement of research and development;</p> <p>(c) the encouragement of pleasant and efficient facilities;</p> <p>(d) the consideration and improvement of appropriately located development within the zone;</p> <p>(e) the safe movement of vehicular and pedestrian traffic;</p> <p>(f) the protection of the amenity of</p>	<ul style="list-style-type: none"> • Structure Plan adopted to guide Subdivision, land use and Development - Marine Industry Technology Park. (DA6) • Retention and conservation of the heritage listed Agricultural Hall and the former school buildings. • Relocation of the 'A' class reserve to a new site of an equivalent size within SU9, being subject to approval by the Parliament of Western Australia.



		<p>areas adjacent to the zone;</p> <p>(g) uses that are consistent with the Woodman Point WWTP and Kwinana Air Quality EPP buffer requirements;</p> <p>(h) the uses within the Development Area are directly related to or incidental to ship design, ship building, ship repair and marine engineering.</p> <p>2. Permitted Uses</p> <p>(a) The following uses are 'P' permitted uses, subject to the uses being related to the purposes of a Marine Industry Technology Park:-</p> <ul style="list-style-type: none"> • caretakers dwelling • educational establishment • residential building • bank • office <p>(b) The following uses are 'D' uses which are not permitted unless the local government has in its discretion granted planning approval, subject to the uses being directly related to the purposes of a Marine Industry Technology Park:-</p> <ul style="list-style-type: none"> • child care premises • civic use • community purpose • convention centre • reception (function) centre • showroom • private recreation • restaurant • tavern • health studio • convenience store • industry - light • industry - service • lunch bar • storage • telecommunications infrastructure • warehouse • other activities/uses which the Council is satisfied are directly related and associated to marine related industries. <p>(c) All other uses are 'X' uses, not</p>	
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		<p>permitted.</p> <p>3. Development Standards</p> <p>The following provisions apply to all land included in the SU9 zone in addition to any provisions which are more specifically applicable to that land under the Scheme:-</p> <p>(a) Building Setbacks</p> <p>(i) Where a lot has frontage to Russell Road, Coogee Road, Rockingham Road or Frobisher Avenue the minimum building setback shall be 20 metres. Buildings to other streets shall be setback a minimum of 10 metres from the street frontage;</p> <p>(ii) Side and rear boundary setbacks shall be a minimum of 5 metres.</p> <p>(iii) A person shall not erect or cause or permit to be erected any building or any portion of a building in the Development Area nearer to a street alignment than the minimum Building Setback distance;</p> <p>(b) Landscaping</p> <p>(i) A minimum of 25% of each lot shall be set aside as landscaped open space;</p> <p>(ii) Lots with a boundary to Russell Road, Coogee Road, Rockingham Road or Frobisher Avenue shall set aside a 10 metre wide landscape strip along the road frontage and this area shall be landscaped and maintained to the satisfaction of the Council;</p> <p>(iii) A minimum 3 metre wide landscape strip shall be provided along the side and rear boundaries of all lots.</p> <p>(iv) A landscape plan detailing the mix of hard and soft surfaces shall accompany any application for planning consent. Landscaping shall be provided in accordance with the approved plan and maintained to the satisfaction of the local government;</p>	
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		<p>(c) Vehicle Parking and Servicing Facilities</p> <p>(i) Vehicle parking shall be provided in accordance with Tables 2, 3 and 4 - Vehicle Parking Provisions;</p> <p>(ii) Vehicle parking and servicing areas shall be screened from the street and either located behind the building or the landscape strip;</p> <p>(iii) Where vehicle parking and servicing facilities are proposed between the building and street alignment, they shall be designed in such a way as to complement the building and be screened from the street.</p> <p>(d) Building Design</p> <p>(i) Buildings shall exhibit a high degree of architectural integrity and design, and shall reflect the nature of the Marine Technology Park;</p> <p>(ii) A schedule of external finishes, materials and colours are to accompany any application for Planning Consent.</p> <p>(e) Signage</p> <p>(i) A plan or description of all signs for the proposed development, including signs painted on a building, shall be submitted to and approved by the Council as a separate application;</p> <p>(ii) Signage is to complement the architectural proportion and scale of the building.</p> <p>(iii) Roof signs will not be permitted.</p> <p>(f) No storage, transport, handling, use and disposal of chemicals or toxic and hazardous substances shall occur within 200 metres of the wetland boundary.</p>	
<p>2. Modifying the Eleventh Schedule – Development Areas in the Scheme Text, Development Area (DA 6) to read as follows:-</p>			



REF. NO.	AREA	PROVISIONS
DA 6	MARINE INDUSTRY TECHNOLOGY PARK (DEVELOPMENT ZONE)	<ol style="list-style-type: none"> 1. An approved Structure Plan together with all approved amendments shall apply to the land in order to guide subdivision, land use and development. 2. To provide for a Marine Industry Technology Park. 3. Land Uses classified on the structure plan apply in accordance with clauses 6.2.6.3 and Clause 4.3 4. To provide for appropriate uses, the following land uses are not permitted within the odour buffer surrounding the Woodman Point WWTP, and the Cockburn Cement EPP Buffer: <ul style="list-style-type: none"> • Residential uses, including Tourist Accommodation or mixed use buildings incorporating a Residential component; • Child Care Premises; • Restaurants, Taverns, Hotels & Cafes; • Primary and Secondary Schools.
<p style="text-align: center;">Dated this day of 2005.</p> <p style="text-align: center;">Chief Executive Officer</p> <ol style="list-style-type: none"> (2) sign the amending documents, and advise the WAPC of Council's decision; (3) forward a copy of the signed documents to the Environmental Protection Authority in accordance with Section 7(A)(1) of the Town Planning and Development Act; (4) following receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the WAPC; (5) notwithstanding (4) above, the Director of Planning and Development may refer a Scheme or Scheme Amendment to the Council for its consideration following formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should proceed or not proceed with the Amendment; (6) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 		



48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not to proceed with the Amendment; and

- (7) advise the applicant and landowners of Council's decision.

COUNCIL DECISION

MOVED Cllr I Whitfield SECONDED Cllr A Tilbury that Council adopt the recommendation subject to modifying the Eleventh Schedule – Development Areas in the Scheme Text, Development Area (DA6), Provision 4 as follows:

4. To provide for appropriate uses:
- a) the following land uses are not permitted within the odour buffer surrounding the Woodman Point WWTP and the Kwinana Air Quality EPP Buffer:
 - Residential uses, including Tourist Accommodation or mixed use buildings incorporating a Residential component;
 - b) the following land uses are not permitted within the odour buffer surrounding the Woodman Point WWTP:
 - Child care Premises;
 - Restaurants, Taverns, Hotels & Cafes;
 - Primary and Secondary Schools.

CARRIED 9/0

Explanation

The change to the Scheme Amendment wording is required to clarify in the DA6 provisions the range of proposed land uses not permitted to occur on land within the Woodman Point Waste Water Treatment Plant buffer or the Kwinana Air Quality EPP buffer.

The list of uses stated above are as specified by the Water Corporation in their letter dated 14 June 2005. The Water Corporation advice relates only to the land affected by the WPWWTP buffer and not to land within the Kwinana Air Quality EPP buffer, which incorporates most of the remainder of the Precinct.

The original proposed wording of the DA6 provisions inadvertently excluded a range of uses from potentially being established on land within the Kwinana Air Quality EPP buffer that are critical for the development of the TAFE and associated Common User Facilities on land east of Coogee Road. Uses such as Child care premises; Tavern;



Restaurant and Lunch bar are discretionary (D) uses under the proposed SU9 provisions. The Structure Plan had been prepared and adopted on this basis and the amended wording in the above resolution is intended to facilitate development of the MTP accordingly.

Background

ZONING:	MRS:	Urban, Urban Deferred, Parks & Recreation
	TPS3:	Special Use 9, Development Area 6, Parks & Recreation, Public Purpose (Civic, Primary School)
LAND USE:	Former South Coogee Primary School site; Agricultural Hall site; South Coogee Oval; existing and former market gardening operations; dwellings and outbuildings.	
LOT SIZE:	49ha approximately	

The proposed Marine Technology Park Structure Plan at Munster was reported to Council at its Ordinary meeting on 15 February 2005. At that meeting Council resolved to advise the applicant that it was prepared to adopt the Structure Plan subject to addressing various matters. The specified matters have largely been addressed and it is envisaged the Structure Plan will be formally adopted under delegated authority in the near future.

An amendment to Town Planning Scheme No.3 was needed to rationalise scheme provisions and to rezone additional land for inclusion in the Marine Technology Precinct.

Submission

A request has been received on behalf of Landcorp to initiate an amendment to provide appropriate zoning and land uses in order to accommodate the development of the Marine Technology Precinct at Munster.

A Scheme Amendment to the City of Cockburn Town Planning Scheme No. 3 (“TPS3”) is required to:

- Provide land uses in accordance with the adopted Australian Marine Complex – Technology Precinct Structure Plan;
- Rezone Lot 48 Rockingham Road from ‘Public Purpose – Civic’; Lot 4897 Russell Road from ‘Public Purpose – Primary School’ and Lot 4436 Russell Road (Reserve 15741) from ‘Parks & Recreation’ to ‘Special Use 9’ and ‘Development Area 6’;
- Provide further land use definition under the ‘Special Use 9 Zone’ and ‘Development Area 6’ provisions; and



- Rationalise the wording of TPS Schedule 4 which relates to 'Special Use 9' and Schedule 11 which relates to 'Development Area 6', in order to rectify existing inconsistencies.

Report

Rezoning:

The rezoning of the land is required to facilitate the development of the whole Marine Technology Precinct.

Lot 4436 Russell Road (i.e. South Coogee Oval) is an A Class Reserve and as part of the Structure Plan it is proposed to relocate the reserve to the north-eastern portion of the precinct. The relocation will retain the current reserve size but will reposition the reserve to the north-eastern portion of the precinct. This will provide several positive outcomes being:

- the provision of a public open space buffer from the technology precinct to the proposed residential development to the north;
- the provision of public open space directly adjoining a residential area;
- the consolidation of the City's recreation facilities; and
- the ability to develop the existing reserve for Research and Technology purposes as proposed by the Structure Plan.

The relocation of the reserve is dependant on Landcorp providing land of equal value to the current location. Landcorp would also be bound to replace any improvements on the reserve made by the City. The exchange is managed by the Department of Planning and Infrastructure Land Asset Management services and being an "A" class reserve will need to be approved by Parliament. Zoning the land in the meantime will not impact upon the reserve's classification should the re-classification and relocation prove unsuccessful.

Lot 48 Rockingham Road is owned in Freehold by the City of Cockburn and accommodates the Agricultural Hall, while Lot 4897 Russell Road was previously used for educational purposes, being the former South Coogee Primary School. Buildings on both Lots are currently protected under the Council's Municipal Heritage Inventory, however at present the two sites are under-utilised. It is proposed to incorporate the two lots into the 'Special Use (9)' zone and 'Development Area (6)' to enable the use of the buildings for Research and Technology uses and the development of the land.

Amendment of Scheme Provisions:

TPS3 identifies that the Technology Precinct is subject to the provisions of the 'Special Use 9 Zone' ("SU9") and 'Development Area 6 ("DA6")', however there are a number of inconsistencies between these provisions. It is proposed to resolve this by specifying uses and development standards consistent with the Scheme definitions in the



SU9 provisions in Schedule 4, while the DA 6 provisions in Schedule 11 will identify the requirement for a Structure Plan.

The Technology Precinct proposes a mixture of land uses including research and development, education and training and office administration. The proposed land uses conform with the provisions and objectives of the Scheme.

In addition to the land uses currently listed in TPS3, the following land uses are proposed as 'D' discretionary uses:

- community purpose;
- convention centre;
- reception (function) centre;
- tavern;
- storage and
- telecommunications infrastructure.

These uses are considered to be incidental to the predominant marine related industrial uses and are required in order to clearly define uses associated with the Department of Industry and Resources (DoIR) site and the Department for Education and Training ("DET") site. Furthermore, these uses are required in order to provide for the collective facilities provided on the DoIR and the DET sites.

The amendment proposes to prevent the establishment of odour sensitive land uses within the Woodman Point WWTP and the Kwinana Air Quality EPP Buffer.

Conclusion:

The purpose of this amendment is to provide appropriate zoning and development provisions to accommodate the development of the land that forms the Technology Precinct of the Australian Marine Complex at Cockburn Sound.

The proposed rezoning of portion of the subject site to 'Development Area 6' and 'Special Use (9) Zone' and modifications to Schedule 4 – SU9 and Schedule 11 – Development Area (6), are considered to be logical in order to facilitate the development of the Marine Technology Precinct.

Strategic Plan/Policy Implications

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

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



2. Planning Your City
 - *"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."*
 - *"To ensure that the development will enhance the levels of amenity currently enjoyed by the community."*
3. Conserving and Improving Your Environment
 - *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
4. Maintaining Your Community Facilities
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and convenient and safe for public use."*
 - *"To construct and maintain community buildings which are owned or managed by the Council, to meet community needs."*

The Council Policies which apply to this item are:-

N/A

Budget/Financial Implications

N/A

Legal Implications

Rezoning of Lot 4436 Russell Road (South Coogee Oval) from "Parks & Recreation" to "Special Use 9" will not affect the reserve classification. Reclassification of the reserve will be addressed as a separate matter pursuant to the Land Administration Act.

Community Consultation

The scheme amendment will be advertised for public comment in accordance with statutory requirements.

Attachment(s)

- (1) Amendment report
- (2) Zoning Map.

Advice to Proponent(s)/Applicant

The applicant has been advised the matter will be reported to the July meeting of Council.



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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2878) (OCM 14/07/2005) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

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

CARRIED 9/0

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

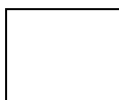
N/A

Budget/Financial Implications

N/A

Legal Implications

N/A



Community Consultation

N/A

Attachment(s)

List of Creditors Paid.

Advice to Proponent(s)/Applicant

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES**16.1 (MINUTE NO 2879) (OCM 14/07/2005) - SAFETY AUDIT - FARRINGTON ROAD BETWEEN NORTH LAKE ROAD AND BIBRA DRIVE (450501) (BKG) (ATTACH)****RECOMMENDATION**

That Council:

- (1) fund the maintenance and minor work for Farrington Road outlined in the Safety Audit report with road maintenance funds;
- (2) consider allocating funds in the 2006/07 financial year to undertake the following works outlined in the Safety Audit report for Farrington Road, subject to (3) below:
 - install street lighting at the Baptist College Entry (\$25,000);
 - upgrade lighting at Progress Drive (\$5,000);
- (3) request the Department of Environment to agree to the installation of street lighting in Farrington Road to comply with Australian Standards AS 1158 as required by the Safety Audit Report;
- (4) consider allocating \$2.2 million in a Forward Financial Plan for the widening of Farrington Road to a dual carriageway, to improve safety; and
- (5) minor works recommended under the Safety Audit Report to be undertaken in the 2005/06 financial year from the Roads



Maintenance budget.

COUNCIL DECISION

MOVED Cllr J Baker SECONDED Cllr A Tilbury that Council:

- (1) delete Clause (4);
- (2) include Clause (6) which reads as follow:
 - (6) pursuant to (2) and (3) above should permission be granted for the installation of street lights the report is to come back to Council before any action is taken with regards to the type of lighting to be installed.

MOTION LOST 2/7

MOVED Deputy Mayor R Graham SECONDED Mayor S Lee that Council:

- (1) fund the maintenance and minor work for Farrington Road outlined in the Safety Audit report with road maintenance funds;
- (2) consider allocating funds in the 2006/07 financial year to undertake the following works outlined in the Safety Audit report for Farrington Road, subject to (3) below:
 - install street lighting at the Baptist College Entry (\$25,000);
 - upgrade lighting at Progress Drive (\$5,000);
- (3) request the Department of Environment to agree to the installation of street lighting in Farrington Road to comply with Australian Standards AS 1158 as required by the Safety Audit Report;
- (4) consider allocating \$2.2 million in a Forward Financial Plan for the widening of Farrington Road to a dual carriageway, to improve safety;
- (5) minor works recommended under the Safety Audit Report to be undertaken in the 2005/06 financial year from the Roads Maintenance budget; and
- (6) pursuant to (2) and (3) above should permission be granted for the installation of street lights the report is to come back to Council before any action is taken with regards to the type of lighting to be installed.

CARRIED 9/0



Explanation

It was established that certain street lights work more efficiently in misty conditions as encountered around North Lake and also to minimise the attraction of midges. Therefore, Council should consider the matter prior to the installation of street lights.

Background

Farrington Road was built in 1984 to link North Lake Road to the Kwinana Freeway. It is classified as a District Distributor 'A' by Main Roads WA. Funds were provided by the Commonwealth Government to do the work.

One carriageway of a proposed 2 carriageway road was constructed at that time. There has been objections, mainly from the residents of North Lake, saying it should not be a major road.

Due to the traffic flows steadily increasing on the road, staff recommended to the meeting held in June 2004 that the second carriageway of Farrington Road be constructed. This was a consequence of Cllr Allen requesting a report be prepared on this option. Council did not support the recommendation and at the October 2004 meeting it resolved that Council:-

- “(1) receive the report;*
- (2) not support the possible duplication of Farrington Road at this time; and*
- (3) contracts a suitably qualified Consultant to undertake a Safety Audit of Farrington Road.”*

The Safety Audit was undertaken by certified safety auditors in accordance with the procedures set out in the Austroads Guidelines.

The audit was conducted by a team of 3 auditors, namely:-

- M Klyne - Klyne Consultants
- B King - Main Roads WA
- S Morrison - City of Canning

Submission

A Safety Audit Report on Farrington Road by Klyne Consultants dated April 2005 with an attachment summarising consultation with Joe Branco, on behalf of North Lake Residents' Association is attached.



Report

In context Farrington Road was constructed in 1984 to connect North Lake Road to Kwinana Freeway. It is used by up to 24,000 vehicles per day. This traffic is principally Cockburn residents and businesses wishing to access the Kwinana Freeway. It has now been in use for 20 years and the traffic volumes have increased to a stage where widening of the road should be considered.

At the time of the audit it was estimated that around 16,000 vehicles per day were using this section of Farrington Road. The low usage, according to the consultant, was likely to be a result of the works being undertaken on the Kwinana Freeway relating to the Perth to Mandurah railway line.

Also Murdoch University have requested and were given approval to have an access onto the road for the Baptist College development. They are intending to request further access points as they develop their campus for commercial enterprises and residential development.

The development of in excess of 100 hectares of the University Campus will generate significant traffic volumes, onto and off South Street, Murdoch Drive and Farrington Road.

In addition, in close proximity to the University it is planned to build a commuter rail station, a new 600 bed teaching hospital together with associated commercial facilities. These proposed developments will also cause more traffic to use South Street, Murdoch Drive and Farrington Road.

Farrington Road will continue to be a major Freeway connection linking traffic from North Lake Road. The City of Melville are proposing to reduce Farrington Road (East) from 2 lanes to 1 lane to discourage vehicles with origin end destinations in the west using this route to access Roe 7 via the Karel Avenue traffic bridge. According to newspaper reports the City of Melville have approached Main Roads WA to build ramps off the Farrington Road traffic bridge to the south to facilitate this traffic. Should this be supported by Main Roads WA, then additional pressure will be placed on Farrington Road (West).

Farrington Road, therefore will continue to perform in the road network as a District Distributor 'A' as it is currently designated.

The Findings of the Safety Audit are summarised as follows.

"The on-site inspection conducted on March 23 2005 as part of the Road Safety Review revealed that road safety could be enhanced by addressing the following recommendations. These have been identified so that they may be considered for appropriate remedial action. Some of the recommendations can be implemented immediately while others



must necessarily form part of a longer term works program. The following recommendations are forwarded for consideration and implementation.

North Lake Road intersection (SLK 0.00)

- Remove, the shrubs on the north-eastern corner of North Lake Road/Farrington Road intersection to provide adequate sight lines for pedestrians to on-coming traffic.
- Extend the length of the left-turn lane in Farrington Road at the approach to North Lake Road to ensure that the 95th percentile vehicle queue is accommodated in the lane.
- Modify the kerb-ramps at the Farrington Road/North Lake Road intersection, ensure that the gradients meet the recommended standards, install tactile ground surface indicators on the kerb-ramps and ensure that the travelled path is co-linear. Provide "audible" signal for the "walk" phase for all the travel directions.

North Lake Road (SLK 0.00) to Progress Drive (SLK 0.35)

- Remove all non-frangible trees planted in the central median island of Farrington Road. Replace these trees with species whose trunk sizes do not exceed 100mm in diameter.
- Replace the pipe-rail fence erected on the south side of Farrington Road, west of Progress Drive with a fence of "crash-worthy" construction. (IMPORTANT).
- Prune back the branches of the trees and shrubs adjacent to the dual-use path so that they do not encroach onto the path.
- Repair or replace the lamp on the second pole west of Progress Drive. Provide lighting to AS 1158 standards for the dual-use path on the north side of Farrington Road.
- Progress Drive intersection (SLK 0.35) . Locate the signs install "Give Way" signs at the intersection of Progress Drive and Farrington Road to comply with the recommendations of AS 1742.3-1994.
- Replace the two pedestrian crossing locations with one with a co-linear travelled path (median "slots" and kerb-ramps
- Provide lighting to AS 115 8 standards for the dual-use path on the north side of Farrington Road.

Progress Drive (SLK 0.35) to Baptist College entry/exit (SLK 1.33)

- Review the need to upgrade the cross section of Farrington Road to permit vehicle overtaking opportunities.
- Install additional guide posts on both sides of the road to meet the requirements of AS 1742.2-1994.
- Install retro-reflective raised pavement markers (RRPMS) on the centre-line of the road.
- Repair or replace the lamp on the second pole east of Progress Drive.
- Install street lighting to that section of Farrington Road to meet the requirements of AS 1158.



- *Ensure that the levels of illumination on the dual-use path also meet the requirements of AS 115 8.*
- *Repair the damaged section of dual-use path on the north side of Farrington Road, east of Progress Drive.*
- *Prune-back the branches of the trees and shrubs adjacent to the dual-use path on Farrington Street so that they do not encroach onto the path.*
- *Install side road junction (W2-4) signs on the eastern and western approaches to the entry/exit to the Baptist College.*
- *Repair the damaged section of road verge adjacent to the sealed shoulder on the north side of Farrington Road.*

Winthrop Baptist College entry/exit (SLK 1.33) intersection

- *install ' street lighting to AS 1158 standard to illuminate the raised concrete traffic islands constructed*
- *at the Farrington Road/Baptist College entry/exit intersection (IMPORTANT).*
- *Re-mark the "Give Way" holding line at the exit from the Baptist College into Farrington Road.*

Baptist College entry/exit (SLK 1.33) to Bibra Drive (SLK 2.25)

- *Review the need to upgrade the cross section of Farrington Road to permit vehicle overtaking opportunities.*
- *Install additional guide posts on both sides of the road to meet the requirements of AS 1742.2-1994.*
- *Install retro-reflective raised pavement markers (RRPMs) on the centre-line of the road.*
- *Install street lighting to that section of Farrington Road to meet the requirements of AS 115 8. Ensure that the levels of illumination on the dual-use path also meet the requirements of AS 115 8.*
- *Remove the fallen tree branch from the DUP, prune-back the branches of the trees and shrubs adjacent to the dual-use path on the north side of Farrington Road so that they do not encroach onto the path."*

Most of the above recommendations can be implemented as part of the City's road operations program.

All the recommendations are emphatically written except for the widening of the road cross-section, which refers to the need for review.

Two issues require further consideration prior to implementation, namely:-

- Street lighting should be installed to illuminate the Baptist College access point and the dual use path. However, this cannot be proceeded with without the approval of the EPA, as the Authority granted approval to the construction of Farrington Road in 1984 subject to no street lighting being installed, as it was deemed,



following public submissions, that lighting could be detrimental to wildlife.

- Widening of Farrington Road to provide for safe overtaking would need to be reviewed following the opening of Roe 7 with the Karel Avenue traffic bridge and the completion of the Perth to Mandurah railway line. Following this a traffic forecast for 2021 needs to be undertaken and if the volumes of Farrington Road are projected to achieve 1,000 vehicles per hour per lane at peak times, then the road should be widened for improved safety according to the Safety Auditor. Currently the roadway is divided only by a continuous double white line. This does not prevent impatient drivers from overtaking. To avoid risk taking occurring, overtaking lanes in each direction should be installed. In addition, the decision to widen the road depends upon what is determined to be the acceptable level of service at which the traffic will flow. If Farrington Road was to be widened, then it would occur on the northern side, abutting the Murdoch University Campus. The existing road reserve is wide enough to accommodate a four lane road.

The Council needs to consider the recommendations contained in the Safety Audit Report and implement them accordingly.

Strategic Plan/Policy Implications

One of the objectives of the Corporate Strategic Plan is:

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

Budget/Financial Implications

There are currently no funds available to do the widening work and it is recommended the work be considered for funding in 3 years time. It is envisaged the widening will occur on the north side of the existing pavement. This is within the existing road reserve and will not involve clearing of any reserved bushland. It will mean the removal of non-endemic species planted over the last 20 years by the City and local residents. The work would need to be referred to the Department of Environment for assessment and approval.

The cost of the work will be dependent on the final design. The Safety Audit report recommends that passing lanes need to be considered and street lighting should be installed to improve safety. This could mean widening by say 4 metres and re-constructing the Progress Drive and Baptist College intersections or it could involve the construction of a second carriageway.



The cost to construct a second carriageway of 7.0 metres in width with a 5.0 metre median between carriageways with street lighting is estimated to cost \$2.2 million.

Alternatively, it is recommended that \$1.4 million be provided for widening of the road without a median, reconstruction of intersections to allow for safer pedestrian crossings and the installation of limited street lighting.

Most of the recommendations to improve the safety of Farrington Road can be attended to through the roads operations budget 2005/06.

Legal Implications

A Safety Report has been produced and the recommendations should be implemented.

Community Consultation

There has previously been extensive community consultation on the construction of the second carriageway. The results of a recent survey were around 50% in favour and 50% against or in the "don't know" category. The Safety Audit report has been discussed with a representative of the North Lake Residents' Association, Mr Joe Branco, and his comments are attached to the Agenda as part of the Auditor's Report.

Attachment(s)

- (1) Road Safety Review Report for Farrington Road – Bibra Drive to North Lake Road prepared by Klyne Consultants dated April 2005.
- (2) Report on Farrington Road – Road Safety Audit following consultation with community representatives.

Advice to Applicant(s)/Stakeholders

Advise the North Lake Residents Association that this matter will be considered at the July 2005 Council Meeting.

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

Nil.



16.2 (MINUTE NO 2880) (OCM 14/07/2005) - TENDER NO. 10/2005 - RECYCLABLES COLLECTION SERVICE (6109) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) decline to accept any Tender for Tender No. 10/2005 – Recyclables Collection Service;
- (2) undertake the collection of the recyclables in the yellow top bins with its own workforce; and
- (3) withdraw the sum of \$505,000 (excluding GST) from the Plant Replacement Reserve, for the purchase of two trucks and compactors.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

In May 2001 the service of collecting recyclables from yellow top bins was introduced. Cleanaway won the tender to supply the service for a 4 year period and the contract commenced on the 28th May 2001. The contract expired on 28th May 2005 and has been extended on a monthly basis ever since.

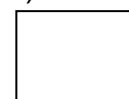
Submission

Tenders were called and closed on the 10th May 2005 for the collection service to be provided for the next 4 years. Four tenders were received, details of which are attached to the Agenda.

Report

Tenders were received from:-

• City of Cockburn	\$446,000	(ex. GST)
• City of Melville	\$515,840	(ex. GST)
• Perth Waste	\$560,976	(ex. GST)
• Cleanaway	\$574,626	(ex. GST)



The tenders were assessed on the following Criteria

	<u>Weighting</u>
Experience in collection of bins	20%
Skills and experience of the staff	5%
Reliability of plant	5%
Tendered price	<u>70%</u>
	100%

The tenders were assessed by B Greay and scored as follows in the qualitative and price assessment.

	Non-Cost Criteria	Cost Criteria	Assessment Score
City of Cockburn	23%	70%	93%
City of Melville	26%	62%	88%
Perth Waste	21%	56%	77%
Cleanaway	30%	54%	84%

The current contract is with Cleanaway. The contract amount is \$397,000 to collect approximately 24,000 yellow top bins on a fortnightly basis and take the contents to Canning Vale or Maddington for sorting and sale. Their price for this tender is 45% higher than the current contract price. Cleanaway had indicated they were going to increase their price but the size of the increase was not anticipated. The price submitted by the Waste Services staff is \$128,000 lower or \$512,000 over the 4 year period.

When interviewing the Waste Services staff they have indicated that with an extension of the working hours of the staff currently employed on the collection of the green top mobile bins one truck will become available to do the yellow top recyclables bin collection. Their submission indicates they will require another truck. The recommendation if accepted provides for another truck to be purchased. The costs of the truck included in the tender price include the repayment of the purchase costs of the truck over a 5 year period.

The collection of the yellow top bins is exactly the same operation as the collection of the green top bins so there is no reason to doubt the current staff being able to successfully undertake the service. As the service is to be undertaken by Council staff a tender can be called at any time to see if private companies can do the service at a similar price to Council staff.

It is recommended that the Council staff be authorised to commence the service of collecting the recyclables from the yellow top bins supplied to all residential properties and transporting them to a sorting plant at Canning Vale or Maddington.



Strategic Plan/Policy Implications

One of the commitments in the Corporate Strategic Plan is:

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

Budget/Financial Implications

The budget for the collection of recycling bins in 2004/05 was \$443,000.

The \$443,000 paid to Cleanaway included \$398,000 for collection and \$15,000 to operate a customer service call centre. The call centre was discontinued and taken over by the City. In addition, an amount of \$30,000 was paid to the City for the supervision of support staff.

For 2005/06 the Budget will need to be increased to cover the higher collection costs that have eventuated from the tender process, being \$446,000 excluding GST.

The City of Cockburn Tender included the cost to cover customer service and supervision of the recycling service.

Two tandem axle trucks are required to operate the service at an estimated cost of \$505,000 (excluding GST) following the trade-in of two older collection trucks (1999).

It is estimated that the rear loader truck will attract a trade-in of \$60,000 and the remaining single axle truck will be in the order of \$35,000. These vehicles are due for trading according to the Plant Replacement Programme.

The funds for the two trucks and compactors is available from the Plant Replacement Reserve.

The depreciation of the vehicles, together with their operating and outgoing costs is included in the tender submitted by the City for the collection of the recycling bins.

The City of Cockburn tender, submitted by Waste Services, was reviewed by the City's Financial Services to identify the major cost components contained within the in-house tender and to substantiate the costing detail underpinning the tender. Costing estimates were found to be reasonable and can be substantiated with historical data from Council's financial system. This check was undertaken independently of Waste Services.



Legal Implications

The tenders were called in accordance with Local Government Act Regulations (Functions and General).

Community Consultation

The tender was advertised in the West Australian on two occasions.

Attachment(s)

Schedule of Results of Tender.

Advice to Proponent(s)/Applicant

All tenderers have been advised that this matter is to be considered at the July 2005 Council Meeting.

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

Public tenders were called for the service.

16.3 (MINUTE NO 2881) (OCM 14/07/2005) - HARTLEY STREET, COOLBELLUP - PROPOSED ROAD MODIFICATION (450278) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) not proceed with the proposed road modification; and
- (3) advise:
 1. Those who lodged written submissions of Council's decision accordingly; and
 2. Mirvac Fini of the decision and confirm that no further road works are to be undertaken in Hartley Street, as part of the Coolbellup Redevelopment Program.



COUNCIL DECISION

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

CARRIED 9/0

Background

As part of the Coolbellup Redevelopment Program being undertaken by Mirvac Fini on behalf of the Department of Housing and Works, it was proposed to reduce the southern (one-way west) carriageway to a single lane. This was to be done by increasing the width of the verge in selected locations.

This work was agreed to as part of the overall improvement program.

The day after the contractor for the project had marked out the work, Cr Oliver advised that she had received a number of complaints by owners in Hartley Street and requested that the work be stopped.

The Director Engineering and Works advised that as the work had commenced, stopping the work could expose the City to a damages claim. Despite this the Director pursued the matter with the contractor and the contractor was prepared to defer the works until further notice.

As a result of this, an alternative plan was prepared which proposed that Hartley Street (north) be cul-de-saced at Lockett Street to become a two-way service road and that Hartley Street (south) between Batten Street and Lockett Street be made a two-way road to provide a direct connection between Lockett Street and Hargreaves Road.

A plan was prepared and letters sent to 59 affected property owners.

Following the distribution of the letter and the plan, a telephone complaint was received from Mr Lane, a resident of Hartley Street (south), who was vehemently opposed to the proposal. Mr Lane advised that the plan was totally unacceptable, that it would depreciate property values and if necessary he would seek legal advice. In addition, Mr Lane would door knock other residents in the street to oppose the plan.

Submission

The proposal to rationalise the one-way road system in Hartley Street, prepared by the Engineering and Works Division.



Report

The plan was prepared in order to rationalise what could be termed an uncommon traffic arrangement for a road that carries only around 600 vehicles per day (vpd).

The reason for the situation is because a wide median strip divides Hartley Street into a northern and southern carriageway because of the need to provide a corridor for a high voltage overhead transmission line.

The divided carriageways are wide enough for two lanes of traffic but provide for one-way traffic in opposite directions on either side of the median.

From a traffic circulation point of view the proposal is preferred. It provides better traffic management, it rationalises the use of intersections and it avoids the need for residents in Hartley Street to have to circulate around the median to go to and from their respective properties. The proposed solution is very simple and would improve convenience to residents and road users. It would most likely improve safety as the road system would reflect a typical residential road pattern and avoid the chance of "wrong-way" traffic.

Despite this, however, the majority of residents who responded to the public opinion survey opposed the proposal.

Given the minor nature of the proposal and the fact that most residents are opposed to it, no changes to Hartley Street are recommended, and the current situation should be retained.

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."*

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



Budget/Financial Implications

The cost of the proposed works to implement the proposal was estimated to be \$25,000. This amount will now be re-allocated to Traffic Calming in the 2005/06 Budget.

Legal Implications

Nil.

Community Consultation

There were 59 letters sent to residents in Hartley Street, with plans and a reply paid envelope attached. The letters were posted on 26 May 2005, with replies due by 21 June 2005.

At the close of the submission period, there were 37 (62%) responses:-

Responses	Number	%
Support	8	21%
Do not support	12	33%
Do not do anything	17	46%
Total	37	100%

} 79%

It is clear that 79% of all respondents, the majority of whom are located on the southern side of Hartley Street, are not in favour of the proposal, or do not want any change to the existing situation.

In addition to this, Mr and Mrs Lane sent copies of their objection to the Mayor, Deputy Mayor and elected members and arranged to meet with the Director Engineering and Works and Cr. Limbert on 20 June 2005, to have the opportunity to discuss their concerns, and to reaffirm their strong objection to the plan.

Attachment(s)

- (1) Schedule of Submissions.
- (2) Plan of proposed Hartley Street modification.

Advice to Proponent(s)/Applicant

All the submissioners on the proposal have been advised that this matter is to be considered at the July 2005 Council Meeting.

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

Nil.



17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 2882) (OCM 14/07/2005) - MANNING PARK CARETAKER'S COTTAGE (2207525) (RA)

RECOMMENDATION

That Council:

- (1) enter a rental agreement with the South Metropolitan Personnel for the use of the Manning Park house for a period of 2 years with the following terms and conditions:
 1. For peppercorn rental conditional on:
 - (a) the renter being responsible for all maintenance and outgoings associated with the property;
 - (b) open and close the gates and toilet in the park as required by the City;
 - (c) have a caretaker on site; and
 - (d) carry out at least 20 hours of works per week in the park as required by the City; and
- (2) at the conclusion of the 2 year period the matter is to be reviewed.

COUNCIL DECISION

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

CARRIED 9/0

Background

There is a long established 3-bedroom 1-bathroom house on Manning Park which over the years has been rented out to City of Cockburn employees. The rent has recently been set at \$175 per week with this amount discounted by \$60 per week should the tenant take on the responsibilities of locking and opening the gates and toilets to the park each evening and morning respectively. The house has been vacant since the 24th October 2004.



An expression of interest to rent the house was recently conveyed to City of Cockburn staff. No City of Cockburn employees expressed an interest.

The house is currently unoccupied and a local person is paid \$112 per week to lock and open the gates and toilets.

Submission

A letter has been received from South Metropolitan Personnel seeking to use the house.

Report

S.M.P. is a not for profit incorporated association that assists young people with disabilities and their families. The intent of S.M.P. is to use the house to:

- assist the client group to develop life skills i.e. cooking, house cleaning and general domestic skills;
- provide longer hours of support – the house would be a centre that creates the opportunity for much needed respite for the clients and their carers.

The S.M.P. advise that they currently have 45 clients from the City of Cockburn area and this number will increase as of 1 July 2005 with additional government funding being provided.

The offer by S.M.P. is as follows:

- Provide a fulltime caretaker on site who will open and close the gates and toilets at times agreed with the City.
- Maintain the building and its surrounds and pay for this and all service costs.
- Provide no less than 20 hours of labour per week to go toward cleanup of identified areas within the park.

The S.M.P. have requested that Council, in return for the tasks performed above and due to the benevolent nature of their activities, provide the facility at a peppercorn rental.

S.M.P. is a reputable organisation with a demonstrated commitment and capacity to meet the support needs of its client group. Whilst the proposal put by S.M.P. to have the property at a peppercorn rental will be a loss of income the commitment by them to pay all maintenance and utilities costs and carry out at least 20 hours of work on the park will more than compensate for the loss of income. The City is currently



paying a local resident \$112 a week to open and close the gates and toilets.

The property is within land leased from the Western Australian Planning Commission. The lease has provision for the City of Cockburn to enter into sub-lease arrangements.

Strategic Plan/Policy Implications

To facilitate and provide an optimum range of community services.

Budget/Financial Implications

Over the past several years the amounts spent on maintenance of the house are as follows:

2002/03	\$2,527.27
2003/04	\$2,158.72
2004/05 Y.T.D.	\$3,284.73

Under the proposed arrangements the maintenance costs would be borne by S.M.P.

Legal Implications

Regulation 30(2)(b)(i) of the Local Government (Functions and General) Regulations 1996 allows an exception from the provisions of sec. 3.58 of the Local Government Act for the disposal of land when the disposal (including a lease) is to a body whether incorporated or not

“(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.”

The S.M.P. clearly meets this criteria.

Community Consultation

N/A

Attachment(s)

N/A

Advice to Applicant(s)/Stakeholders

S.M.P. have been advised that this matter will be considered at the Ordinary Meeting of Council to be held on Thursday 14 July 2005 at 7pm.



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

Nil.

**17.2 (MINUTE NO 2883) (OCM 14/07/2005) - RECREATION RESERVE
- PORTION LOT 393 BAKER COURT, NORTH LAKE (1100097)
(RA) (ATTACH)****RECOMMENDATION**

That Council:

- (1) not accept the tender from the Cockburn Ice Arena Pty Ltd seeking to lease a portion of lot 393 Baker Court North Lake;
- (2) offer to lease the tendered portion of lot 393 Baker Court to Cockburn Ice Arena Pty Ltd for a period of 21 years under the following terms and conditions:
 1. The lease fee to be \$10,000 pa (excluding G.S.T.) plus C.P.I. until such time as the gross turnover of the facility operations reaches \$1,300,000 plus C.P.I. then the lease fee shall be 5% for the amount above \$1,300,000 plus \$10,000. In addition, a fee equivalent to the annual rates payable based on the Gross Rental Value of the property, is applicable;
 2. All costs associated with or incidental to the construction of the facility will be borne by the proponent;
 3. The proponent at his cost must meet all necessary statutory approvals and requirements;
 4. The lessee have financial and legal responsibility for all matters associated with the operation of the facility and the land comprising the leased area;
 5. Should the lessee at any time during the lease period seek to sell the lease or sub lease the property it will require the approval of Council to this transfer of interest and the Council reserves the right to renegotiate the terms and conditions of the lease at this time;
 6. At the expiration of the lease the lessee has an ability to sell removable fixtures and fittings funded by the lessee on the site to another party who has entered a lease with the City or if required by the City remove assets from the site as prescribed by the City; and
 7. All terms and conditions are to be established to the



satisfaction of the Chief Executive Officer; and

- (3) subject to the acceptance by the Cockburn Ice Arena to the terms and conditions established by Council seek approval from the Department of Planning and Infrastructure for the City of Cockburn to enter a lease agreement with the proponent.

COUNCIL DECISION

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

CARRIED 9/0

Background

Council, at its meeting of the 16th September, 2003, resolved to accept the Management Order with the power to lease for lots 122 and 393 Baker Court, North Lake. This land is currently owned by the Western Australian Planning Commission and leased by the City of Cockburn at a peppercorn rent. The W.A.P.C. have sought to relinquish this land to the City.

In accordance with the head lease which still stands the Council at its meeting of the 16th March, 2004, resolved to call tenders for the sub lease of a portion of Lot 393 Baker Court. The area of land in question is shown on the attached plan.

Council at its meeting of the 15th February 2005 resolved as follows:-

“(1) defer Consideration of Tender RFT 03/2004 from the Cockburn Ice Arena Pty Ltd for the lease of portion of Lot 393 Baker Court, North Lake to the March 2005 Ordinary Meeting of Council.

(2) direct the CEO to:

- 1. as an option, investigate the potential to co-locate the facilities proposed in Tender R.F.T. 03/2004, from Cockburn Ice Arena Pty Ltd, on the unused portion of the land occupied by the adjacent Lakeside Recreation Centre; and*
- 2. discuss the proposal mentioned in (2)1 above with representatives of Cockburn Ice Arena and Lakeside*



Recreation Centre, and report the outcomes to the March 2005 Ordinary meeting of Council.”

Submission

In response to the request for tender for a portion of Lot 393 Baker Court, North Lake, one tender was received from the Cockburn Ice Arena Pty Ltd.

Report

In accordance with Council's decision of the 15th February 2005 a detailed investigation was made into the viability of co-locating the proposed Cockburn Ice Arena onto a portion of the site leased to the Lakeside Baptist Church. It became evident that the co-location was not viable and not supported by either party.

The request for tender was advertised in the West Australian on Saturday 31st July, 2004 and closed on the 2nd September, 2004. One tender was received from the Cockburn Ice Arena Pty Ltd.

In order to comply with the original tender specifications, written clarification was sought and obtained from Cockburn Ice Arena Pty Ltd that the tender, as previously submitted by it, was still applicable.

The tender satisfactorily met the set tender compliance criteria.

The qualitative criteria and weighting for the assessment was agreed by Council at its meeting of March 2004 and is as follows:

- Recreation and leisure value of the proposal to the region. 40%
- Financial capacity in undertaking the development 30%
- Capacity in operating the facility. 30%

The results of the assessment were:

	Non cost criteria	Cost criteria	Average Assessment score
Cockburn Ice Arena Pty Ltd	51.2	18.5%	70.7

The Manager Finance and the Manager Community Services carried out the assessment.

Discussion

The proponent has been operating the Cockburn Ice Arena for 9 years from premises in Cocos Drive, Bibra Lake. It is evident that sports ice



skaters based at this facility have been highly successful at State and National competitions.

Following is an overview of the proposed facility provided by the proponent.

“Preliminary floor plan and site layout.

The proposal features a double Olympic size ice surface each of 60m x 30m in two separate halls. The building construction is from whit cool room panel with a white roof. There are ancillary areas including café, off ice training room, various change rooms, offices for the use of sporting associations, a skate shop, reception and engine room areas and on site car park which will initially hold 130 vehicles. Please refer to the drawing supplied.

The concept calls for the curt and recess of the development into the hillside with the whole development facing Bibra Drive. The utilisation ratio of the site is very good allowing for the venue to be clear of pylon and power lines on the northern side of the site and set back as far as possible from the Roe Highway on the south side yet not precluding further development on the south side in the future.

The development fully utilises the east west aspects of the site with the building being at the rear (as viewed from Bibra Drive) with car parking in front. The car park will be about 2 metres below the building datum level. So the building will be the main feature of the site as viewed from Bibra Drive. The development will not be significantly visible from Farrington Road. Further parking areas are available to be developed on the south side of the site as requested.

Extensive re-vegetation with native (to the local area) species of trees and shrubs will complete the aesthetic appearance of the development. The planning of the development allows for all human traffic areas to be clear of re-vegetated areas, thus ensuring the probability of the fastest possible and successful landscaping plan.

Finally, having its own entrance off the short access road leading from Bibra Drive and the possibility of a separate exit onto Bibra Drive ensures easy access and egress from the site with minimal impact on traffic on Bibra Drive. No backups of traffic on Bibra Drive will occur. The whole site will be fenced and a live on site caretaker installed (as is now the case in Barrington Street) to provide security and ensure the early opening required by elite athletes commencing training as early as 5am.

There are no noise issues from the equipment in use of the style of operation of the venue as is evidenced by the current operations at Barrington Street.



Value and building program.

The value of the development is anticipated to be in the region of \$2.5m including fit out. Stage one (surface one) would be ready for opening approximately 12 months from when construction commences. Stage two involves the closing of Cockburn Ice Arena in Barrington Street and transfer of the refrigeration equipment to the new premises for the second ice surface. The timing on this has to remain flexible as the operator wishes to ensure that the public opening response to the new venue is maximised in the first 3 to 6 months of operation. This extra revenue is required to offset some of the removal costs.

To avoid closing down our elite sports program in the transition, both the new and old rinks will need to be open simultaneously for a short time – not a desirable situation. To open both new surfaces together would result in either displacement of the elite athletes for a period of 6 months allowing for the recovery of the equipment at Barrington Street or forgoing the benefit of the opening surge to finances (in order to allow the public unrestricted access when first open – which would disrupt the elite figure skating program) worth up to \$200K in the first 6 months – money need to pay for the removal.

Operating concept.

The venue will open nominally from 6am to 10pm 7 days per week. And support a mix of public and private access sessions. However, it is necessary to be totally closed during the day on some days for maintenance and to allow staff to attend to various business matters. We also close over Christmas and Easter.

Currently we close on Wednesdays until 4pm. On some nights – Sundays, Mondays and possible other weekday night operations will cease before 10pm. (Sundays in summer finish at 6pm).

Surface #1 will support all activities – public skating, ice hockey, aussieskate development and other activities as ice shows.

Surface #2 is for serious figure skaters only. By splitting this way R2 can be maintained at a thinner ice level with warmer ice, which is required for figure skating, whilst deeper hard ice, which is essential for ice hockey and public skating, can be maintained on R1.

This split will provide increased access for hockey skaters on R1 by removing figure skaters to R2. It also simplifies cleaning, maintenance and oversight of operations from a duty of care perspective. It is also cheaper to provide R2 if no hockey nets or rubber matting is required and means that only one set of change rooms is required.

The venue will be constructed with two main halls allowing for independent programming to take place. Rooms for various ice sports



will be provided down the centreline of the two surfaces allowing the various sports to each have a room on site exclusively for their own use. This will be provided free of charge if it is kept clean and tidy by the administrators of the sporting bodies.

Also provided are coaching rooms and other areas which have been proven to be needed in the current venue. Both surfaces will have a grandstand capable of supplying the seating needed for their respective users. R1 have the most seating which is required for hockey games, ice shows and figure skating competitions. R2 will have limited seating to supply the needs of smaller local figure skating competitions.”

Lease

The proponent has sought a land lease fee of \$10,000 plus C.P.I. from the date of the certificate of practical completion of the facility with an additional fee of 5% (plus (G.S.T.) on all gross turnover (excluding G.S.T.) exceeding \$1,500,000 pa. The turnover figure is to be adjusted annually in line with the C.P.I.

Several lease term options have been proposed. A fixed term of 35 years. Alternatively an initial term of 21 years with an option of a further 14 years with an opportunity to be included in the lease, which allows for a further extension to the lease of either 10 years or 21 years.

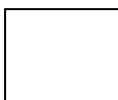
Conclusions

The proponent has argued in his submission that the provision of an ice arena such as that proposed service a significant community benefit and ought not be considered solely on commercial grounds.

To assist Council in its deliberations an independent management consultant experienced in business financial analysis has been contracted to review the finances of the current Cockburn Ice Arena, other similar facilities in the country and analyse the forecast finances of the proposed facility. On the understanding that this Financial Review and Analysis was produced on the basis it would be Commercial in Confidence the proponent Tom Barrett has provided access to the accounts of the Cockburn Ice Arena.

The management consultant Con O'Brien has provided an overview of his findings of the review and analysis.

“The following conclusions and recommendations are based on the fact that Tom Barrett has demonstrated his skill in establishing a successful ice skating facility which has proved to be both commercial and an appropriate vehicle for the development of ice skating as a sport and recreation in the City of Cockburn and Western Australia generally.



Feasibility:

The proposed facility appears to have the potential to be profitable in the long term. It is unlikely to be a major profit generator during its first three years of operation and may require continued financial support from Mr. Barrett for five years or more.

Return on Investment:

The proposed venture would not be regarded by a disinterested investor as having the potential to generate an appropriate return on investment when compared with more conventional forms of equity investment.

Community Benefit:

The envisaged two surface facility and its proposed location is likely to provide an appropriate venue for young people and, with its dual emphasis on recreational skating and the development of young people's skills in ice sports, will obviously add noticeably to the facilities available to residents of (and visitors to) the City of Cockburn.

Commercial versus Community Aspects:

Given the major investment proposed for the venue and the short-term likelihood of operating losses, the community potential of this venture should be given priority unless and until its annual operating revenue exceeds \$1.3 million.

Conclusions on the Potential Lease Arrangements:

As stated above, short-term profitability is unlikely. Therefore a reasonable lease term should not be regarded as inappropriate if the promoter is to eventually recover invested funds and to receive an adequate degree of financial return on the commitment."

It is usual practise where a company or individual has invested a substantial sum in a business venture on leased land to have a clause which permits, subject to the agreement of the lessor, for a tenant to sub lease or sell the lease to another party. As the land in question is public land and that the lease may be discounted in recognition of perceived community benefit of the service provided it is reasonable and prudent that there be a clause which guards against a substantial profit being made with the subleasing or on selling of the lease. It is proposed that a clause be inserted in the lease that requires a review by the City on the terms and conditions of a sub lease to a third party.

It is evident in the submitted tender that the proponent seeks to protect the value of the asset to him at the termination of the lease. Should Council desire to meet this requirement it is proposed that, subject to



legal advice a clause could be inserted to the effect that the lessee may sell the assets on the site to another party provided that they new party has entered a lease with the City for a purpose and should such a sale not proceed the lessee will, if required by the lessor, to clear the site.

Strategic Plan/Policy Implications

Managing the City in a competitive open and accountable manner.

Facilitating a range of services responsive to the community needs.

Budget/Financial Implications

There will be some income generated for the City through the lease fee payable by the proponent.

Under the Council Policy the indicative GRV for the land provided by the Valuer Generals Office is \$250,000 which calculates to a rate of approximately \$15,000 pa.

Should the recommended lease fee base of \$10,000 pa be accepted plus an additional fee equivalent to the rates be payable the total income from the lease would be approximately \$25,000. This fee would increase in value over time in accordance with the terms of the lease and the GRV rate

Legal Implications

Requirements of the Local Government Act, 1995, in relation to the disposal of land have been adhered to.

Community Consultation

In accordance with the requirements of the Local Government Act, 1995, sec. 3.59 the availability of the land for tender has been called by public notice.

Attachment(s)

Map depicting lease area.

Advice to Proponent(s)/Applicant

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

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

Nil.



17.3 (MINUTE NO 2884) (OCM 14/07/2005) - PROPOSED AMENDMENT TO CURRENT CALENDAR OF EVENTS TO CREATE A SUMMER FESTIVAL (8812) (RA)

RECOMMENDATION

That Council:

- (1) adopt the proposed Summer Festival of Events calendar and theme and the other stand alone events as described in the report;
- (2) place on the 2005/06 budget for consideration the sum of \$223,500 to fund these events; and
- (3) require the preparation of a Policy that establishes the percentage of rateable income which will be used for Cultural and Arts events in future budgets.

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr S Limbert that Council adopt the recommendation with the addition of Clause (4) which reads as follows:

- (4) have a major concert event at Manning Park as outlined in the report that is open to all residents of the City who wish to attend.

MOTION WITHDRAWN

MOVED Cllr A Tilbury SECONDED Cllr J Baker that Council:

- (1) adopt the proposed Summer Festival of Events calendar and theme and the other stand alone events as described in the report;
- (2) place on the 2005/06 budget for consideration the sum of \$223,500 to fund these events;
- (3) require the preparation of a Policy that establishes the percentage of rateable income which will be used for Cultural and Arts events in future budgets; and
- (4) not proceed with a major end of season event as planned to be held at Manning Park.

MOTION LOST 1/8



MOVED Clr K Allen SECONDED Clr I Whitfield that the recommendation be adopted.

CARRIED 8/1

Background

At Ordinary Council Meeting on 21st September 2004, Mayor Lee requested that a report be provided on the establishment of an Annual Cockburn Sound Festival.

Mandurah has its Crab Festival and Freo has its Sardine Festival, we at Cockburn could have a Cockburn Sound Festival/Feast. Promoting, for example, the wonderful basket of seafood delights to be caught in Cockburn Sound. From crabs to crayfish, from mussels to mullet and from sardines to snapper. The Cockburn Sound Festival could not only consist of a delightful seafood oriented festival/feast, but could also be a substantial musical event extending from the Coogee Beach/Port Coogee area out into the surrounding local and regional parklands. Thus producing a truly sensational delight from both an aural and oral perspective. The report should explore all possibilities based around the principles listed above and should comprehensively address the issues of budget, timing of the event, promotion of the event and format of the day/evening.

Submission

N/A

Report

The organisation of the proposed range of events as described in the report takes some time and hence a decision by Council in its budget process is required to ensure the events occur within the proposed time frame.

Most metropolitan Councils at present provide a variety of free or low cost events and entertainment to the community, many presented in a Festival format. Of these festivals many hold a common theme, which can change from year to year, that provides a focus for the development of activities and events. Many of these themes are aquatic in nature, due to the large number of Perth's population that live along the coast and enjoy Perth's beach lifestyle. As such most of these events take place in the summer months, to take advantage of Perth's excellent weather. A professional Events Manager externally manages most large festivals or the Councils have large Cultural



Development teams. Provided that the proposed calendar of events is followed current resources will be adequate.

The City's current events do not follow a set structure or theme and are not immediately identified as connected to each other. It would be advantageous to plan a Festival that builds on the City's existing strengths, that is the successful events already provided by the City, and to add some focus for these events around any number of aquatic or environmental themes, such as those found in and around Cockburn Sound. The success of many Festivals is the ability to remain flexible and work with the changing needs of the target community and therefore a theme set for each year would allow for increased community involvement and interest.

In analysing the City's current events five distinct principles became apparent: Culture and Arts, Age Group activities, Multicultural Events and entertainment. These principles have been explored to further develop their potential as outlined below. It is proposed that the New Festival carry an altered format encompassing these principles, which are planned and presented around a united theme.

Culture and Arts –refers to concerts and live performances

This principle has previously included the Tribute concerts and community days, the Sunset Concerts and the Major Event Concert, which have taken place between January and March. The ability to continue to provide quality varied Tribute concerts is not possible without repetition and therefore is not a viable option to continue. It is proposed that by combining some of these events higher quality, better attended, events could be provided.

It is proposed that the concerts are combined into a *Summer Concert Series* of five concerts, four community concerts and one major regional event, to develop a theme of concerts and events that occur throughout the City, taking advantage of a number of high quality parks and reserves. These events will be aimed at bringing the local community together to celebrate their community. Two acts will entertain the audience at each concert and to ensure and encourage local content, a local band will perform before the main act. The major regional concert is expected to draw significant crowds throughout the region. Five parks have been chosen (see Table 1.), which can be altered year to year to ensure all areas of the City of Cockburn are adequately covered and population growths in newer areas also have the opportunity to be included.

Table 1. Summer Concert Series

<i>Event</i>	<i>Suburb</i>	<i>Park</i>
Concert One	Atwell	Atwell Ovals
Concert Two	Yangebup	Nicholson Reserve
Concert	Coolbellup	Len Packham Reserve or



Three		Tempest Reserve
Concert Four	Bibra Lake	Bibra Lake, South Lake or Hopbush Reserve
Major Event Concert	Spearwood	Manning Park

Multicultural Events – recognises the unique cultural diversity of the City.

This area has previously included the Spring Fair and NAIDOC week celebrations. It is proposed the Spring Fair be developed into a Multicultural Festival and a continued emphasis be placed on NAIDOC week celebrations.

The City of Cockburn has had a rich and diverse multicultural population and according to the 2001 Census, 29% (19,433) of the Cockburn population stated that they were born overseas, compared with the Western Australian average of 27% (ABS 2002). To provide a more inclusive focus to the New Festival format cultural groups from around the City will be invited to participate, with a food festival included into the Spring Fair's previous format. Further to this music and entertainment based around cultural diversity will also be included. A competition could be run in local schools to name the event to encourage awareness of the new festival and encourage young people to embrace their multicultural community. The Rotary Club has been consulted on this development and is happy to continue to be involved and work within a multicultural focus.

Age Group Activities –chiefly targets specific age groups in the City.

This principle has included the FROSH Festival, as part of the Spring Fair, the Seniors Ball and the Teddy Bears Picnic; each of these targeting a specific age group in the community; youth, seniors and young families.

The Frosh Festival will remain an integral part of the Multicultural Festival (Spring Fair) activities, but will also be linked to the main festival theme chosen for each year. This allows for activities and events to be focussed and provides opportunities for young people to participate in the organisation and development of the event through craft and art activities in the form of workshops before and/or on the day. It is important to allow young people to have a specific event targeted to their needs, but also include them as part of a greater community event to encourage intergenerational contact and firmly place young people within context of the community.

Both the Senior Ball and Teddy Bears Picnic are small events that may benefit from a united Festival theme. It is not proposed to change the format of these events significantly.



Entertainment – provides the community opportunities to celebrate and enjoy the City.

The Coogee Beach party is an excellent example of a community-based event that has grown and developed since its inception several years ago, the basis of which is having fun and enjoying the beautiful coastline.

With approximately 6,000 people attending the latest Beach Party, this is a very well attended event that if attached to a specified and united theme has the potential to be a significant Regional Event. At this time limited space is hampering its development, but changes can be made to make this a signature event for the City, a Cockburn Sound Festival.

There are a number of local stakeholders already involved in the event that can be encouraged to help in its continued development. These include the Coogee Surf Club, Austal, Australand and RecFish WA. Due to the significant industry in the area a number of ideas have been generated around the inclusion of stakeholders in the event, including interactive stalls and activities run by the stakeholders. This would include food stalls linked to foods produced in and around Cockburn Sound, such as mussels and other seafood. This strong aquatic themed day would be the newly created Cockburn Sound Festival or Coogee Beach Festival. This would involve the development of a logo and recognisable branding to ensure this has a strong local identity and regional significance. The naming of the Festival could be opened to the public as a competition.

Other fun activities, which will continue as traditional community events include the turning on of the Christmas lights and the Movie Nights at Manning Park.

It is proposed that a Cockburn Festival encompasses a strong calendar of events and includes events presented by the City of Cockburn in different locations around the City, including the Multicultural Fair (previously the Spring Fair), FROSH, Summer Concert Series and the Cockburn Sound Festival. These events would be presented as a Festival united by a specified aquatic theme. Other events, namely the Teddy Bear's Picnic, Seniors Ball NAIDOC and Christmas Lights would remain as stand alone.

Proposed Summer Festival Calendar of Events

Event	Location	Date
Summer Concert Series – four community concerts and one Regional Concert (see table 1)	Atwell, Yangebup, Coolbellup, Bibra Lake, Spearwood	January – March
Cockburn Festival Beach Party	Coogee Beach	March



Multicultural Fair including FROSH		October
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Stand Alone Events

Event	Location	Date
NAIDOC celebrations (coincides with NAIDOC week)		June/July
Teddy Bears Picnic (coincides with children's week)		October
Seniors Ball (coincides with senior's week)		November
Turning on Christmas Lights	Council Administration	November
Movie Nights	Manning Park	December -March

Strategic Plan/Policy Implications

Key Result Area "Facilitating the Needs of Your Community" refers.

Budget/Financial Implications

Indicative Budget Allocations

Promotion	\$11,800
Multicultural Festival	\$31,000
FROSH	\$14,000
Summer Concert Series (includes major concert event)	\$100,000
Cockburn Festival (revamped Coogee Beach Party)	\$35,000
NAIDOC	\$3,000
Seniors Ball	\$5,000
Teddy Bears Picnic	\$3,700
Christmas Lights	\$15,000
Movie Nights	\$5,000
Proposed Budget	<u>\$223,500</u>

To allow for a rationale for the allocation of municipal funds for specific areas of Council activity it is proposed that 1% of rates income be established to guide Council in its distribution of funds. The added advantages to the proposed approach is that the growth in population is reflected as the rates increase. The proposed 2005/06 budget for the identified events is \$211,000 with 1% of rates anticipated for 2005/06 at \$223,500.

Sources of funding exist for the development of Festivals including Festivals Australia, Lotterywest, Alcoa, Healthway and the Department of Culture and Arts (ArtsWA). These funding sources will be utilised to realise the full resource potential of the proposed festival.



Legal Implications

N/A

Community Consultation

A recent referendum among the City's residents found that the large majority (12,500 versus 3,000 residents) wanted the City to keep providing free community festivals and events. The City's current calendar of events shows strong community support and almost two-thirds (62%) of the events provided by the City were attended by at least one thousand people. The large majority of these events (81%), which service the needs of the City's diverse population and demographic composition, were citywide events, and attracted persons throughout the City and beyond. In addition to this, the same proportion (81%) of the events held in 2004 was targeted at all age groups, thereby promoting inclusiveness. The referendum results and this data indicate that City of Cockburn residents enjoy attending community celebrations, and will continue to support the development of these events within the City.

Continued consultation with involved stakeholders and the community after each event will ensure a community-oriented calendar of events is presented in subsequent years. A Festival committee made up of community stakeholders and Council representation will also allow for the community to have a voice on the continued development of the Festival.

Attachment(s)

N/A

Advice to Proponent(s)/Applicant

N/A

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

Nil.

**17.4 (MINUTE NO 2885) (OCM 14/07/2005) - COOLBELLUP
COMMUNITY FACILITIES REFURBISHMENT AND
REDEVELOPMENT (8136B) (RA) (ATTACH)**

RECOMMENDATION

That Council defer consideration of the refurbishment of the Coolbellup Community facilities until after consideration of the matter in the context of the development of the Corporate Strategic Plan.



COUNCIL DECISION

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

CARRIED 9/0

Background

For a number of years, Council has had the upgrade of the community facilities on the Len Packham Reserve and the adjoining community purposes site in Coolbellup on its Principal Activities Plan. The facilities currently available on these sites include the Coolbellup Centenary Hall, adjoining Coolbellup Library/Cockburn Vocational Centre and Coolbellup Community Centre. There is also a transportable building behind the Coolbellup Community Centre and another in the courtyard used by the library as a workroom.

On 17 February 2004, Council resolved to:

- (1) allocate \$25,000 for the appointment of an architect to develop concept plans and costings for the upgrade of the Coolbellup community facilities and Len Packham reserve, in anticipation of the possible Town Centre development to maximise opportunities for integrating shared use of community facilities and for attracting grant funds;
- (2) require from the appointed architect, a concept plan for the upgrade of the Coolbellup community facilities for consideration; and
- (3) transfer \$25,000 from the Community Facilities Reserve to fund the project.

Holton Connor Architects and Planners were contracted to develop concept plans and costings for the proposed recreational facility at Len Packham Reserve and the adjoining community facilities.

Finalisation of plans for the new club/change rooms on the Len Packham Reserve have been completed with funds coming from the following sources.

- The Department of Sport and Recreation, through the Community Sport and Recreation Facilities Fund, has committed \$347,652 to the new club/change rooms on the Len Packham Reserve.
- The Department of Education and Training has committed \$306,328 toward replacement of three fenced and lit hard courts,



provision of 90 car-parking bays and provision of access road to Waverley Street.

- The City of Cockburn has committed \$350,000 towards the Len Packham reserve.
- There was a further \$350,000 identified in the Principal Activities Plan for the Coolbellup community facilities refurbishment and redevelopment.

The tender for these construction works closed on the 7th July 2005.

At Ordinary Council Meeting on 12th October 1999, Council resolved that:

- (1) Council purchase and fit out a transportable building to serve as office workspace for the Coolbellup Library and for this building to be placed in the courtyard area behind the library;
- (2) The rent for the Cockburn Vocational Centre (Inc.) remains at \$8,585 for an area of 214m², with the lease to be extended to the 30th of June 2001;
- (3) Council donate \$17,095 as a subsidy towards the rental of the Cockburn Vocational Centre and the budget to be adjusted accordingly; and
- (4) Council acknowledge that this is a temporary arrangement and will be reviewed when either;
 - a. Sewerage works planned for the area are undertaken, or
 - b. Negotiations with the Fini Group for the construction of a purpose built facility to accommodate the Cockburn Vocational Centre activities are completed.

Negotiations with the Mirvac Fini Group for the upgrade and redevelopment of Coolbellup resulted in a Council agreement to contribute \$700,000 toward the upgrade of facilities in the Coolbellup Community Precinct, which includes the new Club/Change Rooms on Len Packham Reserve, whilst Mirvac Fini provided funds for other areas. Mirvac Fini has set no specific funds aside for the Vocational Centre.

Submission

N/A



Report

The proposed Coolbellup Community Precinct redevelopment and rejuvenation will:

- Contribute to suburb wide benefits by creating an identifiable town heart or precinct;
- Achieve integration of facilities and services in Coolbellup;
- Contribute to sustainable mixed-use town centre growth, including retail, community facilities, employment and related uses;
- Increase utilisation of the community facilities;
- Promote equitable access to services and facilities; and
- Contribute to a well-connected pattern of development and a sense of place with an identifiable neighbourhood heart.

There are a number of well-utilised community services currently offered from the Coolbellup Community Centre, which are as follows:

- *Anglicare*

Anglicare provides assistance to the community through services such as Counselling for Separated Parents, Children's Access Services, Domestic Violence Counselling, Job Placement and Training, Foster Care for Adolescents, Relationship Education, Emergency Relief, Housing and many other services.

- *Cockburn Early Education Program*

Cockburn's Early Education Program offers services to families with young children who may be isolated and / or in need of additional parenting support.

- *Cockburn Family Support Services*

Offers short-term counselling, information and referrals to support networks for people in the community who have experienced or are experiencing stress, divorce, separation, domestic violence and other welfare related matters.

- *Cockburn Financial Counselling*

The City Financial Counselling Service provides free and confidential assistance to its residents and operates out of the Coolbellup Community Centre.

Another service that operates in the Coolbellup area is the Adventure Club. The Club is currently operating from North Lake Primary School, which is a temporary arrangement, as the site will be sold when the new school on Len Packham Reserve is constructed. The Adventure Club is a non-profit, privately funded organisation that provides a variety of after-school, weekend and holiday activities for selected at-



risk children aged 7-12 years. The overall vision is for participants to 'develop into happy and productive adult members of the community' and more than 70 students are registered with the program.

A transportable building located behind the community centre, previously used for a playgroup, is now used by a number of services as a multipurpose facility. The Adult Migrant Education Service uses the space twice a week as a crèche for children whose parents are involved in English as a Second language classes. Council's Early Education Program also uses the transportable for centre based family visits, when it is inappropriate for staff to visit a family's home and by the Family Support service as a crèche during the running of a variety of programs and workshops for parents. The transportable, though well used does not meet these services needs in terms of space and toilet facilities. The transportable building does not allow for any increase in the range of services able to be provided.

Although the existing facilities in the Coolbellup precinct are dated, they are highly utilised by the community. Centenary Hall currently has 16 regular groups of hirers and a reasonable level of usage by casual hirers for functions.

Included in the precinct is the Coolbellup Library. The library provides books and other resources in addition to Internet services, story time activities for children, book club meetings, community workshops and regular community events.

Located in the same building as the library is the Cockburn Vocational Centre. The centre is an incorporated not for profit organisation offering computer training courses and other employment related assistance such as preparation of resumes and application letters. Any member of the community can use the service and the centre assists approximately 300 people per year through mainstream training.

The Vocational Centre lease has expired and is currently operating on a holdover clause until the 30th of December 2005.

As acknowledged in the Council decision of 12th October 1999, the transportable building that sits over the septic tanks is a temporary arrangement and planned to be removed when refurbishment works for the area were finalised. This transportable building needs to be removed from the site, even if the planned refurbishments do not proceed. There is a requirement of the Health Department of Western Australia to have ready access to septic tank systems. The cost of removing the transportable buildings will be recovered from the income generated from selling them.

Early consultation with the community resulted in two alternatives being offered for the total refurbishment of the Coolbellup Community



Precinct made available for public comment. Both alternatives require substantial external funding, mainly through LotteryWest.

Following extensive consultation with current facility users and the community in regards to the required needs of current and future users, Alternative 1 is the preferred redevelopment plan. Four Options are presented for Council's consideration. Several of the options have been presented to Council as they are cheaper to implement and rely on lesser funding from Lotterywest and other funding sources.

Option 1

This option is the most favourable arrangement for a number of reasons. In the first instance, there is a great opportunity to bring the current Council services together to create a concord of joint use and cost saving. This option provides for accommodation for the Adventure Club and customised Children's Services facilities, which are currently operating in sub-standard conditions. It will also provide an opportunity for the Vocation Centre to occupy a building solely for its own use. Relocating Council services in a new building will benefit in terms of service consolidation and in increasing the range of children's services to include before and after school and vacation care. There is an opportunity to refurbish and upgrade Centenary Hall, bringing it up to modern standards and presenting it as an attractive place to hire. This option also involves the removal of the temporary transportable buildings. The courtyard will be refurbished to allow access from Centenary Hall.

Building Works

- (1) Extension and refurbishment of Coolbellup Library;
- (2) Construction of new offices to accommodate Financial Counselling, Anglicare, and Early Education;
- (3) Refurbishment of Centenary Hall which includes installation of air conditioning, sound-proofing, kitchen upgrade, conversion of courtyard to fully enclosed space and refurbishment of fully enclosed covered area to serve as storage space;
- (4) Relocation of the Cockburn Vocational Centre in to the Community Centre building and Refurbishment of the Community Centre building;
- (5) Construction of a new building to accommodate the Adventure Club and Children's Activity Area;
- (6) Installation of an additional 36 car parking bays adjacent to library/hall
- (7) Adjustments to eastern car park; and



(8) Removal of transportable buildings (cost recuperation).

Limitations

This is the most expensive option and will require substantial external funding, but requires the second lowest amount of funding from the City. This option requires the Vocational Centre to move from the current premises to facilitate an effective integration of Council services.

Expenditure Items	Income Source	Total Amount excluding GST (\$)
1. Coolbellup Library <ul style="list-style-type: none"> • Refurbishment of fully enclosed covered area • New covered area (not enclosed) – entry & courtyard • Courtyard paving, wall & gate • Courtyard landscaping • Escalation to 30 June 2005 TOTAL	CoC	191 000 20 000 3 000 10 000 21 000 245 000
2. Welfare Offices <ul style="list-style-type: none"> • New extensions to fully enclosed covered area • Escalation TOTAL	Lotterywest	196 000 9 800 205 800
3. Coolbellup Community Hall <ul style="list-style-type: none"> • Convert courtyard to fully enclosed space • Refurbishment of fully enclosed covered area • Escalation to 30 June 2005 TOTAL	CoC	24 000 72 000 5 000 101 000
4. Cockburn Vocational Centre <ul style="list-style-type: none"> • Refurbishment of former Coolbellup Community Centre building • Escalation to 30 June 2005 TOTAL	Lotterywest	100 000 5 000 105 000
5. Cockburn Adventure Club & Children's Services <ul style="list-style-type: none"> • Construction of new building • Escalation to 30 June 2005 TOTAL	Lotterywest	532 000 53 000 585 000
6. 36 new Parking Bays adjacent to library/hall <ul style="list-style-type: none"> • Approximately 1000m2 including minimal lighting, drainage and nominal landscaping • Provision for moving children's play area and shade covering • Escalation to 30 June 2005 TOTAL	CoC	62 000 10 000 4 000 76 000
7. Adjustments to Eastern Car park <ul style="list-style-type: none"> • Re-shape access and parking arrangement • Escalation to 30 June 2005 TOTAL	CoC	33 000 2 000 35 000
Total City of Cockburn Contribution		\$457, 000

Total Lotterywest Contribution	\$895, 800
Total Expenditure	1, 352, 000

Option 2

This option involves the majority of building works, however, it does not allow for the full integration and consolidation of services and facilities to make up the Coolbellup Community Precinct. In this option, Financial Counselling and Early Education and Anglicare services remain in the Community Centre building, while the Vocation Centre remains adjacent to the library. This arrangement does not distinguish the Vocation Centre as a separate organisation, with a separate building, and limits opportunities for service consolidation and cost saving. In addition to these issues, the Community Centre building is inadequate in accommodating multiple services as there is a great deal of noise transference between offices, airconditioner is inadequate and the ceiling poor.

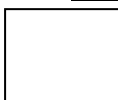
Building Works

- (1) Extension and refurbishment of Library;
- (2) Refurbishment of Community Centre building;
- (3) Refurbishment of Centenary Hall which includes installation of air conditioning, sound-proofing, kitchen upgrade, conversion of courtyard to fully enclosed space and refurbishment of fully enclosed covered area;
- (4) Extension of Vocational Centre building;
- (5) Construction of new building to accommodate Adventure Club and Children's Activity Area;
- (6) Installation of 36 car parking bays
- (7) Adjustments to eastern car park;
- (8) Removal of transportable buildings (cost recuperation).

Limitations

This option does not allow City of Cockburn employees, services and facilities to achieve integration. This option still requires refurbishment of the current community centre building; issues to be addressed include ceiling, air conditioning and soundproofing.

Expenditure Items	Income Source	Total Amount excluding GST (\$)
1. Coolbellup Library		
• Refurbishment of fully enclosed covered area		191 000
• New covered area (not enclosed)– entry & courtyard		20 000
• Courtyard paving, wall & gate		3 000
• Courtyard landscaping		10 000
• Escalation to 30 June 2005		21 000
TOTAL	CoC	245 000



2. Refurbishment of Community Centre building		
• Refurbishment of fully enclosed covered area		100 000
• Escalation		5 000
TOTAL	CoC	105 000
3. Coolbellup Community Hall		
• Convert courtyard to fully enclosed space		24 000
• Refurbishment of fully enclosed covered area		72 000
• Escalation to 30 June 2005		5 000
TOTAL	CoC	101 000
4. Cockburn Vocational Centre		
• Extension of building 45.58m ² (to accommodate Library Services move out of the transportable)		113,950
• Escalation to 30 June 2005		5 000
TOTAL	CoC	118,950
5. Cockburn Adventure Club & Children's Services		
• Construction of new building		532 000
• Escalation to 30 June 2005		53 000
TOTAL	Lotterywest	585 000
6. 36 new Parking Bays adjacent to library/hall		
• Approximately 1000m ² including minimal lighting, drainage and nominal landscaping		62 000
• Provision for moving children's play area and shade covering		10 000
• Escalation to 30 June 2005		4 000
TOTAL	CoC	76 000
7. Adjustments to Eastern Car park		
• Re-shape access and parking arrangement		33 000
• Escalation to 30 June 2005		2 000
TOTAL	CoC	35 000
Total City of Cockburn Contribution		\$680,950
Total Lotterywest Contribution:		\$585,000
Total Expenditure		1,265,950

Option 3

This option involves the use of a portion of the current Vocation Centre building to serve as a library workroom, to facilitate the removal of the transportable building from the courtyard. This option addresses only urgent building works and is not a long-term solution in creating a Coolbellup Community Precinct. In this arrangement, the Vocational Centre will operate with reduced space. In addition to this, the Adventure Club and Children's Activity areas will be provided for. Integration and economisation of resources will not be achieved. This option includes an upgrade of the hall and activity centre.

Should Council agree to take over the Vocational Centre space and extend the building, further funds will need to be provided by Council.

Building Works



- (1) Extension and refurbishment of Library;
- (2) Refurbishment of Community Centre building;
- (3) Refurbishment of Centenary Hall which includes installation of air conditioning, sound-proofing, kitchen upgrade, conversion of courtyard to fully enclosed space and refurbishment of fully enclosed covered area;
- (4) Construction of new building to accommodate Adventure Club and Children's Activity Area;
- (5) Installation of 36 car parking bays
- (6) Adjustments to eastern car park; and
- (7) Removal of transportable buildings (cost recuperation).

Limitations

There are a number of limitations associated with this option, including:

- Only the most urgent building works are being addressed
- City of Cockburn employees, services and facilities will not achieve integration, synchronisation and economisation.
- Vocational Centre will operate with reduced space.

Option 4

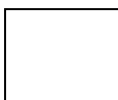
This Option involves the immediate removal of the transportable buildings and the redevelopment of the Centenary Hall and the Community Centre building.

This option is based on the proposition that Council is unsuccessful in obtaining Lotterywest funding. This option does not address the urgent space needs of the Library and other community services and is not a long-term solution in creating a Coolbellup Community Precinct. In this arrangement, the Vocational Centre operate with reduced space. The Library would be required to utilise a portion of the current Vocation Centre building to serve as a library workroom, to facilitate the removal of the transportable building from the courtyard. In addition to this, the Adventure Club and Children's Activities areas will not be provided for.

No external funding will be available for this option.

Building Works

- (1) Refurbishment of Centenary Hall which includes installation of air conditioning, sound-proofing, kitchen upgrade, conversion of courtyard to fully enclosed space and refurbishment of fully enclosed covered area;
- (2) Refurbishment of Community Centre building;
- (3) Adjustments to eastern car park; and
- (4) Removal of transportable buildings (cost recuperation).



Limitations

There are a number of limitations associated with this option, including:

- Only the Centenary Hall and Community Centres basic refurbishment needs are being addressed
- City of Cockburn employees, services and facilities will not achieve integration, synchronisation and economisation.
- The Vocational Centre is operating with reduced space.
- Requirements of Adventure Club and Children's Services are not met.

Expenditure Items	Income Source	Total Amount excluding GST (\$)
1. Coolbellup Community Hall		
• Convert courtyard to fully enclosed space		24 000
• Refurbishment of fully enclosed covered area		72 000
• Escalation to 30 June 2005		5 000
TOTAL	CoC	101 000
2. Refurbishment of Community Centre building		
• Refurbishment of fully enclosed covered area		100 000
• Escalation to 30 June 2005		5 000
TOTAL	CoC	105 000
3. Adjustments to Eastern Car park		
• Re-shape access and parking arrangement		33 000
• Escalation to 30 June 2005		2 000
TOTAL	CoC	35 000
Total City of Cockburn contribution		\$241,000
Total Expenditure		241,000

Conclusion

The options presented above are based on the assumption that all current services will remain within the precinct. The Chief Executive Officer has proposed that the Corporate Strategic Planning Process review the allocation of Council facilities and services across the City and how these services can be distributed to meet future needs. The Chief Executive Officer recommends that this matter be deferred until after the Corporate Strategic Planning Process.

Should Council's decision be to proceed with the development it is recommended the preferred option be selected for further costing detail and for a submission to be presented to alternative funding bodies. The outcome of these submissions can then be brought back to Council for its final decision.

Strategic Plan/Policy Implications

"Facilitating a range of services responsive to the community's needs"



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

Budget/Financial Implications

Council originally placed \$700,000 on its Principle Activity Plan for the Len Packham Reserve facilities and the adjoining community facilities. \$350,000 has been allocated for the club and change-rooms, leaving a balance of \$350,000 for the refurbishment and redevelopment of the community facilities. To achieve the Coolbellup Community Precinct using, Option 1, Council would need to provide a further \$170,000. This project is heavily dependent on external funding from the Lotterywest and cannot go ahead in full without these funds.

Contributions from each funding body include:

Total City of Cockburn Contribution:	\$457,000
Total Lotterywest Contribution:	\$895,800
Total Expenditure	\$1,352,800

Due to the current state of affairs of the building industry, escalation costs are running at approximately 12-15% per annum. Time delays in the redevelopment of the Coolbellup Community Precinct beyond 30 June 2006 will therefore add to the ongoing total cost of this project.

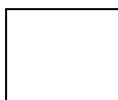
Legal Implications

N/A

Community Consultation

Extensive community consultation has been undertaken to ascertain the needs of current users and the future needs of the community, as tabled below. Option 1 appears to be the favoured option and one supported by officers in order to provide consolidated Council services.

Meeting Date	Aim of Meeting	Participants
13 th December 2004	Discussion of concept plans with current and potential users of recreational facility in Coolbellup.	Representatives from the Coolbellup Tennis Club, Phoenix Soccer Club, Coolbellup Soccer Club, United Cultural Association and Burdiya Aboriginal Corporation were invited.
20 th January 2005	Discussion of concept plans with staff of Coolbellup community centre.	Representatives from Coolbellup Library, Cockburn Financial Counselling and Advocacy, Cockburn Family Support, Early Education Program and Cockburn Vocational Centre were invited.
25 th January	Discussion of building	Adventure Club – Gavin Bunning &



Meeting Date	Aim of Meeting	Participants
2005	requirements with staff members of Coolbellup community centre.	Frank Wood Out of School Care – Beth Townsend
31 st January 2005	Discussion of concept plans with users of Centenary Hall in Coolbellup.	Representatives from Creative Corners Writers Group, Coolbellup Leisure Club, Co-Assist, Coolbellup Craft Group, Adventure Club, Coolbellup Community Association, Have a Chat Lounge, Apache Rebels Boot scooting, Adult Migrant Education Service, Freespirits Boot scooting, Tae Kwon Do, Applecross Callisthenics, Serbian Groups Krajina, GKR Karate and Community Physiotherapy were invited.
28 th February 2005	Discussion of recreational facility concept plans with Phoenix Knights Soccer Club.	Angelo Amato (Phoenix Knights Soccer Club), Richard Rakatau (United Cultural Association) and Dean Wynne (Burdia Aboriginal Corporation) were invited.
9 th March 2005	Discussion of recreational facility concept plans with Coolbellup Tennis Club.	Five members of the Coolbellup Tennis Club, including the President, were invited.
15 th March 2005	Postal and telephone correspondence of revised concept plans.	Four members of the Coolbellup Tennis Club were involved in this correspondence.
16 th March 2005	Postal correspondence of revised concept plans and update of progress.	Representatives from Creative Corners Writers Group, Coolbellup Leisure Club, Co-Assist, Coolbellup Craft Group, Adventure Club, Coolbellup Community Association, Have a Chat Lounge, Apache Rebels Boot scooting, Adult Migrant Education Service, Freespirits Boot scooting, Tae Kwon Do, Applecross Callisthenics, Serbian Groups Krajina, GKR Karate and Community Physiotherapy were involved in this process.
Friday 20 th May to Saturday 6 th June 2005	Plans posted in Coolbellup Community Library for wider community consultation and feedback	Five Comments were received. 3 Supporting Option 1, none supporting Option 2. Two did not suggest support for either option.
Monday 13 th June 2005	Coolbellup Community Association feedback	The Association supported Option 1.

The Coolbellup Community Association met on Monday 13th June 2005 and discussed the proposal for redeveloping the Coolbellup Community Precinct (Option 1 in the Report). This written submission addressed a number of areas of concern and proposed several solutions.

- The location of the entrance – in reviewing the plans Council Administration has agreed to slightly alter the plans to create a half wall along the Cordelia Avenue side of the building. This ensures



that children will be prevented from accessing Cordelia Avenue and there is a safe line of passage from the car park to the entrance. This will also provide an opportunity for planter boxes and seating.

- The separation of the Library and social services – Administration believes both Options provide an adequate separation of Library and social services.
- The potential extension of the Library – due to the size of the population in and around Coolbellup, which is used to calculate potential Library membership numbers and impending demand, it is not envisioned that the Library will be expanded in the future.
- Provision of Child Health Community Nurse – the Child Health Nurses do not currently utilise the facility currently located on site and do predominantly home visits. The removal of the old Child Health clinic will not remove this service from the community as the North West corner of the City is serviced by the Spearwood clinic. The Health Department advised that there are no plans or resources available to establish a Child Health Clinic in Coolbellup. The Library is currently using the Child Health Clinic for storage. There is however an empty Child Health Clinic at Redmond Road Hamilton Hill that is available for their storage use.
- Car parking and removal of the existing playground – though there is a slight reduction in car parking, Administration believes the parking is better located and planned and is better positioned in respect to the hub of the new school, sports club rooms and recreation facilities and the community facilities themselves. Though the plans do show the removal of the existing playground, it will in fact be moved closer to the current Community Centre. This may not have been clearly outlined in the plans.
- Traffic calming and lighting – appropriate traffic calming and street treatments can be developed in negotiation with Mirvac Fini along Cordelia Avenue to slow traffic and increase the safety for pedestrians utilising the Coolbellup Community Precinct. The Association has acknowledged the need for more lighting and Administration will endeavour through crime prevention through Environmental Design principles to accommodate this request.

There has also been extensive community consultation in relation to the new school through the Education Department's planning processes, the 'Enquiry-by-Design' workshop process and Amendment No. 10 to Town Planning Scheme No. 3.

Attachment(s)

Concept Plans



Advice to Proponent(s)/Applicant

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

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

21.1 (MINUTE NO 2886) (OCM 14/07/2005) - PROPOSED REDEVELOPMENT AUTHORITY (9523) (SGC) (ATTACH)

RECOMMENDATION

That Council:

- (1) receives the report;
- (2) concurs in principle with the concept of a Redevelopment Authority, subject to the issues raised by WALGA being addressed in the formation of the Authority; and
- (3) advise the Minister for Planning and Infrastructure of Council's decision.

COUNCIL DECISION

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



- (1) receives the report;
- (2) concurs in principle with the concept of a State Land Redevelopment and Renewal Authority (“the Authority”), subject to the issues raised in:
 1. The WALGA submission to the Minister for Planning and Infrastructure, dated June 2005; and
 2. the letter from the Mayor to the Minister for Planning and Infrastructure, dated 26 May 2005, and tabled at the meeting.Being addressed in the formation of the Authority; and
- (3) advise the Minister for Planning and Infrastructure of Council’s decision.

CARRIED 9/0

Explanation

The Mayor has written a letter to the Minister regarding the nature of representation on project boards, and this issue should be raised in the Council's submission to the Minister.

Background

The Minister for Planning and Infrastructure proposes that a single Land Redevelopment and Renewal Authority be established to undertake specific regional or urban renewal projects in Western Australia. The Minister provided a discussion paper which outlined two models for this entity, with the only real difference being whether Landcorp should be included or not.

The Minister has invited input from individual local governments and WALGA on the establishment of the proposed Authority. The Minister’s intention is to have an agreement on the establishment of the Authority endorsed by Cabinet. The Minister originally required all responses by 30 June 2005, with the intent to put legislation through Parliament by December 2005. As the issues were complex, however, WALGA sought an extension of time. The final WALGA report has recently been finalised and sent to the Minister.

As the Minister has specifically cited the Cockburn Coast as one area to be targeted by this new Authority, this matter is of specific importance to the City of Cockburn.



Submission

The City received a copy of the “Submission to the Minister for Planning & Infrastructure – “Proposal to Establish a State Land Redevelopment and Renewal Authority” prepared by the Western Australian Local Government Association, June 2005, a copy of which is attached.

Report

The Minister for Planning and Infrastructure has provided WALGA and selected metropolitan Councils a proposal that outlines the intent to create a single Land Redevelopment and Renewal Authority. This Authority would undertake specific regional or urban renewal projects in Western Australia, such as the East Perth and Midland redevelopments. Rather than create separate Boards for each new project, the Authority would be structured with a Global Board, which would then provide the staff and members for the Local Board for any new project.

The reasons given by the Minister for establishing the Authority include:

- Creating a single pool of expertise resulting in the better use of personnel and resources;
- Provision of a pool of staff that could provide advice to stakeholders on urban renewal;
- Possible use of Redevelopment Authority to undertake other urban renewal projects; and
- Creation of an Urban Renewal Division focussing on brownfield development and infill projects.

In briefings to local government representatives arranged by WALGA, the Minister acknowledged that there had not been a substantial amount of analysis undertaken to support the proposed Models and that she welcomed advice and input on improvements to the proposed arrangements.

The Global Board

Both models presented by the Minister have a “Global Board”. This Board would be selected to incorporate skill sets seen on the existing Redevelopment Authority Boards and the Board of Landcorp, that is business, urban planning, sustainability, finance, property development, housing and community affairs.

The governing Board will be responsible for:

- Strategic governance



- Business planning
- Finance – including business cases and feasibility studies
- Undertaking, promoting and coordinating the redevelopment of land in the redevelopment areas.

All statutory planning however would rest with the local Project Boards.

The size of the Global Board is yet to be determined. Membership will be by Ministerial appointment and consideration is being given to a 7 or 9 member Board, with at least one member also being a member of the WA Planning Commission. This Board would report to the Minister for Planning and Infrastructure. The WALGA position is that this Board should have at least three Local Government representatives.

Urban Renewal Division

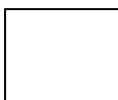
Both models have an Urban Renewal Division. This Division of the Authority would be responsible for servicing the Project Boards. The Division employs the staff engaged in project planning and implementation and is proposed to exercise planning powers within a declared project area, as well as be the developer.

Individual Project Boards will be established under this Division. When a project area has been declared a Project Board will be established. The Board is to have a membership of:

- 2 local Councillors (or Elected Members otherwise the Mayor is excluded)
- 2 Board members from the WA Land Redevelopment and Renewal Authority (the new agency)
- 1 other member

A prime concern of local government should be to address potential conflicts of interest. The starting point is the appointment of the Project Board Chairman. This should be the independent member of the Board (not a local government or agency member). The membership of the Project Board should also equitably reflect participation, when a development authority encompasses more than one Local Government; eg the East Perth Redevelopment Authority provides equal member for the City of Perth and the Town of Vincent, despite the latter only having 1.4% of the development area.

The WALGA paper further outlines issues relating to conflicts of interest between the Authority and Project Boards, as well as other governance issues that need resolution.



Western Australian Planning Commission

Project Boards established under the new agency structure will assume the planning powers of the local government and the WAPC. They will not be required to observe the provisions of the Metropolitan Region Scheme or local government District Schemes. This absorption of planning powers already occurs with existing Redevelopment Authorities and, of course, the State (through the WAPC) already has the authority to withdraw planning authority from Councils.

It should be appreciated that the Commission through an Improvement Plan (IP) or Planning Control Area (PCA) has carried out redevelopment functions.

The exact relationship between the new Authority and the WAPC is not being clearly enunciated. WALGA seeks resolution of this, as well as a requirement for transparency in the working of the various Boards.

Financial Matters

The Minister proposes that where Local Government has an interest in a redevelopment area as a landowner or a contributor of funds to the redevelopment, the financial arrangements will be the subject of a legally binding agreement between the State and the Local Government. This agreement should cover detailed arrangements, including timeframes for releasing dividends. The WALGA paper outlines other important issues regarding; grants, seed funding, rates, accountability and land resumed from local government.

Other Alternative Structures

Successful examples can be shown of alternatives to the establishment of government development authorities and include the following:

- Individual partnership agreements involving Local Government;
- Joint Venture (JV) arrangements or project agreements involving private sector land developers; and
- Less formal approaches involving Memorandums of Understanding and community envisioning projects.

The WALGA position is that there needs to be a clear benefit for establishing a Redevelopment Area using the powers of the new Authority, compared to pursuing development under these alternative approaches. Both the South Beach and Port Coogee projects are being pursued using a JV arrangement, without need for establishing a Redevelopment Area.



- Conclusion

While the establishment of a Redevelopment Authority as proposed by the Minister has substantial merit, it is also not without issues of considerable importance to Local Government. To ensure that the needs of Local Government and the community they represent are fully considered, it is imperative that due consideration be given to the issues identified in WALGA's submission.

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 affairs by employing publicly accountable practices."

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

Attachment(s)

WALGA Submission to the Minister for Planning and Infrastructure – Proposal to Establish a State Land Redevelopment and Renewal Authority.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



21.2 (MINUTE NO 2887) (OCM 14/07/2005) - APPROVAL TO ATTEND 20 JULY 2005 SPECIAL COUNCIL MEETING BY INSTANTANEOUS COMMUNICATION (1070) (DMG)

RECOMMENDATION

That Council approves of the arrangement for Clr Allen to participate in the Special Council Meeting of 20 July 2005, via telephone link from Cowes, Phillip Island, Victoria between the hours of 7.00 pm (Western Australian Standard Time) until the completion of the meeting.

COUNCIL DECISION

MOVED Clr S Limbert SECONDED Clr L Goncalves that Council approves of the arrangement for Clr Allen to participate in the Special Council Meeting of 20 July 2005, via telephone link from Cowes, Phillip Island, Victoria between the hours of 7.00 pm (Western Australian Standard Time) until the completion of the meeting.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0

Background

The Local Government (Administration) Regulations enables Elected Members to participate in Council meetings under certain conditions via "instantaneous communication" channels, if they are unable to attend the meeting in person. Clr Allen has advised that he will be in Victoria on business on the date of the 20 July 2005 Special Council Meeting and would like to participate in the Council Meeting via telephone link.

Submission

For Council to approve of the arrangements for Clr Allen to participate in the Special Council Meeting to be held on 20 July 2005 by telephone link-up from Phillip Island in Victoria.

Report

A briefing paper has been prepared outlining the likely issues which will require consideration by Council in advance of approving the arrangements and place being proposed to include Clr Allen as a participant at the 20 July 2005 Special Council Meeting (see attachment). Clr Allen has advised that he will be staying in a private room at the Island Breeze Resort, Cowes, Phillip Island on the evening of the 20 July 2005 Council Meeting and will be unaccompanied. It is intended to use the room as the place from which to participant in the meeting proceedings, either by way of a hotel provided telephone or



personal mobile telephone, should the room telephone not have a hands free and speaker function.

As there will be no other persons present for the duration of the connecting call and all information will be provided to Cllr Allen via email to his Council computer address or, if necessary, to the hotel by facsimile, it is considered the hotel room is a suitable place for the purposes of the legislation. An appropriate telephone communication system is in place to accommodate Council's requirements.

In all other respects, the meeting processes are expected to comply with legislative requirements and it is therefore recommended that Council approves of the arrangements and place proposed to conduct the meeting.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Funds are available in the Governance – Elected Members Expenditure Account 110-6246 – Councillor Communication Expenses for the cost of the telephone call.

Legal Implications

Regulation 14A of the Local Government (Administration) Amendment Regulations 2005 refers.

Community Consultation

N/A

Attachment(s)

Briefing Notes for Conducting a Council Meeting with an Elected Member(s) by Means of Instantaneous Communication.

Advice to Proponent(s)/Applicant

N/A

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

Nil.



22 (OCM 14/07/2005) - MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Clr Allen requested that a report be prepared on the future of waste processing opportunities at the Henderson Landfill Site which is to include an examination of alternative processing techniques and capabilities.

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 2888) (OCM 14/07/2005) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

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

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

COUNCIL DECISION

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

CARRIED 9/0

25 (OCM 14/07/2005) - CLOSURE OF MEETING

MEETING CLOSED 8.44 PM



CONFIRMATION OF MINUTES

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

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

