

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 MAY 2003 AT 7:00 PM

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CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 20 MAY 2003 AT 7:00 PM

PRESENT:

ELECTED MEMBERS

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

IN ATTENDANCE

| | | |
|----------------|---|--|
| Mr R. Brown | - | Chief Executive Officer |
| Mr D. Green | - | Director, Community Services |
| Mr A. Crothers | - | Director, Finance & Corporate Services |
| Mr S. Hiller | - | Director, Planning & Development |
| Mr B. Greay | - | Director, Engineering & Works |
| Mrs B. Pinto | - | Secretary/PA, Finance & Corporate Services |
| Mr C. Ellis | - | Communications Manager |

1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.00 pm.

Mayor Lee stated that there were two presentations to be made.

Representatives from the South Coogee Volunteer Bush Fire Brigade presented a cheque for \$2,258.05, so that Council can forward it to FESA for assistance given to the Canberra Bush Fire Recovery efforts.

Mr Warwick Hemsley, Managing Director of Peet and Company, which has been sponsoring the Art and Craft Exhibition organised by the Cockburn



Community and Cultural Council, also made a presentation of two paintings, in the presence of Mr Bill Wallington of the Cultural Council.

Mayor Lee thanked both, the South Coogee Volunteer Bush Fire Brigade and Mr Hemsley for their presentations.

2. APPOINTMENT OF PRESIDING MEMBER (If required)

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

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

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

Nil

5. APOLOGIES AND LEAVE ABSENCE

Nil

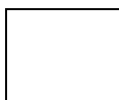
6. (OCM 20/05/2003) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Greg Paterson – Ordinary Council Meeting – 15 April 2003 – Mr Paterson asked a number of questions regarding the future use of Len Packham Reserve. The following response was provided in writing :-

Q Has the City of Cockburn committed to transferring use of Len Packham Reserve to Education Department?

A Council at its meeting held on 17 December 2003 resolved unanimously to support the proposal for a new primary school on Len Packham Reserve to replace the three existing Primary Schools subject to five conditions being met. To date the conditions have not been met and there are a number of processes that need to be completed before a portion of the Reserve could be transferred to the Education Department and the school constructed thereon. A copy of the Agenda item is attached for your information.

Q Who has been consulted in this process ?



A The Education Department has undertaken extensive consultation regarding the future of the three Primary Schools in Coolbellup and the development of a new school on portion of Len Packham Reserve as part of the Local Area Planning Process. At the recent Council meeting Sandra Walker from the Coolbellup Primary School provided a long list of consultation measures undertaken by the Education Department including news paper ads in the local papers and notes going home with the students. The attached newspaper article from the Cockburn Gazette dated 3 September 2002 provided details of a public meeting on this matter that was held on 7 September 2002. The article clearly states that one of the options to be canvassed was the development of a new school on portion of Len Packham Reserve.

Q What are the results of this consultation?

A The consultation process regarding the future of the primary schools in Coolbellup was undertaken by the Education Department and accordingly you will need to direct this question to them. However we understand that each of the school communities supported the development of a new school on portion of Len Packham Reserve in preference to the Coolbellup and Koorilla sites which resulted in the Education Department formally seeking Councils views on this matter.

Q Which stakeholders have not been consulted and why?

A The consultation process undertaken by the Education Department was extensive and open to all stakeholders and members of the public including those outside the school community. There are further processes to be undertaken that will require consultation with stakeholders.

Q Why has there not been notice of this action in Cockburn Soundings?

A The unanimous decision of Council to advise the Education Department that it would conditionally support the development of a primary school on a portion of Len Packham Reserve has been well publicised in the local media. The Education Department has run with the consultation process to date with the school and general community. At the time that the City begins its consultation process on the proposal it will amongst other means advertise the proposal in the Cockburn Soundings.

Q Is there a problem with financing the management of Coolbellup's Parks and Reserves?

A There has been a considerable amount of money spent on the upgrading of Coolbellup's passive reserves with this work now



almost complete. As this work has only recently been completed it is difficult to ascertain the average annual cost of the maintenance of Coolbellup's passive reserves. It is understood that the thrust of the question is more to do with the cost of maintenance of active reserves for which more accurate cost figures are available.

Over the past two financial years approximately \$90,000 has been spent on the upgrading of Tempest Park. The annual cost of maintenance of Tempest Park was \$29,163 in 2001/02, which is a good indication of the average annual cost.

Len Packham Reserve had a maintenance cost of \$52,819 for 2001/02, which translates to a cost of \$10,500/ha. If the proposed primary school was to proceed on portion of Len Packham Reserve it is possible that approximately \$25,000 would be saved on the maintenance of the active sports area. This however, would be counted by expenditure on the area of land created for public open space as part of any land swap arrangements to maintain the required level of public open space and an upgrading of the garden and park areas associated with the possible upgrading of the built facilities on the reserve.

The City can afford to continue to maintain Len Packham Reserve as it now stands. The issue is whether the continued maintenance of all of Len Packham Reserve as active open space is the best use of funds given the usage levels by clubs and the previously expressed community desire to secure further bushland in the locality.

Q How will our community be compensated for the loss of organised recreation space ?

A The Minister for Education in a press release dated 12 March 2003 and subsequent news paper articles has consistently said that alternative open space will be provided to compensate for the loss at the Len Packham Reserve. A copy of the Ministers press release is attached.

In addition to the open space to compensate that taken up by the new school on Len Packham Reserve, the Western Australian Planning Commission will be requested to require the normal 10% open space to be provided in respect to each of the existing school sites if they are to be subdivided for residential purposes.

On this basis and if for example the school takes 2.5 ha of Len Packham Reserve, the additional amount of POS that would be required to be provided within Coolbellup would be as follows;

| | |
|--|---------------|
| Len Packham Reserve replacement | 2.5 ha |
| 3 primary schools at 0.4 ha each (10% of 4.00ha) | <u>1.2 ha</u> |
| Total | 3.7 ha |



The question of where this open space should be located should be undertaken as part of the overall community consultation process. The open space could be provided in part on each of the previous primary school sites, more on one site than another if there is a deficiency of open space in a particular area or to get some bush land at the corner of Forrest and Stock Roads which is a previously stated community objective that was established through the New Living project community consultation process. Another alternative may be to use some of the funds to upgrade public open space in Coolbellup through a cash in lieu arrangement.

There has been no discussion on the replacement open space with the Education Department except that Council will require replacement open space for any portion of Len Packham Reserve that is used for the school and in respect to the three existing school sites if they are subdivided or developed.

Q Will Council guarantee community access to facilities if a school is built on Len Packham Reserve?

A The Centenary Hall, Coolbellup Library, Coolbellup Community Centre and Burdiya Hall are all accessible to the public and will remain so even if the proposed primary school on Len Packham Reserve was to proceed. Should Council decide to upgrade or consolidate this infrastructure it will remain under the control and management of the City and hence accessible to the public.

As advised above should the Education Department proceed to build the school on portion of Len Packham Reserve there will be a replacement area of public open space. It is a direction from Council at its meeting of the 17th of December 2002 which stated:

“the location of the school and its ovals allows for the shared use of ovals and the establishment of club/change rooms for use by the general community and to accommodate current users of the reserve and clubrooms.”

It is the clear intent of Council that the oval space will be shared with the Education Department and also be available to the public. The Council has similar arrangements in place with the Education Department with other schools in the area and the arrangement has proven to be very satisfactory for all concerned.

We are currently in the process of confirming the current users and the extent of usage of Len Packham Reserve. From our enquires we understand that contrary to claims in the media, that the Bibra Lake Soccer Club is no longer operating and the Western Knights are not using the reserve. We will be contacting the Coolbellup Junior Soccer Club in the near future to obtain copies of the fixtures for all



their teams and training times and for the Glory Junior Development Group. This information will in part assist in assessing the active recreation needs of the community.

Q Do Councillors believe adequate consultation has taken place regarding this issue?

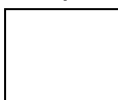
A This is a question that would need to be put directly to the Councillors individually for a response. However I would point out that there is further public consultation to be undertaken as part of the Coolbellup Town Centre Precinct study which includes Len Packham Reserve and subsequent formal processes if the proposal is to proceed.

The Town Centre Precinct study includes a design workshop that will involve the Department of Planning and Infrastructure Major Places and Urban Design branch, Department of Housing and Works, Education Department, representatives from all community organisations and individual community representatives. The workshop is likely to be undertaken in June or July 2003 and subject to Council approval, will be made available for community comment. Any changes to the use of the Len Packham Reserve will need to be approved by DOLA following public comment and any zoning changes will require the processing of an amendment to Councils Town Planning Scheme No 3 which likewise would be advertised for public comment.

7. (OCM 20/05/2003) - PUBLIC QUESTION TIME

Colin Crook, Spearwood asked how much advertising money will Council be handing over to the Cockburn Herald in this financial year? Mayor Lee replied that he has no answer at the present time and will take it on notice.

Patrick Thomson, Spearwood asked the Chief Executive Officer whether he had received any written notices of amendments to any of the items on tonight's Agenda? The Chief Executive Officer replied that he had received some amendments. Mr Thomson then queried why the public was not provided with these amendments? The Chief Executive Officer replied at this stage he was unaware whether the Elected Members intended to move them or not. Mr Thomson stated that in his opinion, in recent times, when there was any contentious issue raised, a briefing was given in the agenda with a position being indicated by Council, then the public arrive at the meeting to find that the amendment is introduced that totally changes the whole nature of the position. Mayor Lee replied that the recommendations contained in the Agenda are Officers recommendations. The Council present will make a decision of what its position is. Mr Thomson continued to express concern in the manner in which the amendments were made,



which entirely changed the Officer's recommendation as set out in the Agenda. At the conclusion of Mr Thomson's 3 minutes, Mayor Lee requested him to take his seat.

Mayor Lee thanked Mr Thomson for his comments.

Steve Hessay, Kwinana Progress Association mentioned that he had a few questions which he would like answered.

Q1. Has the Mayor attended any dinners in restaurants with Cockburn Cement Management over the last 12 months?

A1. Mayor replied that he had a lunch date with Mr Gareth Ward.

Q2. Was the issue of burning tyres discussed at any of these dinners?

A2. The issue of burning tyres was discussed and he made Mr. Ward clear of his position, which was that until the community brings forward alternative solutions in relation to burning tyres, it is not something he would be supporting.

Q3. Has the Mayor attended Cockburn Cement's private box at any sports function in the last 12 months? Was the issue of burning tyres discussed?

A3. Mayor replied that he has attended the Cockburn Cement's private box. The issue of burning tyres was not discussed. It was only discussed on two occasions, at a meeting in his office with a number of Elected Members, the local member and himself and it was also discussed at a luncheon meeting.

Q4. Has the Mayor ever been offered a trip to the UK to view a Cockburn Cement plant that is currently burning tyres?

A4. Mayor replied, no.

Q5. What is the Mayor's position on burning of tyres at Cockburn Cement?

A5. Mayor replied that until the community comes forward with a proposal to burn alternative fuels he will not be supporting the burning of alternative fuels, be it cotton waste, old firewood or rubber tyres.

Ron Kimber, Munster tabled a brochure on "Miniature Guide on How to Protect Media Bias and Propaganda". He felt that this brochure should be made available in the Libraries, considering what has been published in relation to the flood waters from rising seas that took place in Hamilton Hill,



heavy metals on South Beach to name a few.

He stated that in relation to the burning of tyres, the Minister for the Environment has also put on record her statement regarding burning tyres. He said that if anyone needs to know about Cockburn Cement they should contact the people at the Cockburn Cement Community Working Group.

Gregg Patterson, Coolbellup stated that Council offered the community's central recreation reserve, the Len Packham Reserve to the Education Department. Council's proposal to the Education Department was to build the primary school on the central recreation reserve. This proposal saw all three school sites turned into housing developments. In the Minutes of the Ordinary Council Meeting of 17 December 2002, Minute No.1880, the report stated that Len Packham Reserve was under-utilised. Mr Patterson asked how was under-utilised quantified? He also asked on what scientific basis is this assumption made that this reserve is under-utilised? He said he handed Council and the Minister a petition with about 350 signatures. He said that there is a great deal of concern in Coolbellup about this proposal, and that the residents are unaware of such a proposal and had concerns about loss of the reserve.

Mayor Lee thanked Mr Patterson for his comments and stated that his queries would be taken on notice and he would be provided with a written answer.

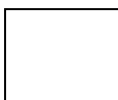
Wally Spry, ratepayer of Bibra Lake spoke on behalf of his wife and local residents within the vicinity of the Blue Gum Montessori School. He presented a petition stating that the residents were opposed to the extensions at the Blue Gum Montessori School. He said that there were many concerns on various issues, such as major traffic hazards, zoning, inadequate space for 150 children, inadequate buffer zones, noise pollution and inadequate education facilities.

The main objection of the opposition to the extensions was that the site was inappropriate for a primary school, which reflects the fact that the school would still use the Club rooms at Mellor Park.

Mayor Lee thanked Mr Spry for his comments.

Chris Thompson, Architect spoke on behalf of Kee Vee Properties, who had an application before Council in relation to Item 14.13. He pointed out that the Officer's recommendation was for the application to be refused, on the basis of related developments on that site, which were not completed in accordance with an earlier agreement made with Council.

The reason for Kee Vee Properties asking Council to reconsider the application was in the documentation circulated to all Elected Members



today. He said that due to litigation in the Supreme Court in the last three years, all activity on the Newmarket Inn site had ceased and litigation is still continuing.

Mr Thompson stated that based on the above and also information provided to Elected Members, he requested Council to reject the Officer's recommendation and grant approval to the change of use with similar conditions to those applied in their application of March 2001.

Warren Tascey, spoke in relation to the Blue Gum Montessori School. He commended the officers for the recommendation proposed, in particular to sub-clause (8), which limits the number of children to 100. He sought clarification on Special Condition 10 and requested an interpretation of that, such that, if a teacher needed to drop by and pick-up some material or drop something off, that would not be considered to be school related activity. Director, Planning and Development replied that it was certainly not Council's intention to cover actions such as this.

Jenny Moyles, co-Principal of Blue Gum Montessori School, and also a resident of Cockburn. She gave a brief history of the School and outlined the level of support and community spirit since its inception.

Mayor Lee thanked Ms. Moyles.

Teresa Bocking, is a parent of Blue Gum Montessori School and ratepayer of Cockburn. She asked Elected Members if they were aware that the School was in its 16th year at the same location and in this time there had been no complaint in relation to noise from children. She said there were only 6 objections from the 14 submission responses. She queried whether Elected Members had established whether the residents on the petition actually lived close enough to be effected by the School to any real extent or whether the petition had been signed after the signatories had read and understood the conditions?

Mayor Lee thanked Ms. Bocking for her input.

Linda Sauzier, Bibra Lake spoke in support to the extensions to the Blue Gum Montessori School as her child attends the School. She said she does not experience any traffic issues. As with any school zone, there are only minor hiccups at peak times, so this was nothing out of the usual.

Mayor Lee thanked Ms. Sauzier.

Andrew Sullivan, Coogee Coastal Action Coalition (C.C.A.C.) spoke in relation to Item 14.5. He said the C.C.A.C. supports and welcomes the



opportunity that exists for a Surf Life Saving Club to be built. He emphasised that it was important that a right decision was made as to the Club's location. He mentioned that at this stage, they have not as yet decided on a preferred site, but will certainly be considering this in the near future, during the consultation period. He indicated that they would like to be part of the consultation process and for all of the sites to be considered. The Group felt that Port Coogee may be an appropriate site to be considered for the future Surf Life Saving Club. He suggested that the Port Coogee site could be one of the sites the community could comment on. He strongly urged Council to consider Port Coogee as one of the locations for the Club.

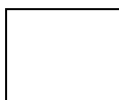
Mayor Lee thanked Mr Sullivan for his input.

Colin Crook, Spearwood spoke in relation to item 14.6 - South Beach Urban Village Structure Plan. He raised concern about the connectivity of roads and felt that Council should press hard to have a decent road from Cockburn through to Marine Terrace. Mr Crook queried about the submissions made on this issue and the weighting that Council gave in making the submission.

Mayor Lee replied that Cockburn had always been a strong supporter of the development. As far as connectivity was concerned this matter was before Council. Council has made a number of recommendations and submissions. Director, Planning and Development stated that the Plan adopted by Council was one that came from the workshops that had large public input and that particular Plan at the time did not have a connection between Cockburn and Fremantle. However, during the processes within Fremantle Council a connection was made between the two districts by joining to South Terrace. That remains in the Plan today. This Council had to re-adopt the Plan to include the connection and that is what is before Council tonight. The only change in the Plan is a minor change to the additional connection to Rollinson Road which had been instructed by the WAPC.

Mayor Lee thanked Mr. Crook.

Patrick Thomson, Spearwood had concerns with regard to Item 14.7 in relation to the Government invitation to Cockburn to accept the sewage and grease trap waste that was not accepted at Brookdale, to be emptied into Cockburn Sound. He asked whether it was Council's policy to contaminate Cockburn Sound? Mayor Lee replied that was not the case. He then questioned why was Council accepting this report and not opposing the upgrade to this facility? Mayor Lee replied that it was the Officer's recommendation and as a Council it does not have to support it. Mayor Lee requested Director, Planning and Development to respond, to which he said that this item came before Council as a request to advise what position it proposes to take in respect to this particular proposal. The Environmental



Department scrutinised various aspects of the proposal and felt so long as it complied with environmental conditions, and did not affect the neighbourhood, then it was a reasonable part of the Brookdale site to receive.

Mayor Lee thanked Director, Planning and Development and Mr Thomson and stated that the matter is before Council and will be dealt with at the appropriate time.

8. CONFIRMATION OF MINUTES

8.1 (MINUTE NO 2010) (OCM 20/05/2003) - ORDINARY COUNCIL MEETING - 15/04/2003

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on Tuesday, 15 April 2003 be accepted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 10/0

8.2 (MINUTE NO 2011) (OCM 20/05/2003) - SPECIAL COUNCIL MEETING - 22/04/2003

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Tuesday, 22 April 2003 be accepted as a true and accurate record.

COUNCIL DECISION

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

CARRIED 10/0

8.3 (MINUTE NO 2012) (OCM 20/05/2003) - SPECIAL COUNCIL MEETING - 06/05/2003

RECOMMENDATION

That the Minutes of the Special Council Meeting held on Tuesday, 6 May 2003, be accepted as a true and accurate record.

COUNCIL DECISION

MOVED Cllr M Reeve-Fowkes SECONDED Cllr K Allen that the Minutes of the Special Council Meeting held on Tuesday, 6 May 2003 be accepted as a true and accurate record, subject to amending the background section of the report for Item 9.10, Minute No.1967 as follows:

21.1 (MINUTE NO 1967) (OCM 18/03/2003) - COOGEE BEACH - ESTABLISHMENT OF CAFÉ/KIOSK - RESERVE 46664 - APPOINTMENT OF A PROJECT MANAGER (3319158) (DMG)

MOVED Cllr A Edwards SECONDED Cllr I Whitfield that Council:

- (1) call for tenders from suitably qualified and experienced Project Managers to manage the Coogee Café/Kiosk project in the Powell Road Reserve, Coogee on a phased basis;
- (2) authorise the Chief Executive Officer to assess and appoint a suitably qualified and experienced Project Manager for the Coogee Café/Kiosk project; and
- (3) request the Chief Executive Officer provide a written report at the end of each phase to Council.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

CARRIED 10/0

Explanation

The description shown in the background section of the Officer's Report did not correctly reflect the 'Minute Number', 'Subject' and the 'Mover and Seconder' of the motion as outlined in the Minutes of the Ordinary Council Meeting of 18 March 2003.

9. WRITTEN REQUESTS FOR LEAVE OF ABSENCE

12

Nil

10. DEPUTATIONS AND PETITIONS

Nil

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

Nil

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

Nil

13. COUNCIL MATTERS

13.1 (MINUTE NO 2013) (OCM 20/05/2003) - OBJECTION TO NOTICE SERVED PURSUANT TO SEC. 3.25 OF THE LOCAL GOVERNMENT ACT, 1995 - KINCARDINE HOLDINGS PTY LTD - 38 BRIGGS STREET, SOUTH LAKE (5516736) (DMG) (ATTACH)

RECOMMENDATION

That Council inform the owners of 38 Briggs Street, South Lake, that:

- (1) the objection lodged against the Notice served on them pursuant to Sec. 3.25 of the Local Government Act, 1995, (the Act) is dismissed, and
- (2) removal of all disused materials on the land, not otherwise in keeping with the natural vegetation, is required to be undertaken by 9 June, 2003, unless an appeal is lodged pursuant to Sec. 9.7 of the Act.

COUNCIL DECISION

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

CARRIED 10/0

Background



As a result of an increase in complaints received by Council on the unsightly state of some properties within the District, a programme aimed at identifying properties deemed as unacceptable and having the concerns rectified, was initiated.

The programme was notified to the public through the local newspapers and, more recently 'Cockburn Soundings', explaining the primary reason for this action was to promote Council's Mission Statement and encourage conformity throughout the District with its ideals.

From that point on, properties were identified as being sub-standard through a number of sources, being reports from either members of the public, Elected Members or staff.

Affected property owners were originally sent a letter seeking their cooperation in addressing the concerns highlighted.

If, following a period of time allowed for remediation works to be undertaken, the property was still unsightly, the owner of the property was served with a Notice pursuant to Sec. 3.25 of the Act, requiring specific works to be undertaken to correct the identified problem. Should the recipient of the Notice disagree with its requirements, an Objection or Appeal against the decision may be lodged, pursuant to Sec. 9.5 or Sec. 9.7 of the Act.

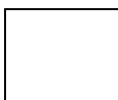
Submission

An objection has been lodged by the owner of 38 Briggs Street, South Lake against the Notice requiring the removal of all disused materials from the property.

Report

The property at 38 Briggs Street, South Lake was identified as containing unsightly material during a routine inspection of the district. A letter requesting the removal of unsightly vegetation was sent to the landowner however, no action was taken and subsequently a Notice requiring the removal of the vegetation from the property was sent.

The owner lodged an objection against the requirement citing the land is a broad acre lot containing natural vegetation not uncommon to other similar sized properties in the District. Upon inspection of the property, it was difficult to imagine how the landowner could remove the vegetation without removing a substantial number of thriving trees and bushes which have obviously been located on the property for many years. Only a large scale clear felling operation would satisfy the requirements of the original Notice.



While acknowledging that there is some untidy tracts of overgrown vegetation on the property, it is doubtful whether selective cosmetic clearing would raise the overall standard of appearance.

However, there were signs of disused materials (tin, iron etc) which have either been dumped on the site in the past or are the result of past dilapidated structures which have since fallen into disrepair. This material is unsightly and should be removed. This requirement should be able to be undertaken with minor effort by the landowner and a Notice should be issued to this effect. Once the offending material is removed, it is considered that the land in its otherwise natural state, will be left in an acceptable condition.

Accordingly, at its March ordinary meeting, Council resolved to revoke its Notice for the removal of vegetation and substituted it with a Notice to remove all disused materials on the land, not otherwise in keeping with the natural vegetation.

The owners have objected to the Notice on the grounds that they may have use for the materials and consider that they have been unfairly singled out for treatment, however, do not specify any further information in support of their case.

It is difficult to imagine the materials identified as being "disused" as being useful for anything, however even if this is the case, it is no reason why they should remain on site as a public eyesore.

The issue of being singled out is not valid because the property was identified in a routine inspection of the District, along with several others, some of which have been subject to Notices and many others which have since been cleared to Council's satisfaction.

Therefore it is considered the objection is baseless and should be dismissed by Council.

Strategic Plan/Policy Implications

Council's Mission Statement "To make the district of the City of Cockburn the most attractive place to live, work and visit in the Perth Metropolitan Area" refers.

Budget/Financial Implications

Any costs incurred by Council in ensuring compliance with the Notice will be recoverable from the owner.

Legal Implications

Part 3 Division 3 Subdivision 2 and 3 and Part 9 Division 1 of the Local Government Act, 1995, refers.



Community Consultation

Advertising of the programme to target unsightly properties was undertaken through local newspapers and more recently "Cockburn Soundings".

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

Nil

13.2 (MINUTE NO 2014) (OCM 20/05/2003) - STAFF/COUNCIL ACCOMMODATION NEEDS - CIVIC CENTRE (4605; 1951; 4609; 4602) (RWB)

RECOMMENDATION

That:

- (1) Council budget for funds in the 2003/04 and 2004/05 financial years, to allow for the provision of either:
 1. a new Council Chamber and Reception facilities on the Civic Centre site at Spearwood with refurbishment of the existing Elected Members area for administrative purposes.

OR

2. extensions to the existing administration building and office modifications for administrative purposes.
- (2) an architectural firm be engaged to provide preliminary advice on the provision of a new Council Chambers and Reception facilities, together with the refurbishment of the existing Elected Members area for administrative purposes; and
- (3) no further consideration of refurbishing the existing Elected Members area be undertaken unless Council determines accordingly.

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr K Allen that:

- (1) Council budget for funds in the 2003/04 and 2004/05 financial years, to facilitate additions to the Administration Centre to cater for a more functional civic area and for future administrative requirements;



- (2) Council engage an architectural firm, by tender, to develop initial preliminary schematic design options and costings and to provide a full suite of architectural services in respect of the selected option; and
- (3) no further consideration of refurbishing the existing Elected Members area be undertaken unless Council determines accordingly.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Explanation

It would be of benefit in terms of cost and continuity of architectural design to appoint an architect through the full tender process to progress the envisaged works. The tender documentation scope of works can be structured to allow Council considerable flexibility in directing the appointed Architect to develop schematic designs and costings for various scenarios prior to a decision to proceed with the agreed works being made. The option will always be available for the Council to terminate the contract with the Architect at any time during the process should it decide to do so.

Background

Stage 1 of the Council Chambers/Elected Members area and administration building was approved by way of a Building Licence for the works on 10 February 1978.

Stage 2, providing for additional officer accommodation was constructed in 1992 after commencing design process in 1990.

This Council has determined that it will not be relocating the Council Administration Centre to Cockburn Central.

Council has funds in the budget for the provision of a lift to facilitate access to the Elected Members area for people with disabilities, with additional funds for refurbishment. Total funds budgeted are \$178,000.

Submission

N/A

Report



An officer's report was presented to Elected Members and considered at a workshop on 23 April 2003. The purpose of the report was to identify anticipated staff growth over the next ten(10) years and provide options for accommodating for the growth.

The paper provided for an estimated increase of 38 staff resulting in a need of some 500-700m² of accommodation. The options canvassed in the report are:

- Add to the North end of stage 1 to provide for revamped Elected Members area and office accommodation.
- Add to the south of the existing building (Stage 2) for office accommodation.
- Relocate the library to the Civic Hall and use the existing library for office accommodation.
- Use the Civic Hall for office accommodation.
- Relocate the Elected Members area to the Civic Hall and use the vacated area for office accommodation.
- Contract out new positions.
- Lease office space.

A proposal to build a new library on the site and use the existing library for office accommodation was raised at the Workshop. The Workshop was advised that Bernard Seeber Architect had provided a detailed estimate of between \$356,000 and \$675,000 (GST inclusive) to refurbish the Elected Members area. The refurbishment would provide for disabled persons access and more modernised appearance of the Elected Members area.

Given that the functionality of the Elected Members area was designed in the late 70's and on the suggestion of the CEO, the common view of the members present at the Workshop, was that a further option be considered, that being of building a new Elected Members area facilitating greatly enhanced functionality, with the existing Elected Members area being used for future staff accommodation.

The recommendation provides for the provision of funds regardless of the final option taken.

It is proposed that an architect be engaged to provide preliminary advice on the construction of a new single storey Elected Members area, consisting of Council Chambers, function areas and meeting rooms.



A part of the brief will be to ascertain the suitability of using the existing Elected Members area as office accommodation and to give advice on improving the functionality of the existing office accommodation including the main reception desk.

Until such time as Council determines a final position in regard to new/additional accommodation, no further action should be taken on the refurbishment of the existing Elected Members area.

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Council has provided \$178,000 for refurbishment of the Council Chambers area and the provision of disabled access. The Draft Principal Activities Plan to be considered at this meeting, provides for a total of \$3million over years 2003/04 and 2004/05 for the extension of the Administration Building, plus an additional \$150,000 for the refurbishment of the Council Chambers area.

Funds for the appointment of an architect to provide preliminary advice is available in the CEO's Consultancy Account.

Legal Implications

N/A

Community Consultation

The Principal Activities Plan will be advertised which would provide funds for the 2003/04 and 2004/05 financial years.

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

Nil

13.3 (MINUTE NO 2015) (OCM 20/05/2003) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE - 23 APRIL, 2003 (1054) (DMG) (ATTACH)

RECOMMENDATION

That Council receives the Minutes of the Delegated Authorities, Policies and Position Statements Committee dated 23rd April 2003, and adopts the recommendations contained therein.

TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL



COUNCIL DECISION

MOVED Mayor S Lee SECONDED Deputy Mayor R Graham that the Minutes of the Delegated Authorities, Policies and Position Statements Committee be presented.

CARRIED 10/0

Background

The Delegated Authorities, Policies and Position Statements Committee conducted a meeting on 23rd April 2003. The Minutes of the Meeting are required to be presented to Council and its recommendations considered by Council.

Submission

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

Report

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

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

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

Strategic Plan/Policy Implications

Key Result Area "Managing Your City" refers.

Budget/Financial Implications

Committee Minutes refer.

Legal Implications

Committee Minutes refer.

Community Consultation



Committee Minutes refer.

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

Committee Minutes refer.

13.4 (MINUTE NO 2016) (OCM 20/05/2003) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE - 23 APRIL, 2003 (1054) (DMG) (ATTACH)

COUNCIL DECISION

MOVED Cllr A Tilbury SECONDED Cllr A Edwards that the Minutes of the Delegated Authorities, Policies and Position Statements Committee Meeting held on 23 April 2003 be received and the recommendations therein adopted, with the exception of Item 14.2 which is to be dealt with separately.

CARRIED 10/0

13.5 (MINUTE NO 2017) (OCM 20/05/2003) - DELEGATED AUTHORITIES, POLICIES AND POSITION STATEMENTS COMMITTEE - 23 APRIL, 2003 - ITEM 14.2 - PROPOSED POLICY AES10 'UNDERGROUND POWER' (1054) (DMG)

COUNCIL DECISION

MOVED Deputy Mayor R Graham SECONDED Cllr K Allen that the Committee recommendation be adopted subject to Point (3) being amended to read:

(3) by deleting the words 'can be' from sub-clause(c) and substituting the word 'being'.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Explanation

A minor correction was required to allow the word 'obtained' to remain in the sub-clause.

14. PLANNING AND DEVELOPMENT DIVISION ISSUES



14.1 (MINUTE NO 2018) (OCM 20/05/2003) - PROPOSED SINGLE HOUSE - LOT 205 (NO. 10) RICHARDSON ROAD, COOGEE (3317083) (MR)

RECOMMENDATION

That Council:

- (1) not require the applicant to amend the proposal to reduce the finished floor level of the ground floor to FFL 10.55 and reposition the house to a front setback of 5.5 metres average;
- (2) approve the revised proposal for a single house – Lot 205 (No 10) Richardson Road, Coogee, subject to the following conditions:-

Standard Conditions:

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. 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.

Footnote

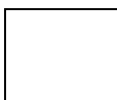
The development is to comply with the requirements of the Building Code of Australia.

- (3) issue a Schedule 9 notice of approval accordingly.

COUNCIL DECISION

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

CARRIED 10/0



Background

| | | |
|------------|----------------------------|-----------------|
| ZONING: | MRS: | Urban |
| | TPS3: | Residential R20 |
| LAND USE: | Existing Dwelling | |
| APPLICANT: | Zorzi Builders Pty Ltd | |
| OWNER: | Joseph Negulic | |
| LOT SIZE: | 1023m ² | |
| USE CLASS: | Single House "P" Permitted | |

Council at its Ordinary Meeting on 18 March 2003 (Item 14.10) considered an application for a single house and resolved to:

- “(1) request the applicant to amend the proposal to reduce the finished floor level of the ground floor to FFL 10.55 and reposition the house to a front setback of 5.5 metres average measured from the front wall of the house;
- (2) upon submission of amended plans complying with (1) above, delegate authority to the Principal Planner to approve the proposal for a single house – Lot 205 (No 10) Richardson Road, Coogee, subject to the following conditions:-

STANDARD CONDITIONS:

1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
that the recommendation be adopted.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
4. 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.

SPECIAL CONDITIONS

5. The ground floor FFL to be reduced to 10.55 and the front setback being reduced to a minimum of 5.5 metres measured from the front wall of the house.



6. *Issue a Schedule 9 notice of approval accordingly.*

FOOTNOTE

1. *The development is to comply with the requirements of the Building Code of Australia.”*

The Council’s decision in this regard was made to address the objections received from the neighbour at 12A Richardson Road, regarding the potential impact on the amenity of their property in respect to maintenance of some views and reducing the potential overshadowing impacts from the house design.

Submission

“Our proposal requires both the ground and upper floors of the existing proposal, to be moved 1 metre further north from the southern boundary. This would achieve a 1 metre wide greater viewing angle to Cockburn sound (only 839mm would be achieved by moving the residence forward 2.182 metres as per special condition 5) and would also reduce over shadowing to the southern property by the same amount as reducing the overall height by 1 metre. The overshadowing to the southern property, of 12A and 12B Richardson Road, would then comply with Element 9 – Design for Climate of the Residential Design Codes. Please refer to the attached plans for our revised proposal.

The applicant has requested that the Council consider the revised proposal at the next available ordinary meeting of the Council.

Report

Although the Council determined the application at its meeting held on 18 March 2003, the Council can reconsider the matter and may either approve the proposal (with or without conditions) or refuse the proposal.

The applicant seeks reconsideration of Special Condition No 5 of approval, which sought to reduce the front setback and height of the house to reduce the impact of overshadowing and assist in retaining some views from the adjoining property. An alternative solution has been proposed to achieve the same objective of the Council decision dated 18 March 2003 and comply with the owners desire for an undercroft garage as set out below.

The revised plans address the objections received from the adjoining owner at 12A Richardson Road as an alternative to their request for the ground floor FFL to be reduced to 10.55 and the front setback being reduced to a minimum of 5.5 metres average from the front wall of the house. The net effect of the revised proposal is the same reduced



impact of overshadowing and improved view aspect from 12A and 12B. For this reason it is not considered necessary to refer the revised proposal back to the adjoining neighbours for comment since their concerns are already known and can be addressed using this alternative approach. Nevertheless this remains an option open to the Council.

Strategic Plan/Policy Implications

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

2. Planning Your City
"To ensure that the planning of the City is based on an approach which has the potential to achieve high levels of convenience for its citizens."

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

14.2 (MINUTE NO 2019) (OCM 20/05/2003) - INVESTIGATION INTO THE REQUIREMENT THAT ALL NEW RESIDENCES INSTALL WATER TANKS (6605) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) not pursue the matter of requiring that all new residences within the City of Cockburn install water tanks to complement the existing potable water supply.



COUNCIL DECISION

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

CARRIED 10/0

Background

At the Council meeting held on 15 April 2003, the following item was listed under "Matters To Be Noted for Investigation Without Debate":-

"Mayor Lee requested officers to investigate the feasibility/legality of requiring that all new residences within the City of Cockburn, be provided with water tanks to complement the existing potable water supply. The report is to include details of the existing government rebates etc for provision of water tanks, type/size of tank required in relation to lot size etc."

Submission

N/A

Report

The State Government has recently introduced a rebate scheme as an incentive for households to conserve water.

It is estimated that an average of 350,000 litres of water is used by each metropolitan household per year. This water is used for showers, washing machines and toilets, which together represent 39% of daily usage. The watering of gardens and lawns uses about 47% of water supplies over the year but increasing to 70% during summer.

In an effort to encourage householders to save water the Government's rebate scheme applies to the installation of shared garden bores, rainwater tanks, shower heads and AAAA rated washing machines.

In respect to rainwater tanks, the Government estimates that around 40,000 litres of water could be collected from a 100m² roof area each year and used to supply part of your household's water needs.

The Waterwise rebate is available for tanks with a capacity greater than 600 litres. A rebate of \$50 applies for tanks between 600 – 1,999 litres, and a rebate of \$150 applies for tanks over 2,000 litres.

An additional rebate of \$150 is available for tanks with a capacity greater than 2,000 litres if they are plumbed in by a licensed plumber for use in a toilet and/or washing machine.



A 2500 litre domestic poly tank would cost around \$600 plus installation.

A 2,500 litre domestic poly tank would cost \$2,600 to be installed.

The rebate only applies to residences which are on scheme water. It may apply to rural residences that receive water deliveries from a scheme water source, as determined by the Water Corporation.

Most of the rural, rural living and resource zoned land within the district is not supplied with water reticulation (mains water) and therefore is not eligible for the rebate.

Under the Council's Town Planning Scheme No. 3, Clause 5.10 applies to the provision of either a potable (usually a bore) source or rainwater tank as a condition of development in the rural and resource zones, namely:-

"5.10.1 Water Supply

- (a) Where reticulated water supply is not provided to a lot the landowner or the subdivider shall be responsible for providing a potable water supply where it is proposed to use the land for the agistment of stock or for residential purposes.*
- (b) Where it is proposed to use the land for residential purposes and a potable water supply is not available then the landowner shall be responsible for providing a rainwater storage tank with a minimum capacity of 90,000 litres."*

This clause is the only power the Council has to require the provision of a rainwater tank, where a potable water supply is not provided. A potable source could be a bore, freshwater stream or mains reticulation.

The Council has no other powers to require householders to install water tanks.

Because the State Government does not have the power to require householders to install water tanks, it has introduced a rebate incentive scheme.

The Council could pursue the creation of a local law to require the installation of water tanks, however, the "fairness" of this imposition would be assessed by the Department for Local Government before being determined by the Minister. Given the State's incentive approach, it would be unlikely for an individual local government to gain



approval for a mandatory local law, or an amendment to the Local Scheme requiring the installation of water tanks.

The Council could consider an amendment to the local scheme to require all dwellings to install a water tank. Should this be agreed to by the Minister, this would require all dwellings to lodge a planning application and the installation of the tank inspected. This would place a significant burden on the Statutory Planning Service or Building Service given that not all dwellings require planning approval (exempt under both the MRS and local scheme) and dwellings are not inspected on completion, except for those on strata titles. As the provision would be mandatory, additional resources may be required to administer this requirement.

Despite the State's rebate initiatives to encourage the installation of rainwater tanks, the Department of Health has advised that although it supports the use of rainwater tanks in urban areas for all non-potable uses, the community should be made aware that there might be an increased risk of pollution by airborne chemical and microbiological contamination in an urban environment. This advice was issued on 7 March 2003.

Given this, it can be seen that rainwater collection may contribute towards water conservation, but may also contribute to the increased risk to public health, should the water be used as a potable source.

Based on the foregoing, it is recommended that the Council not pursue a requirement that all new residences within the district provide water tanks to complement the existing potable water supply.

The decision for either existing or new residents to install a rainwater tank should be made by individual households, based on their own circumstances and requirements, having regard for the State Government's rebate scheme.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

Except for Clause 5.10 of Town Planning Scheme No. 3, the Council does not have the power to require property owners to install rainwater tanks. However an amendment to the scheme could be contemplated under Clause 5.8.



The Council could propose a local law to require existing and/or new residents to install rainwater tanks, but this would be subject to Ministerial approval.

Community Consultation

No community consultation has been undertaken in association with the preparation of this item. However, should the Council decide to proceed with a local law, public consultation would be required as part of the adoption process.

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

Nil.

14.3 (MINUTE NO 2020) (OCM 20/05/2003) - ROAD CLOSURES PROPOSED PORT COOGEE AGREEMENT AREA PURSUANT TO SECTION 58 OF THE LAND ADMINISTRATION ACT 1997 (2211988; 3209006) (KJS) (ATTACH)

RECOMMENDATION

That Council:

- (1) request that the Department of Land Administration close Ahoy Road, portion of Robb Road and unnamed road off Cockburn Road;
- (2) request that the Department of Land Administration close portion of Ocean Road; and
- (3) initiate (1) above, after a written undertaking has been received from the Western Australian Planning Commission that public access via Ocean Road be maintained up until the deviated Cockburn Road has been constructed.

COUNCIL DECISION

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

CARRIED 10/0

Background



The Western Australian Planning Commission has requested these road closures to fulfil obligations pursuant to the State Agreement with the developers of the Port Coogee Development.

Submission

A letter of request has been received from the Western Australian Planning Commission.

Report

The agreement that the State has with the developers of Port Coogee requires that all of the land be made available. WAPC, acting for the State, has identified the extent of road reserve within the development area that will require closure.

The tenure of the land must be such that a transaction can be effected. The road reserves need to be closed and revested as crown land. The State can then sell the land to the developer. The legal process of road closure and revesting undertaken by local government and DOLA can take a considerable time. It is for this reason that the process has been commenced early in the development cycle.

The proposed closures were advertised in the Herald Newspaper with a period given for the receipt of objections. There were approximately 20 phone and written objections to the closures. The main objection being that the closure of Ocean Road would make access to the coastline more difficult. Inquiry with officers at the Department for Planning and Infrastructure indicate that the deviation and construction of Cockburn Road would be undertaken before Cockburn Road within the development area was closed.

Discussion held with Department for Planning and Infrastructure officers reveals that there is no clear understanding by the developer on how access via Ocean Road through to Cockburn Road could be maintained before the deviated Cockburn Road becomes operational.

When the developer has taken possession a means to maintain access may be able to be arranged.

Once a satisfactory solution has been developed the request in respect to Ocean Road can be forwarded to DOLA.

Strategic Plan/Policy Implications

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

2. Planning Your City



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

Budget/Financial Implications

The WAPC paid the costs of the advertising in the Herald Newspaper.

Legal Implications

N/A

Community Consultation

Has been advertised in Herald Newspaper for public comment.

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

Nil.

14.4 (MINUTE NO 2021) (OCM 20/05/2003) - MUNICIPAL HERITAGE INVENTORY REVIEW 2002/03 (3317083) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) adopt the draft review list for the purpose of seeking public comments following which the Municipal Inventory Review List be referred to the next available meeting; and
- (2) advise Heritage Today Consultants accordingly.

COUNCIL DECISION

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

CARRIED 10/0

Background

On 28 January 1997 the Council resolved to adopt the Municipal Heritage Inventory subject to a few modifications.



In June 2002 the City engaged Heritage Today to review the City's Municipal Heritage Inventory, based on the review list on page 11 of the adopted Municipal Inventory.

The Naval Base Caravan Park was added to the Municipal Inventory following the initial adoption of the Inventory in 1997. It is not the intention to review this entry as such. It is only sought to ensure that the original Inventory document remains unchanged. The review list then forms a second volume that will contain a comprehensive site specific assessment together with a photo of each place.

Submission

The review list includes 22 additional places of cultural heritage significance. A further list of significant trees is recommended for entry onto the Municipal Heritage Inventory. A complete review list is contained in the agenda attachments.

Report

Section 45 of the Heritage of Western Australia Act 1990 requires the Council to compile and maintain a list of buildings of cultural heritage significance. The application of the Inventory to include places of natural heritage significance by already including significant wetlands and trees, will broaden the register.

The Act requires the Council to review the Inventory every 4 years. This legal obligation will be fulfilled by the completion of the review list by the publishing of a second volume to the original Municipal Heritage Inventory Report.

In accordance with the Heritage Council's Guidelines for preparing Municipal Inventories and the Act it is proposed that the Council adopt the review list for the purposes of advertising. This would involve notifying the affected owners advising them of the proposed entry of the property onto the Municipal Heritage Inventory and seeking comments within 30 days. An advertisement would also be placed in the local newspapers circulating in the district advising of the review list being available for public viewing at the City's Administration Centre.

Following receipt of any public comments on the review list a final report will be prepared to the Council with recommendations on the final recommended list.

A copy of draft place record forms for each place being considered for entry onto the Municipal Inventory will also be made available on request of Elected Members.

A Heritage Council brochure has been included in the agenda attachments which explains what a Municipal Inventory is and what it



means to owners. Entry onto the Inventory would trigger a requirement in Town Planning Scheme No 3 for planning approval prior to any changes or redevelopment of the site. The Council can then have due regard to the Inventory in its considerations of development that would affect the place.

Strategic Plan/Policy Implications

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

3. Conserving and Improving Your Environment
"To conserve the character and historic value of the human and built environment."

Budget/Financial Implications

The cost of reviewing the Municipal Inventory is \$6500 from the Statutory Planning Services budget 2002/03. These funds have been used to pay for the services of Heritage Today.

Legal Implications

The Municipal Inventory review fulfils a requirement of section 45 of the Heritage of WA Act.

Community Consultation

The Municipal Inventory Review involves public consultation on the draft review list before the Council decides on what additional places to include onto the Inventory.

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

Nil.

14.5 (MINUTE NO 2022) (OCM 20/05/2003) - COOGEE BEACH SURF LIFE SAVING CLUB - SITE OPTIONS (8004) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) support Option C4 site, located on the foredune, west of Poore Grove car park and south of the Coogee Caravan Park as the preferred location for the establishment of the Coogee Beach Surf Life Saving Club premises, for the purpose of seeking public comment;

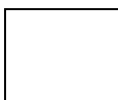


- (3) advise the Club of the Council's decision;
- (4) advertise the preferred location for public comment in the local newspaper for a period of not less than 21 days, and erect a sign on the preferred site advising the public of the proposal;
- (5) following the close of the public comment period:
 1. Council reconsider the preferred option C4 and finalise its position in respect to the preferred location of the proposed Coogee Beach Surf Life Saving Club premises.
 2. advise the Club of its decision, so that the Club can proceed to gain all the necessary approvals as required by the Council resolution dated 18 June 2002.

COUNCIL DECISION

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

- (1) receive the report;
- (2) support Option C4 site, located on the fore dune west of Poore Grove car park and south of the Coogee Caravan Park, as the preferred location for the establishment of the Coogee Beach Surf Life Saving Club premises;
- (3) write to the Department of Planning & Infrastructure, Department of Environmental Protection and Conservation & Land Management, advising of the proposal and seeking a preliminary response as to the level of support that such a proposal is likely to receive should a formal application be lodged;
- (4) subject to supportive responses being received from (3) above, the Chief Executive Officer is to:
 1. Commission a suitably qualified consultant(s) to advise on coastal engineering and environmental issues.
 2. Through tenders, appoint an Architect to develop schematic designs and costings with the scope within the tender to provide a full or partial suite of Architectural Services to the extent required.
- (5) advise the Department of Conservation & Land Management



that it is prepared to proceed with the excision of a portion of the Woodman Point Reserve (R40184) for vesting as a recreational reserve in the City of Cockburn, to include Poore Grove and an area sufficient to accommodate the needs of the Coogee Beach Surf Life Saving Club and facilities for the general public to access the adjoining beach area, with all costs and administrative processes to be borne by CALM;

- (6) allocate \$100,000 in the 2003/04 budget for consultancies in relation to the development of a surf life saving club at Coogee Beach.
- (7) advise the Club of Council's decision;

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Explanation

The City Administration met with executive members of the Coogee Beach Surf Life Saving Club to discuss a means by which the development of club facilities at Coogee Beach could best proceed. From the discussions it was evident that some indication from the relevant State Government Authorities on the suitability of the proposed site needs to be sought and more detailed schematic design and costing for the Club facilities and requisite support infrastructure were required. As ultimately the Club facilities will be on land under the control of the City and is likely to involve a significant financial commitment by the City, Council needs to have a role in working with the club to achieve the best outcome. When there is more detailed designs and costs for the proposed Coogee Beach Surf Life Saving Club facilities available, the matter can be submitted for Council consideration with an agreed process to be followed should the matter proceed.

Background

The most recent decision made by the Council in respect to the Coogee Beach Surf Life Saving Club was made at its meeting held on 18 June 2002.

- “(1) supports the Coogee Beach Surf Life Saving Club taking responsibility of the area of the beach between the Woodman Point Jetty to James Rock in accordance with the requirements of the Western Australian Surf Life Saving Association;*
- (2) approves the Coogee Beach Surf Life Saving Club having use of the old First Aid Room on Powell Road, Coogee provided that it takes responsibility for all service costs, minor internal and external maintenance including cleaning of the building;*



- (3) *supports the proposed location for the Coogee Beach Surf Life Saving Club rooms as per the attached plan on the understanding that the Club will seek all the necessary approvals for the construction of the facilities to proceed;*
- (4) *allocate for consideration on the 2002/03 budget a sum of up to \$32,000 for the purchase of essential equipment for a Surf Life Saving Club, approved for purchase by Council, provided that the Council contribution is matched on a dollar for dollar basis with other funds and the equipment is only used by the Coogee Beach Surf Life Saving Club unless the City approves the use by another organisation, is capable of being securely stored at Coogee Beach and is returned to Council in the event that the Club ceases to operate; and*
- (5) *advise the Coogee beach Surf Life Saving Club that Council is:*
 1. *prepared to give consideration to contributing up to a maximum of \$300,000, subject to Budget constraints on a dollar for dollar basis for the construction of surf club rooms on Coogee Beach provided that all necessary approvals have been gained.*
 2. *not prepared to support the inclusion of a public restaurant within the proposed facility.*

Explanation

The First Aid Room will not be large enough to accommodate the club. By deleting the words and the Club membership is in excess of 400 members for 2 successive years, leaves it open to the Club to negotiate with Council on an appropriate time to build.”

On 4 February 2003, representatives of the surf club made a comprehensive power point presentation to Elected Members prior to the AGM.

Subsequent to this, a briefing was held with senior staff and Elected Members, to discuss possible site options for the club, given some concerns about environmental considerations and the potential conflict with the Council’s proposed Coogee Beach Kiosk/Restaurant development adjacent to Coogee Jetty.

To aid discussion 3 sets of options were presented for consideration, namely:-

- **Option A** **A1** On the foredunes, north of the existing Coogee Beach car park and abutting the proposed Port Coogee Marina development .



- A2** On the foredunes, west of the northern end of the existing Coogee Beach car park, just south of the Port Coogee Marina development. (The originally promoted site for the club)
- **Option B**
 - B1** On the foredune, north of the pedestrian path to Coogee Jetty.
 - B2** On the foredune, south of the pedestrian path to Coogee Jetty, as a co-joint development with the proposed Coogee Kiosk/Restaurant.
 - B3** On the grassed area behind the Coogee Beach Shop north of the pedestrian path to Coogee Jetty.
- **Option C**
 - C1** On the foredune, west of the Poore Grove car park and south of the Coogee Beach Caravan Park.
 - C2** Behind the foredune, north of the Poore Grove car park and south of the Coogee Beach Caravan Park.
 - C3** On the foredune, immediately west of the Poor Grove car park and within the Woodman Point Reserve.
 - C4** On the foredune, immediately west of the Poore Grove car park, located in a natural depression between Options C1 and C3. (Note: C4 has been added since the presentation)

A plan of the site options is attached to the agenda.

All of the sites, with the exception of Options C3 and C4, are located wholly within Reserve R24306, which is an 'A' Class reserve, vested in the City of Cockburn.

Site Options C3 and C4, are located within or partially within the Woodman Point Reserve R40184 and under the control of CALM.

All the sites are located within the Parks and Recreation Reserve under the MRS.

Submission



On 4 February 2003, representatives of the Coogee Beach Surf Life Saving Club made a presentation to Elected Members.

The presentation included two site options. Option A (A2) at the northern end of the existing Coogee Beach car park (approved by Council in June 2002) and Option B adjacent to the proposed (B1) Kiosk/Restaurant, west of the first aid building.

Based on the submission, Option A2, was preferred.

It should be noted that Option C was not a consideration at this time.

The building required by the club was estimated to be in the order of 3,350m² on a land area of 4800m² including vehicular access.

The estimated cost of the building is \$1.5M.

The club requires a beach frontage, separate vehicular access, car parking and a buffer to residential development.

The club sought to have planning approvals progressed quickly.

Report

The Integrated Coastal Management Strategy, prepared by Ecoscape for the Council in September 1999, recommended that Coogee Beach maintain its existing recreation focus and facilities and maintain and improve conservation values, and retain the existing caravan park. In respect to Poore Grove, the report recommended low key recreational node, beach access and provision of open space.

The report did not envisage the establishment of a surf club in a Coogee Beach location. However, the report does not preclude the establishment of club facilities to serve the area.

Advice from DEWCP in October 2002, indicated that the key environmental issues associated with the club building are the impact on the dunes and associated vegetation and the need for an appropriate coastal setback. The Department recommended that the planning of the clubhouse site be undertaken in the context of an overall structure plan. The development should be based on a balance between conservation and the provision of community facilities.

The Integrated Coastal Management Strategy, provides a structure plan context for locating the proposed clubhouse facility.

A recent report by MP Rogers and Associates in respect to the Council's proposed Kiosk/Restaurant at Coogee Beach, recommended that permanent structures, such as a clubhouse, should be setback at



least 30 metres from the coastal vegetation line. This report is relevant to all of the Options along Coogee Beach.

Development on the coast is subject to a number of agency inputs. The Department for Planning and Infrastructure has recently adopted State Coastal Planning Strategy which requires a 100 metre coastal setback, but provides for variations. CALM will be involved if location Options C3 or C4 are preferred, because it is located within the Woodman Point Reserve. The DEWCP is likely to require a formal assessment, particularly if the development is located on the foredune.

A detailed assessment of the proposal was considered by officers in the Council's Community Services, Environmental Services and Strategic Planning Services, in terms of social, economic and environmental considerations. This comparative locational assessment is attached to the agenda.

In summary, the outcome of the comparative evaluation resulted in site Option C4 being selected as the most appropriate location. Site C4 is a compromise location between sites C1 and C3.

The assessment for each of the sites was as follows:-

| Options | Option A | | Option B | | | Option C | | |
|-------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------------|----------------------------|----------------------------|
| Locations | Site A1 | Site A2 | Site B1 | Site B2 | Site B3 | Site C1 | Site C2 | Site C3 |
| Environmental | | | | | | | | |
| Vegetation condition | 2 | 3 | 4 | 5 | 3 | 3 | 1 | 4 |
| Vegetation removal | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| Vegetation linkage | Yes | Yes | Yes | No | Yes | Yes | Yes | Yes |
| Coastal Processes | Yes | Yes | Yes | No | Yes | Yes | No | Yes |
| Social | | | | | | | | |
| Parking area impacts | Use current area | Use current area | Use current area | Use current area | Use current area | Yes | Yes | Yes |
| Impact on current users | Insufficient parking | Insufficient parking | Insufficient parking | Insufficient parking | Insufficient parking | Conflict with caravan park | Conflict with caravan park | Conflict with caravan park |
| Public Access | Unchanged | Unchanged | Unchanged | Unchanged | Unchanged | Improved | Improved | Improved |
| Visual landscape | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Economic | | | | | | | | |
| Cost | | | | | | Highest | Highest | Highest |
| Ranking | 2 | | 3 | | | 1 | | |

Note: (1) Site C4 evolved from the evaluation of the Option C site options as a best fit based on environmental and site development conditions, but straddles the boundary of the Coogee Beach Reserve vested in Council and the Woodman Point Reserve controlled by CALM.



(2) Site C2 is affected by a stand of Rottnest Island Pines which need to be protected.

A letter from Mr Daryll Smith outlining the Club's position in respect to the site options dated 7 May 2003 is attached to the Agenda.

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."*
3. Conserving and Improving Your Environment
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
 - *"To facilitate and provide an optimum range of community services."*
 - *"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."*

Budget/Financial Implications

The draft Principal Activities Plan to be considered at this meeting of Council proposes an allocation of \$300,000 as a contribution to the Surf Life Saving Club facilities at Coogee in the financial year 2005/06.

Legal Implications

Because all the options are located within the Parks and Recreation Reserve under the MRS, the planning approval for the development of the surf club will be the responsibility of the WAPC, having regard for any recommendations made by the Council and other authorities.

The Council would issue the building licence.

Development on either site Options C3 or C4, will involve the CALM controlled land at Woodman Point, and therefore negotiations to locate within this reserve will need to be made between the club and CALM. Like the Council, CALM would make recommendations to the WAPC about development within its reserve.



According to the Council's Land Officer, there is no requirement to redescribe the CALM reserve to allow the club to develop within the Woodman Point Reserve, unless it is considered necessary for the club to be on crown land vested in the Council. Development within any reserve must be in accordance with the purpose of the reserve and with the support of the reserve manager.

It is likely that as a prelude to development a coastal engineering report will need to be prepared for the preferred location to determine the setback from the coast and for this, together with the planning application, will need to be assessed by DEWCP prior to any approvals being issued by the WAPC.

As part of the feasibility of the project it would be necessary for the club to have an assessment made of the cost to extend the utility services to the preferred site and the need to expand and upgrade car parking and access facilities. This information should form part of the planning application report.

Community Consultation

Once a preferred site is adopted by the Council and agreed to by the club, public consultation should take place so that community opinion can form part of any recommendation made by the Council to the WAPC in relation to the proposal, or be the basis of a review of the preferred location.

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

Nil.

14.6 (MINUTE NO 2023) (OCM 20/05/2003) - SOUTH BEACH STRUCTURE PLAN - ENDORSEMENT BY WESTERN AUSTRALIAN PLANNING COMMISSION (9653) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) re-adopt the Proposed South Beach Structure Plan, dated September 2002, under Clause 6.2.10 of Town Planning Scheme No. 3, to include the requirements specified in points 1 and 2 contained in the Western Australian Planning Commission notification of endorsement of the Structure Plan dated 17 April 2003; and
- (3) forward a copy of the endorsed Structure Plan to relevant public authorities and the owner in accordance with clause 6.2.11.1 of



the scheme, following receipt of the modified documents from the Western Australian Planning Commission.

COUNCIL DECISION

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

CARRIED 10/0

Background

Following the re-adoption of the South Beach Structure Plan at its meeting held on 21 January 2003 (refer to Item 14.9 Minute 1899), the Council forwarded its decision to the Western Australian Planning Commission for endorsement.

The WAPC endorsed the Structure Plan, subject to some minor modifications. The notification from the Commission was dated 17 April 2003.

Submission

Attached to the agenda is a copy of the letter of notification of endorsement of the Structure Plan from the WAPC, subject to a number of minor requirements. Of the 5 requirements only points 1 and 2 relate to the Structure Plan.

Report

Given that the Structure Plan adopted by the Council has been modified it would be prudent to re-adopt the plan so that the Council's final adoption and the Commission's endorsement are the same. This will avoid any ambiguity in respect to the plan applying to the land.

The Commission's endorsement requires 5 minor modifications to the Structure Plan Text and 2 minor modifications to the Structure Plan.

Following receipt of the WAPC endorsement, the Council is required under clause 6.2.11.1 to advise relevant authorities and the land owner. The modified documents are being sought from the applicant/owner by the Commission and when they have been received will be forwarded to the Council.

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."*

Council Policies that apply are:-

SPD4 Liveable Neighbourhoods.

Budget/Financial Implications

N/A.

Legal Implications

There does not appear in Town Planning Scheme No. 3 to be any legal requirement to re-adopt a Structure Plan after endorsement by WAPC, however, for the sake of consistency it is deemed appropriate that the Council re-adopt the South Beach Structure Plan so that its adoption and the Commission endorsement are consistent.

Community Consultation

Completed in accordance with the provisions of District Zoning Scheme No. 2.

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

Nil.

14.7 (MINUTE NO 2024) (OCM 20/05/2003) - PROPOSAL TO UPGRADE WOODMAN POINT WASTE WATER TREATMENT PLANT (9100) (BH)

| |
|---|
| <p>RECOMMENDATION That Council:</p> <p>(1) receive the report; and</p> |
|---|



- (2) not oppose the planned upgrade of the Woodman Point Waste Water Treatment Plant to treat biologically-degradable liquid wastes only of the type specified in “Woodman Point WWTP – Upgrade for Grease and Septage Treatment Works Approval Application”, subject to the upgrade being acceptable to the Environmental Protection Authority and not increasing the environmental impacts of the existing plant on the surrounding community.

COUNCIL DECISION

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

- (1) receive the report;
- (2) advise the Minister for the Environment and Heritage that it:
1. Opposes the planned upgrade of the Woodman Point Waste Water Treatment Plant to treat biologically degradable liquid wastes of the type specified in ‘Woodman Point WWTP – Upgrade for Grease and Septage Treatment Works Approval Application’.
 2. Supports the request by the Southern Metropolitan Regional Council (SMRC) to accept bio-solids at their facility in Canning Vale as an alternative to the Woodman Point WWTP because the Bedminster Plant provides a more sustainable solution in respect to re-use, impact on the environment and financial return to the processors for the treatment of bio-solids.
 3. requests the Water Corporation demonstrates that its odour emission targets at the current facility have been achieved before considering any further expansion of the Woodman Point Waste Water Treatment Plant

CARRIED 10/0

Explanation

The SMRC requires bio-solids at its Bedminster facility in Canning Vale to enhance the process. As Co-owners and major stakeholders in this facility, Council must support its endeavours to attract waste from Brookdale.



Furthermore, the Officer's report states at para 2 on page 36 'all process units in the new facility (referring to Woodman Point) including combined receival, screening and degritting, buffer tanks, flocculation tanks mixing tanks and lime stabilisation plants would be enclosed and vented to odour control systems'. This is not the case, the combined receival area (where tankers will actually unload) will be in the open air and not enclosed. In some plants, the tanker unloading docks have been identified as the greatest source of odour emissions.

The plant has not yet completed the odour studies on its current operation and as any resident of the southern end of Coogee will tell you, they do create odour on still nights and have not fully achieved their current odour control targets. It would be wrong to agree to any expansion of the current plant until the Water Corporation have demonstrated compliance with existing licence conditions.

Background

At the Ordinary Council meeting held on the 15th April, the following item was listed under Matters To Be Noted for Investigation Without Debate:-

“(4) Cllr Reeve-Fowkes requested an Officer's Report be prepared on the proposal to treat sullage and grease trap waste at the Water Corporation Woodman Point Waste Water Treatment Facility. The outcome to give a Council position on the possible development.”

Submission

N/A

Report

The Water Corporation proposes to augment the existing Woodman Point Waste Water Treatment Plant (WWTP) in Munster to receive and treat septage and oil and grease-trap waste. These wastes are currently being treated at the Brookdale Liquid Waste Treatment facility which is scheduled to cease operation at the end of 2003. Hazardous waste will not be treated or accepted at the WWTP. Woodman Point WWTP has not been 'required' to accept the waste and have advised they will only proceed with the proposal if it is found to be commercially favourable.

The proposal will involve:

- Oil and grease-trap receival and separation facilities;
- Septage receival and processing facilities;
- Odour control systems;
- Solids thickening facilities;
- Solids stabilisation and treatment facilities.



The facility would accept up to 300 m³ per day of tankered deliveries (the plant currently treats over 110,000 m³ per day of domestic wastewater). A sample of tanker contents would be taken for inspection and preliminary analysis on entry into the facility and prior to tankers being pumped out.

The septage waste would be screened to remove large objects and sand, and dewatered in a centrifuge. The solids would be lime amended and sent to a Class III putrescible landfill (until a market can be found for the product). The separated wastewater would be directed to the existing WWTP inlet works.

The oil and grease-trap waste would be pumped to a buffer tank and mixed with activated sludge before separating the fat and grease from the thickened sludge. The concentrated floating oil and grease and floating solids would then be pumped to the big 'egg' digesters. Excess activated sludge and thickened grease may be sent to a municipal solid waste composting facility.

All process units in the new facility, including combined receipt, screening and degritting units, buffer tanks, flocculation tanks, mixing tanks and lime stabilisation plant would be enclosed and vented to odour control systems.

The Water Corporation has been keeping the community informed through the Woodman Point WWTP Community Liaison Committee and providing briefings, letter drops and newspaper advertisements. The main community concerns identified are:

- Odour – Particularly as the Water Corporation are reviewing their odour modelling with many local community members expecting the odour buffer to be reduced achieving some current restrictions on their land. It is seen by some that the opportunities for reducing the buffer through this review will be reduced with this planned plant expansion. The Water Corporation has committed to ensuring the proposed facility would not increase the size of the odour buffer of the entire upgraded WWTP. Any change to odour buffer limits or buffer size is the responsibility of the Department of the Environment.
- NIMBY – Many community members are aware that there is a need to manage this waste but do not want it treated in their neighbourhood.
- 'Thin end of the wedge'. There is concern that once approval is granted to accept septage, oil and grease-trap waste then this will be gradually expanded to include hazardous waste (as occurred with the Brookdale facility). The Water Corporation have advised they will be doing as much as possible to prevent



hazardous waste entering their facility as it causes major upsets in the operation of biological component of their treatment, this type of facility can not treat hazardous waste. It was also advised that in the current situation it is very difficult to prevent or detect hazardous waste being illegally dumped into the sewer and ending up in the treatment works. Trucked waste is much easier to control.

- Traffic concerns – Some concerns exist about traffic issues. The increase in traffic movements from the facility will be minor, however there are some concerns about spills and accidents involving these trucks. Water Corporation advised that trucks will be contractors over whom they have little control but admit accidents will reflect poorly on them. Options for a Code of Practice for truck drivers, delineating transport routes and conditions on contracts are possible control measures that may be used.

The Department of the Environment are currently progressing the application for a Works Approval to construct the additional facilities. The only opportunity for 'official' input into this process will be through the appeal period when the Works Approval is advertised which is likely to be at least 4 to 6 weeks away. There does not appear to be any significant environmental issues that have not been addressed.

Copies of the draft Works Approval and the Water Corporation Works Approval application are available from Environmental Management Services.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

The Council has no powers with regard to approval or otherwise for this project as it is a State facility on State owned land. Appeal provisions for any individual or organisation exist under the *Environmental Protection Act 1986* over the granting of and conditions on a Works Approval.

Community Consultation

The Water Corporation has a communication process that has involved written communication with key stakeholders, local newspaper advertisements, and briefings to groups and individuals.



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

Nil.

- 14.8 (MINUTE NO 2025) (OCM 20/05/2003) - TOWN PLANNING SCHEME NO 3 - SCHEME AMENDMENT NO. 8 - LOTS 85 AND 86 (17 & 19) WINTERFOLD ROAD, HAMILTON HILL - OWNER: CHURCHES OF CHRIST IN WA (INC) - APPLICANT: THOMPSON MCROBERT EDGELOE (93008) (AB) (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. 8

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

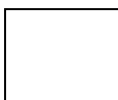
1. rezoning Lots 85 & 86 (17 & 19) Winterfold Road, Hamilton Hill from "Residential R20" to "Residential R40";
2. amending the Scheme Map accordingly.

Dated this.....day of2003

Chief Executive Officer

- (2) following the receipt of formal advice from the Environmental Protection Authority that the Scheme Amendment should not be assessed under Section 48A of the Environmental Protection Act, advertise the Amendment under Town Planning Regulation 25 without reference to the Western Australian Planning Commission;

- (3) notwithstanding (2) 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 be assessed under Section 48A of the Environmental Protection Act, as to whether the Council should



- proceed or not proceed with the Amendment;
- (4) following formal advice from the Environmental Protection Authority that the Scheme Amendment should be assessed or is incapable of being environmentally acceptable under Section 48(A) of the Environmental Protection Act, the Amendment be referred to the Council for its determination as to whether to proceed or not proceed with the Amendment; and
- (5) advise the applicant of the Council's decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

| | | |
|------------|-------------------------------------|-----------------|
| ZONING: | MRS: | Urban |
| | TPS3: | Residential R20 |
| LAND USE: | Residential | |
| LOT SIZE: | Combined area of 1838m ² | |
| AREA: | | |
| USE CLASS: | Place of Worship | |

A single church occupies the site and straddles both lots. The City approved the church in 1969.

Submission

The applicant has provided the following justification for the proposed scheme amendment:-

"The proposal conforms to the general principles of relevant state planning policy and strategies. The State Planning Strategy (1997) refers to the metropolitan area as "a population and economic growth area" and encourages nodal development. In this regard the policy favours the promotion of "mixed development in neighbourhood and district centres" meaning a range of residential/commercial uses and densities.

Similarly Liveable Neighbourhoods: Community Design Code – Draft (1997) favours medium density residential development adjacent to neighbourhood and district centres to promote convenience of location and pedestrian access to shopping, transport facilities and other



conveniences that are offered by commercial centres (p47). It is also stated that the increased densities helps support the facilities at the neighbourhood centres.

.....the City of Cockburn – Local Planning Strategy does offer indirect support for the proposal in its states Strategies and Actions....as follows:

- *2.1.3 (a)(1) – maximising development near public transport routes;*
- *including a range of housing densities;*
- *(c)(1) – Promote higher density and mixed land use development to reduce car use and promote cycling, walking and public transport.*
- *(m)(1) – Encourage the provision of a range of lots and housing types in large comprehensively planned developments to reflect the diverse needs of the community.*

The proposal represents an opportunity for urban consolidation at an ideal location being adjacent to a shopping centre and a public transport route. It is also located only 10-15 minutes drive from the Fremantle Regional Centre which provides a wide variety of services, employment and other opportunities for residents within the region. The proposal is in conformity with state policy and general planning principles that have evolved in relation to the Perth Region over the last 15 years.”

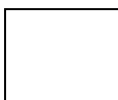
Report

Lots 85 and 86 are zoned Residential R20 under Town Planning Scheme No. 3 (TPS3). Adjoining the site's western boundary is a drainage sump, reserved Local Parks and Recreation. Residential land adjoins the northern, southern and eastern boundaries of the site. A grouped dwelling site is located on the opposite side of Winterfold Road on the north east corner of Winterfold Road and Instone Street within the City of Fremantle.

Immediately west of the Local Parks and Recreation Reserve is the Hamilton Hill Shopping Centre, a tavern, service station and take away food establishments. These uses are within approximately 40-300m walking distance from the subject site.

The site is serviced by reticulated water supply, sewerage, telecommunications and power.

The applicant seeks approval to amend TPS3 by increasing the residential density potential by increasing the coding from R20 to R40. This equates to a total of 8 units instead of 3 units subject to design. The proposal is consistent with the objective of the Residential Zone which is to provide for residential development at a range of densities



with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes.

An assessment of the Scheme Maps depicts a fragmentation of high densities within the immediate area including the following properties:

- Lot 42 (113) Jean Street, Hamilton Hill – R40
- Lot 18 (221) Clontarf Road, Hamilton Hill – R80B
- Lot 14 (150) Healy Road, Hamilton Hill – R80B
- Lot 202 (180) Healy Road, Hamilton Hill – R30
- Lot 203 (31) Headland Road, Hamilton Hill – R30
- Lot 204 (182) Healy Road, Hamilton Hill – R30

The subject site is in close proximity to a Local Centre under the Town Planning Scheme and situated on a public transport route. It is considered that the subject site is appropriately located and there is merit to support an increase in density in this instance.

Accordingly there are no objections to TPS3 being amended to increase the residential density to R40.

On the basis that the Council initiates the scheme amendment, the proposal will be referred to the EPA and subject to approval be advertised for public comment in accordance with the Town Planning Regulations.

Strategic Plan/Policy Implications

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

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

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

Budget/Financial Implications

N/A

Legal Implications



N/A

Community Consultation

Community consultation is required pursuant to the Town Planning Regulations

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

Nil.

14.9 (MINUTE NO 2026) (OCM 20/05/2003) - PROPOSED HOME BUSINESS (SIGNS & GRAPHICS) - LOT 34 (65A) OCEAN ROAD, COOGEE - OWNER/APPLICANT: JOHN ERNEST LYUS (3309764) (ACB) (ATTACH)

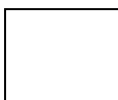
RECOMMENDATION

That Council:

- (1) vary the development requirements pursuant to Clause 5.6 of Town Planning Scheme No. 3 and grant approval for the proposed Home Business on Lot 34 (65A) Ocean Road, Coogee subject to the following conditions:-
 1. The development complying with the Home business provisions and definition set out in the Town Planning Scheme with the exception of item (c).
 2. The home business can only be undertaken by the owner of the land and is not transferable.
 3. On the sale of the property or change in ownership of the land the home business entitlement ceases.
 4. All materials and/or equipment used in relation to the Home Business shall be stored within the residence or an approved outbuilding.
 5. The Home Business Approval may be withdrawn by the Council upon receipt of substantiated complaints.

FOOTNOTE

1. The development is to comply with the *Environmental Protection Act 1986*, which contains penalties where noise limits exceed that prescribed by the *Environmental Protection (Noise) Regulations 1997*.



2. The Home Business on Lot 34 Ocean Road is defined in Council's Town Planning Scheme as "a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which —
- (a) does not employ more than 2 people not members of the occupier's household;
 - (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
 - (c) (refer to condition 1);
 - (d) does not involve the retail sale, display or hire of goods of any nature;
 - (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - (f) does not involve the use of an essential service of greater capacity than normally required in the zone.'
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval.

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

CARRIED 10/0

Background

| | | |
|------------|---------------------------------|-------|
| ZONING: | MRS: | Urban |
| | TPS3: | Rural |
| LAND USE: | Residential | |
| LOT SIZE: | 7610m ² | |
| AREA: | Approximately 105m ² | |
| USE CLASS: | Home Business | |

The applicant applied for a Home Occupation on 9 September 2002 under District Zoning Scheme No. 2 to seek permission for a Signs and Graphics Business.

This application was refused under delegated authority on 11 September 2002 as the proposal failed to comply with the definition of a 'Home Occupation' pursuant to District Zoning Scheme No. 2.



The applicant did not appeal this decision.

The City of Cockburn District Zoning Scheme No. 2 has now been superseded with the City of Cockburn Town Planning Scheme No. 3 (gazetted 20 December 2002).

The City has recently been made aware that the business has been operating on the subject site without the prior planning approval of the Council. On 21 February 2003 the City advised the owner that in order for the business to continue operating on the premises, it must be bought into compliance with the 'Home Business' provisions of the City of Cockburn Town Planning Scheme No. 3 and approved by Council.

As previously stated the refused application was made under District Zoning Scheme No. 2 which made no provision for a Home Business which is a more extensive activity.

The City received an application for a Home Business on 20 March 2003.

Submission

The applicant submits the following: -

".....it would be commercially restrictive for the business to be constrained to comply with item (c) in the 'Home Business' provisions.

The Applicant would like Council to give this application special consideration for continuation of the business as it is.

The business is unique and some understanding is required of the processes used for sign manufacture.

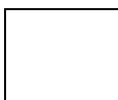
The business ranges from making business cards to billboards. The smaller items can be made within the 50 square metre area, however the larger signs cannot be restricted to this area.

There is no difference in the level of difficulty or noise generation associated with making a 1 metre long sign to a 10 metre long sign.

The main machines used in sign manufacturing are a manual guillotine and a bender. The guillotine gets used more when making the smaller signs as the larger signs are often made from a full size sheet. Compressors or devices that would produce fumes or cause electrical interference are not used. Very little welding is undertaken.

The hourly usage rates per month for each machine are as follows:

- Guillotine 5 hours
- Bender 2 hours
- Mig welder ¼ hour



- *Drills* 3 hours
- *Cut-off machine* 1 hour

The area in which the signs are made is used as a private workshop for general household repairs and maintenance as well as vehicle storage.”

A locality map and a copy of the site plan associated with the Home Business is included in the agenda attachments.

Report

The Applicant proposes a Home Business from his place of residence being 65a Ocean Road, Coogee.

The applicant complies with every requirement under the definition of a ‘Home Business’ (refer to Background section) with the exception of item (c), in that the nature of the sign company cannot be restricted to the 50 square metre requirement under Town Planning Scheme No. 3.

The Applicant confirmed that approximately 35m² of the house and 70m² of the shed is to be used for the business.

The home business does not generate additional vehicular movements over what a normal household would, as the majority of the orders are received by fax or email and signs are generally dispatched by the company.

Since the company has been renting the premises, there have been no complaints from neighbours. In fact, the applicant has received positive and complimentary feedback from neighbours and has submitted letters of support from the adjoining neighbours as part of this proposal.

It is considered that the proposed Home Business can be supported for the following reasons: -

- The rural lot size of 7610m² is bigger than a residential lot and assists in managing any impact of the business on-site.
- Although the Home Business fails to comply with the definition for ‘Home Business’ under Schedule 1 of Town Planning Scheme No. 3, the bulky nature of some of the signs made by the company makes it impossible to restrict the area to less than 50 square metres. It is therefore unreasonable to restrict the area to 50 square metres in this instance;
- It is considered that the nature of the use including the machinery used will have no adverse affect on the amenity of the area, which is otherwise restricted from further development as a result of the Watsonia buffer area; and
- The proposal is supported by neighbouring landowners.



Strategic Plan/Policy Implications

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

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The applicant sought and received letters of no objection to the proposal from the two occupied properties adjoining the subject land. The City did not refer the proposal to adjoining landowners for comment as it was considered the proposal would not adversely affect the amenity of adjoining landholdings.

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

Nil.

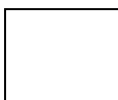
14.10 (MINUTE NO 2027) (OCM 20/05/2003) - OUTBUILDING REPLACEMENT - LOT 304 (356) WATTLEUP ROAD, WATTLEUP - OWNER/APPLICANT: CARL PACEY (412803) (ACB) (ATTACH)

RECOMMENDATION

That Council:

- (1) vary the development requirements to Clause 6.5 of the Town Planning Scheme No.3 and grant approval to the proposed outbuilding on Lot 304 (356) Wattleup Road, Wattleup subject to the following conditions:-

STANDARD CONDITIONS



1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
3. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
4. No activities causing noise and/or inconvenience to neighbours being carried out after 7.00pm or before 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays.
5. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building licence being obtained prior to construction.

SPECIAL CONDITIONS

1. The land tenure arrangement associated with the drainage sump on Lot 304 and the access arrangements through Lot 303 being resolved to the satisfaction of Council prior to commencement of development, and the re-arrangement is to be at no cost to the Council.
2. Any fuels and/or oils are to be stored securely and in such a manner as to limit potential damage to the environment through accidental spillage.

FOOTNOTES

- A The development is to comply with the *Environmental Protection Act 1986*, which contains penalties where noise limits exceed that prescribed by the *Environmental Protection (Noise) Regulations 1997*.
- B The development is to comply with the Building Code of Australia.
- (2) issue a Schedule 9 Notice of Determination on Application for Planning Approval to the applicant.

COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr S Limbert that the



recommendation be adopted.

CARRIED 10/0

Background

| | | |
|------------|-------------------------|----------------|
| ZONING: | MRS: | URBAN DEFERRED |
| | TPS: | DEVELOPMENT |
| LAND USE: | RESIDENTIAL | |
| LOT SIZE: | 3520m ² | |
| AREA: | 432m ² | |
| USE CLASS: | HOUSE - SINGLE (R-CODE) | |

A drainage sump currently exists on Lot 304, a privately owned landholding the subject of this application. The responsibility of the sump lies with the City, as its purpose is to contain and dispose of stormwater drainage from Wattleup Road. It was originally intended to relocate the sump to Lot 303 (Council owned) situated immediately adjacent to Lot 304, but this never eventuated.

In 1998, the City was made aware that Lot 304 was on the market and investigated the possibility of reconstructing the sump on Lot 303. On 12 October 1998 the City's Land Officer requested the City's Construction Engineer to investigate the reconstruction of the sump on Lot 303 in order to identify potential problems with the construction phase.

The City's Construction Engineer examined the land and the existing drainage infrastructure. This revealed that the relocation of the sump to Lot 303 would result in substantial new work and would restrict access to an existing shed on Lot 304 as the owner currently maintains access through Lot 303.

It was suggested that access to the shed be safeguarded by imposition of a 5m easement on the Title of Lot 303. As the land has an area of 225m², this easement would result in a residual area of 100m² (10m by 10m) for the sump, which requires a minimum area of 144m² (12m by 12m).

The sale of the land to the current landowner proceeded. The owner continues to access the shed via an existing crossover through Council's Lot 303. The City did not progress with the sump relocation and the matter remains unresolved.

Submission

The applicant proposes to replace an existing corrugated iron shed on the site. The applicant states that the area of the existing shed is



369.6m² (24m length x 15.4m width x 4.2m height). The applicant proposes replacement of this shed with a Colorbond / Zinalume shed with an area of 432m² (24m length x 18m width x 6m height). The applicant's submission states that the existing shed is falling apart from corrosion and looks untidy with all the add-ons and extensions made by preceding owners over previous years.

The landowner confirmed by way of correspondence dated 11 February 2003 that the purpose of the new shed is for a one-off boat restoration project that will take at least 10 years to complete. The proposed shed will accommodate the restoration of a boat with a length of 18m and height of 5m. The extra width will facilitate the working space for this long-term project.

The applicant's submission states that the proposal *".....is in keeping with other similar shed styles and sizes in the area."*

Report

A shed is defined as an outbuilding under Town Planning Scheme No. 3. An outbuilding means a roofed structure that is enclosed on more than half of its perimeter used for domestic or rural purposes consistent with the Town Planning Scheme.

The subject land is zoned 'Development' under Town Planning Scheme No.3. The intent of the Development Area is to provide for future residential development.

The proposed outbuilding fails to comply with Council Policy APD18, which specifies that the combined floor area of existing and proposed outbuildings and the wall height of proposed outbuildings are not to exceed 100m² and 3 metres height within the development zone. The existing shed already exceeds the minimum size requirements for outbuildings. Replacement of the existing shed with a 432m² shed will result in an additional shed area of 62.4m². This is considered appropriate in this instance given the applicant's intention to replace the dilapidated shed with a new colorbond shed.

Notwithstanding the above, there are a number of issues that must be addressed as part of this application. The land is included within a Development Area, ultimately intended for residential development. Although there has been no structure planning undertaken over this area to date, there is a need to address the drainage issue as it is inappropriate that drainage sumps be located within private landholdings given that maintenance and management of these sumps cannot be guaranteed. It is therefore reasonable to request that this matter be resolved in conjunction with this shed application.

On this basis, the four aspects for consideration of the proposal are the impact the shed would have on the visual amenity of adjoining



properties, the potential for noise from restoration and the drainage sump / access arrangements.

Visual Amenity

As previously stated the proposal involves replacement of a corroded corrugated iron shed (369.6m²) with a 432m² colorbond and zincalume shed. The site has frontage onto Wattleup Road. The existing and proposed shed is positioned approximately 1m from the front boundary line adjoining Lot 303. Notwithstanding non-compliance with Policy APD 18 it is considered that the proposed shed will not have an adverse effect on the visual amenity of the street and will in fact be an improvement on the existing situation on the site.

Noise

The applicant has stated that the shed will be used to restore an old boat. The applicant has obtained the permission of the adjoining owners. Approval of the shed can be conditional to compliance with the *Environmental Protection Act 1986*, which contains penalties where noise limits exceed that prescribed by the *Environmental Protection (Noise) Regulations 1997*.

Drainage Sump and Access

The location of the drainage sump poses a problem for the City in that maintenance and management of the drainage sump cannot be guaranteed. Alternatively, relocation of the drainage sump to Lot 303 removes access to the shed located on Lot 304 as access is currently provided from an existing crossover located through Councils Lot 303. In addition, the cost associated with new infrastructure is undesirable from the City's point of view.

On the basis of the above, the most sensible solution would be to undertake a land swap arrangement with the owners of Lot 304. Severance of a portion of Lot 304 in return for Lot 303 will ensure that maintenance and management of the drainage sump is guaranteed and access to the shed continues from the existing crossover.

Conclusion

For the reasons detailed above, it is recommended that Council approve the shed subject to the conditions contained in the recommendation.

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."*

The Planning Policies, which apply to this item are:-

APD18 Outbuildings

Budget/Financial Implications

The relocation of the drainage reserve to suit the existing sump should be at no cost to the Council.

Legal Implications

N/A

Community Consultation

The applicant sought and received letters of no objection to the proposal from the two occupied properties adjoining the subject land. The City did not refer the proposal to adjoining landowners for comment as it was considered the proposal would not adversely affect the amenity of adjoining landholdings.

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

Nil.

14.11 (MINUTE NO 2028) (OCM 20/05/2003) - PROPOSED PAW CLOSURE - LITTLE RUSH CLOSE/BLACKTHORNE CRESCENT, SOUTH LAKE - APPLICANT: COLIN & DEBBIE ARKWRIGHT (451152; 450716) (JW) (ATTACH)

RECOMMENDATION

That Council not close the pedestrian accessway between Little Rush Close and Blackthorne Crescent, South Lake as it currently provides convenient access to and from the Lakes Shopping Centre and bus services along North Lake Road and its closure would significantly increase the walking distance to these facilities.

COUNCIL DECISION

MOVED Clr A Tilbury SECONDED Clr S Limbert that Council:



- (1) receive the report;
- (2) initiate the closure of the Public Accessway between Little Rush Close and Blackthorne Crescent, South Lake under the provisions of the Local Government Act;
- (3) write to the residents residing in Blackthorne Crescent, Pecan Court, Hackettiana Avenue, Adrina Court and Lessing Place, advising of the Council's decision to initiate the closure of the Public Accessway serving the Lakes Shopping Centre and invite written comments by a specified date, being not less than 21 days from the date of the advice;
- (4) erect a sign at each end of the walkway advising of the Council's decision to initiate the closure of the Public Accessway and invite written submissions from the public; and
- (5) prior to recommending the closure of the Public Accessway, the Council have due regard for any submissions received from the servicing agencies and the public.

CARRIED 8/2

Explanation

The Public Accessway is the subject of anti-social behaviour and is having an adverse effect on the residents living in the abutting properties. Alternative access to the shopping centre can be gained via Elderberry Drive or Mason Court.

Background

This report concerns an application for the closure of a Pedestrian Access Way (PAW) in Little Rush Close/ Blackthorne Crescent in Southlake (see Agenda attachment for location details).

Council has been continually dealing with this issue since 1996. Council resolved at its meetings of August 1996 and June 2001 respectively for this PAW to remain open.

Council planning services has received a letter of complaint. A site inspection, file check and liaison with other Council departments have been undertaken to gain a better understanding of the current situation and to work out a better solution for the problems identified in the complaint.

Submission:



A letter dated 5 March 2003 was received from the owner (26 Little Rush Close) requesting that the public walkway from Little Rush Close to Blackthorn Crescent be closed. A copy of the letter is included in the Agenda attachments.

The letter states that:

"I am writing to you to consider the closure of the laneway. I have lived next to this laneway for the past 17 years and have witnessed this particular laneway go from an easy access to the primary school to a laneway which is now the home of increasing vandalism, drug & criminal activity."

Report

The Pedestrian Accessway (PAW) in question is approximately 65 metres long and 4 metres wide and is flanked by 1.8 metre high fibrous cement fencing. A site inspection held on 28 March 2003 indicates that the PAW was in poor condition with a large amount of rubbish and overhanging vegetation at the eastern side of the PAW.

Council at its meeting of August 1996 resolved to recommend that the PAW remain open after consultation with the neighbourhood and public services authorities including Telstra and Water Corporation. The main reasons were:

1. the residents objecting to the closure use the accessway to walk to the shopping centre and feel that the alternative routes are not as safe and increase the distance to the shopping centre.
2. Telstra has cables through the accessway and the Water Corporation has a water main and a sewer through the accessway.

In 2001, Local Legislative Assembly Member Fran Logan was petitioned by the owners or occupants of eleven South Lake properties seeking the closure of the pedestrian accessway. Mr Logan has sought Council's support for the closure of this PAW as a result of nuisance experienced by adjacent and nearby residents.

A full assessment of the closure of the PAW was undertaken by Council Planning officers under Policy PD 10 (currently Policy APD 21), which provides a framework for evaluating proposals to close a PAW and guidance on the matters Council will take into consideration in order to balance the negative impacts experienced by residents living near a PAW against the wider community need for it. The assessment determined that it was not appropriate to close the PAW principally due to the significantly increased walking distance to the adjoining Lakes Shopping Centre and North Lake Road bus stop for a substantial number of residents. It was also recommended that a number of



measures could be taken to improve the PAW including vegetation removal, motorbike barriers and improved street lighting. Also the Lakes Shopping Centre could be approached to investigate what could be done to improve security in the vicinity of the PAW.

Based on this assessment, Council at its meeting held on 19 June 2001 resolved that:

- (1) *refuse to initiate procedures to close the pedestrian accessway between Little Rush Close and Blackthorne Crescent, South Lake as it currently provides convenient access to and from the Lakes Shopping Centre and bus services along North Lake Road and its closure would significantly increase the walking distance to these facilities.*
- (2) *note the problems being experienced by residents living near the pedestrian accessway and investigate options, (such as improved lighting, pruning vegetation and restricting access) to improve the security and function of the pedestrian accessway and surrounds through liaison with local residents and the Lakes Shopping Centre Management;*
- (3) *monitor the improvements over the next 12 months and reconsider Council's position at that time;*
- (4) *advise those persons who wrote letters requesting the closure of the pedestrian accessway of Council's decision.*

In response to Council's resolution made at the meeting held on 19 June 2001, Council officers have undertaken the following.

Engineering Services

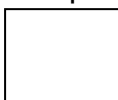
Additional bollards have been installed next to the existing grab rails to further inhibit undesirable use of the accessway in August 2001. The cost of lighting the PAW has been quoted and is estimated to be \$5,000 for budget purposes.

Council's Manager Engineering has confirmed that the lighting is within this year's (2002/03) budget and will be carried out this financial year.

Parks Services

The Parks Department has been requested to clean up the PAW and prune back all overhanging vegetation since 2001.

It would appear that the maintenance of the PAW is an ongoing problem. The Parks Department has subsequently carried out a



cleanup. A more frequent maintenance schedule was also suggested to be included for the crew that maintains Blackthorne Park, which is located in the vicinity of the PAW.

Planning Services

Liaison with local residents and the Lakes Shopping Centre Management would be an option to improve the security of the PAW and the surrounding area. The Planning Services Manager, wrote to the manager of Lakes Shopping centre after receiving the latest complaint, to see if the breezeway of the Lakes Shopping Centre could be closed on either a trial or permanent basis. This is mainly due to the possibility that the walkway provides a speedy exit for people robbing shopkeepers within the Lakes Shopping Centre by escaping through the breezeway as claimed by residents in the area.

In his letter dated 7/04/2003, Mr. Sorgiovanni, the Lakes Shopping Centre Manager replied:

"We advise that in eight years Lakes Shopping Centre has been trading, only one incident has occurred where a shopkeeper was robbed, with the offender escaping through the breezeway and then into a vehicle waiting behind the immediate building.

The centre doesn't currently have a security problem and has actually been at its best for the last 18 months, from its eight year history".

The breezeway access at the centre is used extensively by pensioners on gophers and wheelchair bound persons as it is the only suitable access point. Closing the breezeway would inconvenience residents travelling from nearby Lakelands Retirement Village.

Ranger Services

Ranger Services has been requested to patrol the PAW on a regular basis to improve the security of this area. Council Ranger officer has confirmed that the increased patrolling has been carried out since August 2001, and so far no major problems have been reported to Council.

Community Services

Community Services could undertake a liaison role with local residents.

Community Services has confirmed that Neighbourhood Watch will monitor the PAW once the installation of the lighting and other improvements has been done to see whether there is any significant change to the security of the area.

Strategic Plan/Policy Implications



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

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

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

The Planning Policies which apply to this item are:-

APD 21 Pedestrian Access Way Closures

Budget/Financial Implications

Lighting installation is within the Engineering Department budget and an allowance of \$5000 has been estimated.

Legal Implications

N/A

Community Consultation

N/A

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

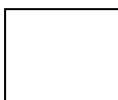
Nil.

14.12 (MINUTE NO 2029) (OCM 20/05/2003) - REVISED STRUCTURE PLAN - TINDAL AVENUE, YANGETUP - PORTION OF DA4 (CELL 9) YANGETUP - OWNER: VARIOUS (9620) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report associated with the revised structure plan for portion of DA 4 Yangetup;
- (2) adopt the Schedule of Submissions as contained in the Agenda



attachments;

- (3) modify the advertised proposed revised structure plan for portion of DA 4 in accordance with Council's responses to Point 3 of Submission 2 and Point 2 of Submission 3 as outlined in the Schedule of Submissions;
- (4) modify the structure plan report in accordance with the Council's response to Point 6 of Submission 2 as outlined in the Schedule of Submissions;
- (5) adopt the revised structure plan for portion of DA 4, modified in accordance with (3) and (4) above; and
- (6) advise the Western Australian Planning Commission and those persons who made a submission of Council's decision.

COUNCIL DECISION

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

CARRIED 10/0

Background

| | | |
|---------|------|---|
| ZONING: | MRS: | Urban |
| | DZS: | Development Zone Development Area No 4 – Yangebup (DA 4) Development Contribution Area No 5 – Yangebup East (DCA 5) |

During 2000, Council prepared and processed structure plans for Cells 9 and 10 Yangebup (now referred to in Town Planning Scheme 3 as DA 4). The structure plans were a composite of proposals previously prepared by Urban Focus and BSD Consultants for landowner groups they were representing.

The Cell 9 structure plan was advertised for public comment between 27 September and 27 October 2000. Council considered the submissions received at its meeting held on 21 November 2000 and resolved to adopt the plan and forward the submissions to the Western Australian Planning Commission.

Applications for approval to subdivide portions of Cells 9 and 10 were also lodged with the Commission at that time and were considered in parallel to the processing of the structure plans. The Commission



conditionally approved the Cell 9 structure plan on 30 October 2001 and Urban Focus's subdivision application (Ref 115265) on 11 December 2001.

A copy of the Cell 9 Structure Plan and the Commission's approval are included in the Agenda Attachments. The area contained within the dashed black border on the plan is the subject of a revised structure plan proposal and the focus of this report.

Report

The Commission, in endorsing the Cell 9 structure plan, required a series of design changes to be made to the plan. In line with these required changes, conditions were placed on Urban Focus's subdivision approval that excluded portions of land from the approval or required amendments to be made to the subdivision layout. In January 2002 Urban Focus requested the Commission reconsider a number of the subdivision conditions and submitted a modified plan, which addressed many of the matters raised in the Commission's approval of the structure plan and subdivision proposal. The Commission finally determined the request for reconsideration in September 2002.

The Commission's determination on the Cell 9 Structure Plan, the subdivision application and reconsideration request, in addition to some recent landowner initiatives, has necessitated the production of a revised structure plan for the south-east corner of Cell 9.

The revised structure plan proposal is included in the Agenda Attachments. The changes include:

Changes resulting from the Commission's Structure Plan Approval dated 30 October 2001:

- Item 3b - The area east of Tindal Avenue redesigned by relocating the R40 coded land identified as backing onto Spearwood Avenue and the Public Open Space (POS) closer to Tindal Ave to improve the accessibility from the R40 area to the neighbourhood centre and make the public open space area more central to the residential area.
- Item 3c - A road connection provided between Tindal Avenue and the road to the west to improve permeability to the neighbourhood centre and the entry point to Cell 9 from Beeliar Drive.
- Item 3d - The portion of the Cell 9 Structure Plan in the vicinity of the proposed commercial site modified to optimise small lot design and opportunity for retail and other commercial use potential, improve walkable access to the neighbourhood centre and to



accommodate a safe and convenient pedestrian crossing of Beeliar Drive.

Changes resulting from the Commission's subdivision approval dated 11 December 2001 and reconsideration advice dated 23 September 2002:

- Condition 6 and Advice Note 3 – The reflection of a comprehensive design of the future commercial centre and surrounds to improve east-west permeability and access to Beeliar Drive for Lots 31 to 33 Tindal Avenue and Lot 101 Beeliar Drive.
- Condition 7 and Advice Note 4 – Redesign of the area between Spearwood Avenue and Tindal Avenue to improve the east west permeability, the range of residential densities (with provision for higher densities in higher amenity areas closer to the proposed commercial centre on more elevated land), access to the proposed commercial centre and the location of the POS.

Landowner initiatives:

- A redesign of lots 61 and 62 proposed by the owners.
- A concept plan for the commercial centre (lot 33) prepared by the Urban Design and Major Places Unit of the Department of Planning and Infrastructure, see Agenda Attachments.
- Proposal for lot 101 to be developed for grouped housing by the City of Cockburn.

Advertising

The proposed revised structure plan was advertised for public comment for 21 days in accordance with the requirements of Town Planning Scheme 3. Copies of the structure plan and report were sent to all owners within and abutting the structure plan area and an advertisement placed in the local paper. The structure plan was not sent to the servicing authorities given that it was similar to the previously adopted plan.

Three submissions were made on the proposal, which are summarised and responded to in the Schedule of Submissions (see Agenda attachments).

Issues arising out of submissions

The submission made by Evans and Gianoli, on behalf of the owners of Pt Lot 59 Tindal Avenue requires mention. A key point made in the submission is that the revised structure plan, by proposing to relocate



an area of POS from the south-east corner of the property to a location adjacent to Tindal Avenue, disadvantages these owners.

The owners' objection to the location of the POS on Pt Lot 59 is noted. The relocation has however been dictated by the Commission, who as detailed above, required that the relocation occur as a condition of its endorsement of the previous Cell 9 Structure Plan. The Commission later confirmed this requirement through its approval of Urban Focus's subdivision application for land adjacent to, but not including, Pt Lot 59. The planning rationale for the requirement to relocate the POS is considered to be sound as the new POS will be accessible and central to a greater number of future lots than the original location.

The submission expresses concern about the process that has effectively led to the forced relocation of the POS on Pt Lot 59. The Commission did not appear to consult with the owners of Pt Lot 59 or their representative in making its determinations, although there is no legal obligation to do so.

The submission also expresses concern about the apparent encroachment of earthworks associated with Beeliar Drive into the south-east corner of Pt Lot 59. The encroachment of earthworks associated with Beeliar Drive onto Pt Lot 59 is acknowledged, albeit it is a separate matter to the consideration of the subject proposal. Council staff are liaising with the landowners and their representatives and various options are currently being investigated to satisfactorily address the matter.

The combination of the POS relocation and the encroachment of earthworks has disgruntled the landowners. Notwithstanding this, the submission has proposed a modification showing a revised subdivisional layout for Pt Lot 59 and the adjoining Pt Lot 58. The location of the POS is in accordance with the Commission's requirement, with the changes relating only to road layout and lot configuration. The redesign has merit in that it proposes a road on the southern boundary of the POS on Pt Lot 59, which is a preferred POS interface treatment. Urban Focus, on behalf of the owner of Pt Lot 58 has indicated its acceptance of the redesign.

Urban Focus in its submission expresses support for the advertised proposal, but has also suggested a minor modification to the design for Pt Lot 60 Tindal Avenue. There is no objection to the suggested redesign as it proposes only a minor road realignment and adjusts the extent of the POS provided to be consistent with the POS schedule approved as part of Urban Focus's subdivision approval.

The suggested modifications from Evans and Gianoli and Urban Focus have been incorporated into a revision to the advertised structure plan proposal (see Agenda Attachments). It is recommended that Council



adopt this revised plan as the basis for future subdivision and development of the relevant portion of DA 4.

Strategic Plan/Policy Implications

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

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."*

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:-

SPD4 'Liveable Neighbourhoods'

APD4 Public Open Space

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

See Advertising in Report section above.

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

Nil.

14.13 (MINUTE NO 2030) (OCM 20/05/2003) - CHANGE OF USE OF EXISTING BOTTLESHOP TO INCORPORATE TAVERN BARS AND DINING AREA - LOT 301 (1) ROCKINGHAM ROAD, HAMILTON HILL - OWNER: KEE VEE PROPERTIES PTY LTD - APPLICANT: THOMPSON ONG & ASSOCIATES (2212274) (CP) (ATTACH)

RECOMMENDATION



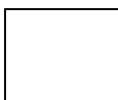
That Council:

- (1) refuse the application by Kee Vee Properties Pty Ltd to establish tavern bars and a dinning area within the existing bottle shop building on Lot 301 (1) Rockingham Road, Hamilton Hill under clause 8.3.2 of Town Planning Scheme No. 3 for the following reasons:
 1. The owner has failed to comply with the terms of the Heritage Agreement entered into as required by Special Conditions 1 and 4 on the MRS Form 2 issued by Council on 31 August 1998;
 2. The applicant has failed to comply with Special Condition 2 on the MRS Form 2 issued by Council on 31 August 1998;
 3. It is apparent the applicant has no intention of complying with their legal obligations by advertising the Newmarket Hotel for sale by auction on 24 May 2003, and as such should not be considered eligible to benefit from any development concession in the form of a conservation incentive by varying Scheme requirements for carparking.
 4. There are insufficient car parking bays either on-site or on adjoining land to accommodate the proposed use, in the absence of a variation being granted from Scheme requirements.
- (2) issue an MRS Form 2 and Schedule 9 Notice of Refusal to the applicant accordingly; and
- (3) advise those who lodged submissions of the Council's decision.

COUNCIL DECISION

MOVED C/r K Allen SECONDED C/r S Limbert that Council:

- (1) receive the report;
- (2) vary the standard development requirements under clause 5.6.1 of Town Planning Scheme No. 3 in relation to car parking provisions;
- (3) approve the proposed alterations to the existing Bottleshop building to incorporate a Tavern/dining area (relocated from Newmarket Hotel) and Sports Bar at Lot 301 (No. 1) Rockingham Road, Hamilton Hill 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 bunting is to be erected on the site. (Bunting includes streamers, streamer strips, banner strips or decorations of similar kind).

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

4. A Building Licence must be issued before any work commences on the site.
5. A detailed plan of all food preparation and storage and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the Building Licence application.
6. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Licence application. Written approval from the Council's Health Service for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system

Conditions to be completed prior to occupation

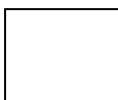
7. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally approved and the land shall not be used for any such purpose.
8. Refuse bins shall be provided adequate to service the development and the bins are to be screened from view to the satisfaction of the Council before the development is occupied or used.



9. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the Council.
10. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
11. A minimum of 2 (two) disabled car bays designed in accordance with Australian Standard 2890.1 – 1993, is to be provided in a location convenient to, and connected to, a continuous accessible path to the main entrance of the building or facility. Design and signage of the bay(s) and path(s) is to be in accordance with Australian Standard 1428.1 - 1993. Detailed plans and specifications illustrating the means of compliance with this condition are to be submitted in conjunction with the Building Licence application.
12. All stormwater drainage shall be designed in accordance with the document entitled “Australian Rainfall and Runoff” 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, to the satisfaction of the Council.

Special Conditions

13. The external conservation works outlined in the letter from Thompson Ong & Associates dated 24 October 2002 (and associated attachments), shall be completed to the satisfaction of the City subject to the requirements of the Heritage Council of Western Australia, outlined in their letter dated 11 December 2002.
14. Commencement of external restoration work to the Newmarket Hotel in accordance with the plan approved by the City by 20 January 2004 and failing that, the approval will be revoked by Council without prior notice.
15. External restoration work to the Newmarket Hotel being completed in accordance with City approved plans by 20 June 2004.
16. The developer entering into a legal agreement with the

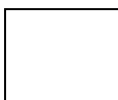


City to ensure compliance with Conditions 13, 14 and 15 above. The legal agreement shall be prepared by the Council's Solicitor at the expense of the developer.

17. The owner(s) shall prepare an easement in gross to provide for vehicular access and parking and pedestrian movement on Lot 301. The easement shall be prepared and registered by Council's Solicitor at the owner's expense.
18. The easement must be registered on the title within 60 days of any part of the development being occupied.
19. The car parking within the road widening on Cockburn Road will only be permitted if Main Roads WA advise that the road widening is no longer required, otherwise all the car parking provided on-site is not to include the area required for road widening.
20. In the event that the Main Roads WA does not require the road widening and the car parking bays are constructed within the road widening area, the construction, care and maintenance of the car parking bays within the road widening will be the responsibility of the land owner, together with any reinstatement that may be required as a result of any works that may occur within the proposed road widening area.
21. The public shall be prevented from gaining access to the rear of the bottleshop/tavern to the satisfaction of the Council.
22. The hours of operation of the tavern are limited to those approved under the Liquor Licence as conditions set by the Office of Racing, Gaming & Liquor.
23. The maximum parking concession shall be 26 bays excluding the bays located on Main Roads WA road widening. Therefore, 37 bays are to be provided wholly on site to serve the bottleshop, Tavern and dining area.
24. The building shall be acoustically designed and constructed by an appropriate qualified engineer to ensure compliance with the environmental protection noise regulations.
25. No bottles shall be disposed of outside the hours approved by the Office of Racing, Gaming & Liquor.

Footnotes

1. The development is to comply with the requirements of the Building Code of Australia.
2. Access and facilities for disabled persons is to be provided in accordance with the requirements of the Building Code of Australia.
3. The use of the premises must comply with the Health (Food Hygiene) Regulations 1993.
4. This development has been defined as a public building and shall comply with the provisions of the Health Act 1911, relating to a public building in the Public Building Regulations 1992. An application to construct, extend or alter a public building is to be submitted with the Building Licence application.
5. The Environmental Protection Act contains penalties where the noise limits prescribed by the Act are exceeded and it is suggested the applicant have due regard for this in the operation of the development.
6. The Council, by granting its approval, in effect exercised discretion under clause 5.6.1 of the City of Cockburn Town Planning Scheme No. 3, by modifying the development standards with respect to the provision of car parking bays from 114 bays required to 88 bays provided, of which 51 are available through reciprocal parking rights on the adjoining land.
7. The lot is within an MRS Clause 32 (No. 57) Notice of Resolution relating to the North Coogee Industrial Area and therefore, a separate approval from the Western Australian Planning Commission is required.
8. Construction of the premises (ie Tavern) must comply with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only).
9. Bin storage facilities to be provided to the satisfaction of the Council's Health Service. Such facilities are to be enclosed, graded to a central drain, connected to the sewer and provided with a hose cock.
10. The development site should be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.



11. The premises shall receive approval from and comply with the requirements of the Office of Racing, Gaming and Liquor.
- (4) issue a Schedule 9 Notice of Determination on Planning Application Approval valid for a period of 2 years;
- (5) refer the application to the Western Australian Planning Commission for consideration and determination under the requirements of Metropolitan Region Scheme Clause 32 (57) Notice, relating to the North Coogee Industrial Area; and
- (6) advise submitters of this decision accordingly.

CARRIED 8/2

Explanation

The approval of the application for development will enable the owner of the Newmarket Hotel to proceed with the renovations required by the Council. The renovation of the historic Newmarket Hotel has been outstanding for many years and needs to be completed as soon as possible.

Background

| | | |
|------------|--|--------------|
| ZONING: | MRS: | Urban |
| | TPS3: | Local Centre |
| LAND USE: | Heritage listed Newmarket Hotel and Bottleshop building | |
| LOT SIZE: | 0.3865ha | |
| AREA: | Sports Bar 115m ² , Lounge bar and dinning area 70m ² , Alfresco drinking area 45m ² , Drive-through Bottleshop 194m ² , Coolroom 68m ² . | |
| USE CLASS: | Tavern = "A" Use | |

On 19 August 1997, the Council resolved to approve a proposed tavern and bottle shop building, showrooms and the redevelopment of the Newmarket Hotel, located on the corner of Rockingham and Cockburn Roads, Hamilton Hill. As the proposal involved internal and external restoration works to the Newmarket Hotel building, Council granted variations to the Scheme provisions in relation to car parking for the tavern and some setback requirements. The variation was granted on the basis of being a conservation incentive for the developers of the Newmarket Hotel site.

On 19 May 1998, the Council resolved to authorise the Director Planning & Development to approve a revised application for the redevelopment of the Newmarket Hotel that included transforming the



original Hotel building back to its original hotel use; developing buildings for showrooms and shops, including a drive-through bottle shop. In granting the approval, a further concession of 23 carbays was granted, again as a conservation incentive for the developers. There were special conditions imposed, requiring preparation of a conservation management plan and conservation works to be carried out on the Newmarket Hotel were to be provided for in a legal agreement. On 28 August 1998 a Deed was subsequently entered into between the developers Kee-Vee Properties Pty Ltd and the City of Cockburn.

The Deed required Kee-Vee Properties Pty Ltd to:

- 1. Provide the City within six months of the date of the issue of a Certificate of Classification for any part of the development, a Conservation Management Plan approved by the Heritage Council of Western Australia for the Newmarket Hotel;*
- 2. Commence external restoration work to the Newmarket Hotel in accordance with the plans approved by the City within 12 months of the date of the issue of a Certificate of Classification for any part of the development;*
- 3. Complete external restoration work to the Newmarket Hotel in accordance with the plans approved by the City within 24 months of the issue of a Certificate of Classification for any part of the development.*

A Certificate of Classification for construction of the bottle shop building was issued by Council on 18 January 2001.

On 20 March 2001 the Council resolved to grant approval for alterations to the existing bottle shop building to incorporate a tavern/dining room area (to be relocated from the Newmarket Hotel) and sports bar. In granting approval, the City re-affirmed the requirements of the legal agreement in respect to the need for an approved conservation management plan to be in place within 6 months of 18 January 2001. In July 2001, no plan was received and the applicant advised on the requirement accordingly. There was no response. Again in February 2002 the applicant was advised of outstanding conditions and a response was received in March 2002, requesting that the Council be tolerant, as the applicant had been delayed by legal action.

However, as the approval issued on 20 March 2001 had not been given effect to within two years of that date, it is deemed to have lapsed, and a fresh application is required in order for the development to proceed.

Copies of the Deed and the March 2001 development approval are contained in the Agenda Attachments.



Submission

On 25 March 2003, an application was received for the alteration of existing bottle shop building to incorporate tavern bars relocated from the Newmarket Hotel, including a Sports Bar, a lounge bar and dining area. Other elements of the proposed use include kitchen and office space, staff amenities and drive through bottle-shop. The application plans are contained in the Agenda Attachment.

The current proposal is essentially a modified version of the lapsed development approval issued by Council on 20 March 2001.

The site plan submitted provides for 52 marked carbays, of which 15 are located spanning the front property boundary on Cockburn Road.

The application was advertised for comment, whereupon 10 submissions were received. Six submitters objected to the proposal, all of which either own dwellings or reside at 14 Boyd Crescent, adjoining the subject site to the east.

Concerns raised relate to:

- Potential adverse effects of nuisance (noise from patrons, vehicles and compressors, antisocial behaviour etc) arising from operation of the tavern for the residents of 14 Boyd Crescent;
- Potential adverse effects of the tavern on property values;
- Inconsistencies in the current proposal with elements of the Liquor Licensing decision;
- Inadequate carparking available for the tavern.

Of the four submissions that did not object, three were conditional upon matters such as:

- Ensuring that the adjoining property (14 Cockburn Road) is not used for parking;
- No access for patrons to the rear of the tavern; restrictions of operating hours, no live bands etc having regard to the proximity of the residential units to the rear.

A summary of submissions is contained in the Agenda Attachments.

Report

In isolation, the proposed change of use of the existing bottle shop building to that as a tavern and bottle shop is a matter that has a certain degree of planning merit, including the appropriateness of the site zoning. The concerns raised in the submissions received can largely be addressed through the imposition of appropriate conditions on development approval as well as via the conditions of the liquor licence. Such issues include controlling noise from within the tavern, limiting public access to the rear of the building and controlling the hours of operation.



Assessment of the proposal under Town Planning Scheme No. 3 indicates the following car parking requirements in respect to the proposed use:

| Function | Car Bays Required |
|-----------------------------|-------------------|
| Sports bar | 57.49 |
| Lounge bar | 18.2 |
| Dinning area | 9 |
| Alfresco area | 22.5 |
| Bottle shop (incl coolroom) | 7.07 |
| Total Required Car Bays | 114.26 = 114 |

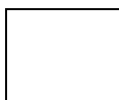
A reciprocal parking easement over the adjoining property at 14 Cockburn Road allows for the use of 51 bays on that site. However, the 15 car bays currently located spanning the Cockburn Road boundary of the site are not permanent car parking spaces and can therefore not be included in the calculations. As such, there is a net parking shortfall of 26 carbays.

As discussed above, previous proposals were granted variations from the Scheme parking requirements by Council, but for only up to 23 bays in those instances. In addition, the variations were only granted on the basis that approved conservation work would be undertaken to the Newmarket Hotel, within a specific timeframe. In terms of the Deed requirements, the owners should have had a conservation plan approved for the hotel by no later than 18 July 2001; the external restoration work outlined in the approved conservation plan was required to be commenced by 18 January 2002, and to be completed by 18 January 2003.

Despite sending letters to the owners on at least four separate occasions over the years reminding them of their obligations under the Deed, the works have still yet to be commenced. Conservation works for the hotel were however recently approved by Council in granting approval to convert the hotel into seven residential apartments on 18 February 2003. Notwithstanding this, the lack of conservation work undertaken to date constitutes a breach of the Deed, and a consequential breach of the relevant 1998 planning approval.

Furthermore, it is noted that the Newmarket Hotel is currently being advertised for sale (by auction on 24 May. Refer to attached advertisement), which indicates the owners have no intention of complying with their obligations under the Deed. To this extent, Council's solicitors have been consulted regarding initiating legal action against the owners.

Compliance with the terms of the Deed is fundamental to the granting of a parking concession for the current proposal. Had the owner



complied with the terms of the deed, then the 23 bay car parking concession would have applied.

It is therefore recommended that the application be refused pursuant to the City of Cockburn Town Planning Scheme No. 3, Part 8, Clause 8.3 "Amending, Revoking, or Refusing a Planning Approval" which states (sub-clause 8.3.2):

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

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 character and historic value of the human and built environment."

The Planning Policies which apply to this item are:-

APD1 Clause 32 Approvals
APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

Legal Implications

Enforcement of the Deed provisions;
Defending any appeal to the Planning Tribunal.

Community Consultation



Application advertised.

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

Nil.

14.14 (MINUTE NO 2031) (OCM 20/05/2003) - PROPOSED OVERSIZED ANCILLARY ACCOMMODATION - LOT 57 GUTTERIDGE ROAD, BANJUP - OWNER: P H & S L CLARK - APPLICANT: DALE ALCOCK HOMES (5519897) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) vary the development requirements pursuant to clause 5.6 of Town Planning Scheme No. 3 and grant approval to the application for oversized ancillary accommodation on Lot 57 Gutteridge Road, Banjup, subject to the following conditions:

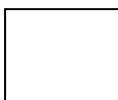
STANDARD CONDITIONS

1. The use of the proposed ancillary accommodation unit shall be in accordance with Part 4, Clause 4.1.1 A1 of the Residential Design Codes of Western Australia with particular regard to sub clause (i)
2. The proposed ancillary accommodation shall be finished in the same materials, colour and design and linked to the main dwelling proposed for the site.
3. All stormwater being contained on site and disposed of to the satisfaction of the City.

SPECIAL CONDITION

4. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the City and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to commencement of development works. This notification is to be sufficient to alert prospective purchasers of the use and restrictions of the ancillary accommodation as stipulated under Condition 1 of this approval. The notification should (at the full cost of the applicant) be prepared by the City's Solicitor McLeods and be executed by both the landowner and the City.

- (2) issue a Schedule 9 Notice of Approval accordingly.



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COUNCIL DECISION

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

CARRIED 10/0

Background

| | | |
|------------|--|--------------------------|
| ZONING: | MRS: | Rural – Water Protection |
| | TPS3: | Resource |
| LAND USE: | Vacant rural land | |
| LOT SIZE: | 2.0001ha | |
| AREA: | Ancillary accommodation 80m ² | |
| USE CLASS: | Not provided for in SPP6 | |

Submission

The applicants seek Council's approval to construct "ancillary accommodation" of approximately 73m² net floor area to the specifications outlined on the plans submitted. The ancillary accommodation is attached to the rear of, but effectively forms an extension to the main dwelling (refer to agenda attachments).

It is submitted in the application that the accommodation is required to house the aging parents of the owners of the land. The parents both suffer medical conditions and are partially dependant on the owners for support. It is also submitted that the parents provide care for their 9 year old grandson and require assistance with providing this care. Statutory declarations have also been received to this effect.

Report

The proposal does not comply with Town Planning Scheme No.3, which states (Clause 5.10.2 (f)):

"Despite clause 5.10.2(a) the local government may allow ancillary accommodation on a lot where-
(iii) in the Resource Zone the net area of the ancillary accommodation does not exceed 60m² and the area of the lot is to be greater than 2ha".

The proposal also does not comply with Council Policy APD11 (Aged and Dependent Persons Dwellings and Ancillary Accommodation on Rural and Resource Zoned Lots) as the floor area of the proposed



ancillary accommodation exceeds 60m² on a lot located in the Resource Zone.

The variation sought in this application amounts to a 22% increase in floor area over the requirements outlined above.

The basis of providing for "ancillary accommodation" and limiting the floor area to 60m² in the Resource Zone is to allow for members of the same family to reside on the property in self contained living accommodation, but at such a scale that the building is clearly 'ancillary' to the use of the principal dwelling on the land. It is the Council's objective to avoid the situation of two dwellings being constructed on a single property.

In terms of the current application, the ancillary accommodation has been designed as an integral part of the main dwelling, being attached and constructed of the same materials, while laundry facilities will be shared. As such, it is considered there will be no discernable indication from beyond the site of there being ancillary accommodation on the lot.

It has been submitted that the floor area proposed is required in order to meet the needs of the two elderly people with medical conditions. Considering the design of the ancillary accommodation and the circumstances of the owner's parents, this is probably reasonable.

On balance, the degree of variation sought from the Scheme and Policy requirements is not considered to be great, while the justification provided is considered to be valid. There will be no adverse amenity effects associated with the proposal, which will appear as a single cohesive building on the lot. Approval of the application is not likely to compromise the integrity of the Scheme, given all the circumstances in this case.

In conclusion, it is recommended that approval be granted subject to the conditions indicated above.

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



"To conserve the character and historic value of the human and built environment."

"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."

The Planning Policies which apply to this item are:-

APD11 Aged or Dependant Persons Dwellings and Ancillary Accommodation on Rural and Resource Zone Lots

Clause 4.1.1 of the Residential Design Codes limits Ancillary Accommodation to a maximum of 60m² on lots of 450m² or more on the same lot as a single house.

Budget/Financial Implications

N/A

Legal Implications

The Council may, under Clause 5.6 of the Scheme vary the site and development requirements, and in respect to the R-Codes General Provision 2.5 provides for discretionary decisions to be made in respect to the acceptable Development Provisions. This would apply to Clause 4.1.1 of the Codes.

Under Statement of Planning Policy No. 6, a dwelling is a 'P use in the Jandakot Groundwater Protection Policy Area. The definition of dwelling under the R-Codes applies to Ancillary Accommodation.

Community Consultation

Not required under the Scheme.

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

Nil.

14.15 (MINUTE NO 2032) (OCM 20/05/2003) - MONTESSORI SCHOOL EXPANSION - 4 HOMESTEAD AVENUE, BIBRA LAKE - OWNER/APPLICANT: BLUE GUM MONTESSORI CHILDREN'S CENTRE INC (1108028) (SM) (ATTACH)

| |
|---|
| <p>RECOMMENDATION That Council:</p> <p>(1) approve the proposed additions on Lot 67; 4 Homestead</p> |
|---|



Avenue 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. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer and designed on the basis of a 1:100 year storm event.
6. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
7. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.

SPECIAL CONDITIONS

8. The total number of students enrolled at the school shall not exceed 100.
9. Parents shall not park on the street pavement or verge area in either Homestead Avenue or Hope Road, with the exception of the verge area abutting Meller Park on Hope Road when dropping off or picking up children.
10. No classes or school related activities are to be conducted on Saturday, Sunday and public holidays, excluding the maintenance of the school buildings and grounds, commencing from beginning of the 2004 school year.



FOOTNOTES

1. No further extensions to the school will be considered, as the current proposal will result in the site being fully developed.
 2. The development is to comply with the requirements of the Building Code of Australia.
 3. The use of the premises must comply with the *Health (Food Hygiene) Regulations 1993* and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only).
 4. This development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, in the Public Building Regulations 1992. An application to construct, extend or alter a public building is to be submitted with the Building Licence application.
 5. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise exceeds the limits prescribed by the *Environmental Protection (Noise) Regulations 1997*.
 6. The drainage of all car parking areas and access ways so as to ensure that the site is drained and provision is made for the disposal, to the satisfaction at all times of the Council, of roof water, water from paved areas and all other stormwater PROVIDED THAT the approval of a particular design to achieve the foregoing purposes or the issue of a building licence shall not imply that the Council is satisfied once and for all that the applicant has complied with this condition and the Council may require compliance with this condition at any time in the future if it is not satisfied that the site has been drained in accordance with this condition. (Ref. Engineering Department)"
 7. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.
- (2) issue a Schedule 9 Notification of Determination on Application for Planning Approval; and
- (3) advise those who made submissions of Council's decision.



COUNCIL DECISION

MOVED Clr V Oliver SECONDED Clr A Tilbury that Council:

- (1) receive the report;
- (2) not grant planning approval for the proposed additions on Lot 67; 4 Homestead Avenue for the following reasons:
 1. The potential for noise between 7:00am and 7:00pm that could adversely affect the amenity and convenience of adjoining residents.
 2. Inadequate parking and student drop-off facilities.
 3. Inadequate outdoor playground area on the site.
 4. Lack of safety for student crossing Hope Road.
- (3) investigate the potential to lease other land in the area for the school to use.

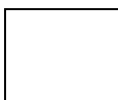
MOTION LOST 2/8

MOVED Clr S Limbert SECONDED Clr A Edwards that Council:

- (1) approve the proposed additions on Lot 67; 4 Homestead Avenue 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 Friday, and not at all on Saturday, Sunday or Public Holidays.
4. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
5. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff"



1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer and designed on the basis of a 1:100 year storm event.

6. All stormwater being contained and disposed of on-site to the satisfaction of the Council.
7. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.

SPECIAL CONDITIONS

8. The total number of students enrolled at the school will not exceed 100.
9. Parents shall not park on the street pavement or verge area in either Homestead Avenue or Hope Road, with the exception of the verge area abutting Meller Park on Hope Road when dropping off or picking up children.
10. No classes or school related activities are to be conducted on Saturday, Sunday and public holidays, excluding the maintenance of the school buildings and grounds, commencing from beginning of the 2004 school year.
11. The school is to establish and immediately implement a formal policy and complaints procedure to the satisfaction of the Council.

FOOTNOTES

1. No further extensions to the school will be considered, as the current proposal will result in the site being fully developed.
2. The development is to comply with the requirements of the Building Code of Australia.
3. The use of the premises must comply with the *Health (Food Hygiene) Regulations 1993* and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only).
4. This development has been defined as a public building and shall comply with the provisions of the Health Act 1911 relating to a public building, in the Public Building Regulations 1992. An application to construct, extend or



| | |
|-----|---|
| | alter a public building is to be submitted with the Building Licence application. |
| 5. | The development is to comply with the <i>Environmental Protection Act 1986</i> which contains penalties where noise exceeds the limits prescribed by the <i>Environmental Protection (Noise) Regulations 1997</i> . |
| 6. | The drainage of all car parking areas and access ways so as to ensure that the site is drained and provision is made for the disposal, to the satisfaction at all times of the Council, of roof water, water from paved areas and all other stormwater PROVIDED THAT the approval of a particular design to achieve the foregoing purposes or the issue of a building licence shall not imply that the Council is satisfied once and for all that the applicant has complied with this condition and the Council may require compliance with this condition at any time in the future if it is not satisfied that the site has been drained in accordance with this condition. (Ref. Engineering Department)" |
| 7. | Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway. |
| 8. | The additional student places provided by the school will require registration under the provisions of the Education Act 1999. |
| (2) | issue a Schedule 9 Notification of Determination on Application for Planning Approval; and |
| (3) | advise those who made submissions of Council's decision. |
| | <u>CARRIED 8/2</u> |

Explanation

Following a meeting between Elected Members and representatives of the school, it was proposed and discussed that no activities causing noise or inconvenience be permitted on Saturday, a complaints procedure be adopted by the school and the increase in the number of students will need to be registered un the Education Act.

Background

| | | |
|-----------|-------------------------------------|-----------------|
| ZONING: | MRS: | URBAN |
| | TPS3: | RESIDENTIAL R20 |
| LAND USE: | PRE-SCHOOL, JUNIOR PRIMARY & MIDDLE | |



| | |
|------------|---------------------------|
| | PRIMARY SCHOOL |
| LOT SIZE: | 2,101m ² |
| AREA: | 191m ² |
| USE CLASS: | EDUCATIONAL ESTABLISHMENT |

Council granted planning approval for a pre-school/ child day care centre on 12 August 1986. In October 1986 the Blue Gum Montessori Children's Centre Inc (the Applicant) placed a holding deposit on the property on the understanding that Council had approved its use as a pre-school centre. The Applicant submitted revised plans for a pre-school, which were approved on the basis that the modifications were minor and that the proposal complied with Council's previous resolution of August 1986.

In April 1990, the Applicant received approval for additions and alterations to the centre, which included an additional classroom and patio. In December 2000, Council approved a new classroom, storage area and toilets. The extensions allowed the school to cater for students from pre-school through to Grade 3. The proposal was circulated to 16 surrounding land owners for comment resulting in 2 submissions being received objecting to the proposal.

Submission

Council received an application, dated 21 March 2003, for additions to the existing Montessori School. The proposed additions include the construction of a classroom, small library, storage room and administration block within a 191m² building on the property's eastern boundary.

The existing school caters for kindergarten/pre-primary students through to middle primary students, consisting of grades 1-3. The proposed additions will allow the school to accommodate existing students who will be moving into grades 4-7.

In accordance with the requirements of Council's Town Planning Scheme No. 3, the proposal was advertised for public comment for 14 days and was referred to 14 surrounding land owners. Eleven submissions were received, 6 objecting to the proposal.

Report

Blue Gum Montessori School is a parent run, not for profit school that places an emphasis on developing a child's natural curiosity and desire to learn. The curriculum is divided into three different age groupings, generally comprising of children aged 3-5, 6-9 and 9-12. The proposed additional classroom will cater for children in the upper primary school category.



Concerns raised as a result of the submissions from neighbouring residents mainly related to noise and privacy, traffic congestion, parking, adequate space for children and total student numbers. Matters raised in the submissions are addressed in the attached schedule of submissions.

Noise and Privacy – The school is located on the corner of Hope Road and Homestead Avenue and abuts 2 residential properties. The proposal has the potential to increase student numbers from 73 students to approximately 100 by 2005. This will inevitably result in greater noise levels than at present. However, it is considered that noise impacts on neighbours will be minimal as the proposed addition incorporates a 24-metre long parapet wall on the eastern boundary, which will act as a barrier to any noise. There is an existing 1.5 metre high brick fence on this boundary, which will be heightened to 1.8 metres to further reduce any noise and privacy impacts to the neighbouring property. The neighbour on the southern boundary has no concerns regarding noise from the school.

Noise from a recently introduced Saturday morning playgroup was raised in one of the submissions.

Concerns were also raised regarding noise from busy bees, which are conducted 4 times a year on the Saturday or Sunday before the start of each semester. It is considered that these busy bees, which are required in order to maintain the school's gardens and play areas be acceptable given their lack of frequency and the nature of the maintenance being carried out. A standard condition could be applied as part of any approval to ensure that the amenity of neighbours is preserved, being "No activities causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am, Monday to Saturday and not at all on Sunday".

Traffic Safety and Parking – The proposal is in compliance with Council's Town Planning Scheme requirements for on-site parking and access. Issues raised by neighbouring land owners included increased traffic on Homestead Avenue, parents utilising neighbouring driveways to turn around when dropping off and picking up children, cars parking on the verge obscuring sightlines on Homestead Avenue and Hope Road and children crossing Homestead Avenue unassisted. The City has conducted 3 site visits to the property in the last month to investigate concerns with traffic associated with the school. Council's Ranger Services visited the site in the morning and afternoon in April and found there to be "no problems" in regard to traffic congestion and cars parking illegally.

Recent surveillance of the school between 8.30 and 9.05 revealed no traffic congestion or dangerous parking practices. The school instructs all parents to accompany their children to the school door and during the aforementioned site visit no students were seen crossing



Homestead Avenue unaccompanied by an adult. Further, only two parent's vehicles turned around in Homestead Avenue and neither utilised a property driveway.

In order to minimise traffic during the afternoon peak period, the School has agreed to stagger pick-up times for children so that the period in which parents can pick-up their children is extended, thereby reducing any potential for traffic congestion.

Adequate Space for Children - Concerns have been raised that there is not enough area set aside for classrooms to cater for the number of students enrolled at the school. The proposal complies with the requirements of the Building Code of Australia and the Health (Public Buildings) Regulations 1992, which require 2m² of classroom space for every student.

The school has a limited amount of space that can be utilised as an outdoor play area for children. The school currently has two separate lunch breaks for junior primary students and middle primary students, so as to reduce noise levels for neighbouring properties and maximise the amount of play area per student. In addition to the existing play area the school has proposed the utilisation of the adjacent Meller Park for Upper Primary students. Arrangements will have to be made with the City to formalise this use, specifying what times the park can be used, the portion of the park to be used and an appropriate fee payable by the school to the City towards the maintenance of the park.

Total Student Numbers – A number of submissions mistakenly stated that the future student population would be 150 children. The school currently has 73 students and the proposed additional classroom will accommodate a maximum of 25 students, totalling approximately 100 students. The proposed additions to the school will see the site fully developed and accordingly any approval issued by Council should cap the maximum number of students at 100.

For the reasons detailed above, it is recommended that Council approve the proposed additions subject to the conditions contained in the recommendations.

Strategic Plan/Policy Implications

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

1. Managing Your City
"To deliver services and to manage resources in a way that is cost competitive without compromising quality."
"To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices."



2. Planning Your City
"To ensure that the 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. Facilitating the needs of Your Community
"To facilitate and provide an optimum range of community services."
"To identify current community needs, aspirations, expectations and priorities of the services provided by the Council."
"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."

The Planning Policies which apply to this item are:-

APD17 Standard Development Conditions and Footnotes

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

The proposal was referred to 14 surrounding land owners for a period of 14 days.

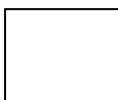
Implications of Section 3.18(3) Local Government Act, 1995

Nil.

14.16 (MINUTE NO 2033) (OCM 20/05/2003) - MANAGEMENT OF COUNCIL ASSETS - FREEHOLD LAND (5402) (KJS)

RECOMMENDATION

That Council require a report to be prepared for its consideration on the development and/or sale of Council's landholdings surplus to requirements to provide funds for the construction of various capital works.



COUNCIL DECISION

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

CARRIED 10/0

Background

As demands in the community increase for improvements in services and public facilities it is important for Council to examine all sources of potential income to fund expenditure to meet the community's need.

Submission

N/A

Report

During discussions at a recent briefing session it was deemed appropriate for Council to consider the development and/or sale of land holdings surplus to requirements to fund such projects as the café/kiosks at Coogee Beach and Bibra Lake, the community facilities at Cockburn Central, and the purchase of land in Cockburn Central for a Council presence.

Council approval is now sought to proceed with the development of a program for the disposal of surplus landholdings, with the proceeds from the sales being transferred to the Land Development Reserve Fund. It is proposed that this Reserve Fund be used to fund the capital projects outlined above.

Strategic Plan/Policy Implications

Council's Vision Statement "Managing the City in a competitive, open and accountable manner" refers.

Budget/Financial Implications

The program of land development and/or disposal would be self-funding and provide funds for capital works projects.

Legal Implications

The Local Government Act 1995 provides for the procedures to dispose of assets such as land.



Community Consultation

Would be carried out as part of the disposal procedures as outlined in the Local Government Act 1995.

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

Nil.

15. FINANCE AND CORPORATE SERVICES DIVISION ISSUES

15.1 (MINUTE NO 2034) (OCM 20/05/2003) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

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

COUNCIL DECISION

MOVED Clr M Reeve-Fowkes SECONDED Clr K Allen that Council receive the List of Creditors Paid for April 2003 as attached to the Agenda, subject to the payment to Ipsaro Farming Pty Ltd being deleted from the top of all but the first page.

CARRIED 10/0

Explanation

Due to a printing set-up error, the first payment on the cheque list to Ipsaro Farming Pty Ltd, has been repeated on all pages.

Background

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

Submission

N/A

Report

N/A



Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

15.2 (MINUTE NO 2035) (OCM 20/05/2003) - REVIEW OF RESERVE FUNDS (5000; 5402) (ATC) (ATTACH)

RECOMMENDATION

That Council set aside money in the appropriate Reserve Funds to allow for the orderly funding of major projects and that the Reserve Funds be reviewed on an annual basis.

COUNCIL DECISION

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

CARRIED 10/0

Background

Council reviews its Reserve Funds on an annual basis.

Submission

N/A

Report



A report on the review of Reserve Funds by the Director, Finance and Corporate Services is attached to the Agenda.

Strategic Plan/Policy Implications

Use of Reserve Funds is in line with Council's Strategic Plan.

Budget/Financial Implications

The proposed movements in Reserve Funds outlined in the report will be used in Council's Principal Activities Plan and the first draft budget for 2003/04. Use of Reserve Funds as set out, may be varied at Budget meeting.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

15.3 (MINUTE NO 2036) (OCM 20/05/2003) - DRAFT PRINCIPAL ACTIVITIES PLAN 2003/04 - 2006/07 (5406) (ATC) (ATTACH)

RECOMMENDATION

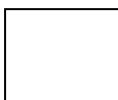
That Council:

- (1) adopt the Draft Principal Activities Plan 2003/04 to 2006/07, as attached to the Agenda; and
- (2) advertise the Principal Activities Plan for public comment on Thursday, 22 May 2003 with public comment closing on Wednesday, 2 July 2003, at 4.00 pm.

COUNCIL DECISION

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

- (1) adopt the Draft Principal Activities Plan 2003/04 to 2006/07 as attached to the Agenda, subject to the following amendments:
 1. All references to 'Beeliar Central' being substituted with



'Cockburn Central'.

- 2, Performance Measure #6 on page 11 reading: 'Level of community satisfaction with Council's:
- Communication (80% satisfied)
 - Consultation (see note)

3. Note 1 on page 14 reading 'Council is considering constructing a new Community Facilities building at Cockburn Central in 2005/06, to commence operation in July 2006. Construction costs of the proposed facilities are shown in the Community Services Schedule.'

- (2) advertise the Principal Activities Plan for public comment commencing Thursday 22nd May 2003, with public comment closing on Wednesday 2 July 2003 at 4.00pm.

CARRIED 10/0

Explanation

The proposed Regional Centre in Jandakot is referred to as 'Cockburn Central' rather than 'Beeliar Central'. A more useful target for the community's satisfaction with Council's consultation would be set, taking into account actual results from future surveys. Council has not yet decided (a) whether to build the proposed community facilities at Cockburn Central, or (b) what activities will be included at the proposed facility.

Background

Under the Local Government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The Plan must be developed in conjunction with the community and when finalised, will be the basis for adoption of the annual budget for the Council.

Submission

N/A

Report

The Draft Principal Activities Plan for the period 2003/04 to 2006/07 is attached to the Agenda.

The Draft Plan is required to be available for public comment for a period of six weeks. It is intended to advertise the Plan as being



available from Thursday, 22 May 2003 with public comment closing on Wednesday, 2 July 2003 at 4.00 pm. Comments on the Plan and the proposed final Plan would then be submitted to Council at its meeting on 15 July 2003.

Strategic Plan/Policy Implications

The Draft Principal Activities Plan describes its links to the corporate Strategic Plan.

Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

The Draft Plan be made available for public comment on Thursday, 22 May 2003 until 2 July 2003.

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

Nil.

15.4 (MINUTE NO 2037) (OCM 20/05/2003) - FREMANTLE HOUSING ASSOCIATION INC. - OBJECTION AGAINST REFUSAL TO ALLOW RATES EXEMPTION (8628) (KL) (ATTACH)

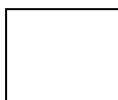
RECOMMENDATION

That the Chief Executive Officer instigate negotiations with Fremantle Housing Authority Inc. (FHA) in regard to their claim for rates exemption and report back report back to Council the results of discussions held.

COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0



Background

Council at its Meeting on 19 November 2002, resolved to advise the Fremantle Housing Authority (FHA) that it is not prepared to grant rates exemption on a number of properties owned and leased by the Association (properties as listed under the Report - exemptions not granted).

Submission

Correspondence was received from the FHA in August 2002 lodging an objection pursuant to Section 6.77 of the Local Government Act against the rates record with respect to twenty-three(23) properties which the Association manages.

Fremantle Housing Association Inc. states:

1. Each parcel of land is used exclusively for charitable purposes in consequence of which the land is not rateable by the operation of s.6.26(2)(g) of the Act.
2. Fremantle Housing Association is a charitable institution endorsed by the ATO and the provision of the service is carried out in line with the charitable objects in the Constitution.
3. The land is used to provide secure, affordable and appropriate accommodation for people in financial need.
4. Residents receive a community based landlord service that is responsive to residents needs.
5. The provision of community housing accommodation directly relieves housing related poverty and is a public benefit.

Report

The FHA has appealed under Section 6.76 of the Local Government Act 1995 against Council's refusal to grant their group exemption from rates. This required Council to refer the matter to the Land Valuation Tribunal.

At the request of FHA legal representatives, Jackson MacDonald, a meeting was convened to discuss the extension of the consent orders in regards to dates to which certain matters were to be dealt by the Land Valuation Tribunal, and the FHA to put forward its reasons why it believes that they should be given exemption on the properties requested. A summary of the discussions is contained in McLeods letter dated 4 April 2003 which is attached to the confidential report forwarded under separate cover.



As a result of that meeting it appears that there may be some room for negotiations which may resolve the dispute. It is proposed that the Chief Executive Officer be given authority to instigate negotiations and report back to Council the results of those discussions.

A confidential report together with copies of the legal advice from McLeods has been forwarded to Elected Members under separate cover.

Strategic Plan/Policy Implications

"Managing Your City" refers

Budget/Financial Implications

Current rates levied total \$18,220.

Legal costs will be incurred depending on Council's position at the Land Valuation Tribunal.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

16. ENGINEERING AND WORKS DIVISION ISSUES

16.1 (MINUTE NO 2038) (OCM 20/05/2003) - REGIONAL RESOURCE RECOVERY CENTRE - RRRS LEVY (4900) (BKG) (ATTACH)

RECOMMENDATION

That Council advise the Southern Metropolitan Regional Council (SMRC) that subject to all project participants agreeing to the proposal it:

- (1) agrees that the SMRC may apply on Cockburn's behalf for the RRRS Levy for waste material received and processed at the RRRC from the general public (trailer and commercial) greenwaste and all municipal/commercial solid waste processed through the Bedminster facility;



- (2) agrees to the creation of a Reserve fund for the RRRC project for the purposes of future capital infrastructure expenditure and capital debt reduction for the Western Australian Treasury Loans;
- (3) agrees that the SMRC allocates the waste management levy fund rebates for trailer greenwaste and municipal solid waste to the SMRC for the purposes of the RRRC infrastructure reserve fund; and
- (4) requests that the policy is formulated so that it is clear that:
1. Funds will only be spent on capital items that are the five project participants responsibility.
 2. The contributions to the capital expenditure will be in proportion to each project participants contribution.
 3. Each project participant's contribution can be identified in the reserve account and reported on a 6 monthly basis.
 4. The maximum amount of funds that will be retained in the reserve fund is \$500,000 when there is no adopted budget for expenditure in excess of \$500,000.
 5. If there is no adopted budget for funds in excess of \$500,000 and an excess eventuates then the balance shall be used to reduce RRRC project loan debt.

COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

Under current state legislation each local government can obtain a refund from the waste management levy for each tonne of waste it recycles and does not take to landfill.

The City of Cockburn's income from this source is going to increase because all of its organic domestic waste (contents of green top bin) will now be reprocessed into compost and not taken to landfill.

Submission



A letter has been received from the Southern Metropolitan Regional Council advising at its meeting held on 20th March 2003 it was resolved that:-

- 1) The Southern Metropolitan Regional Council create a Reserve Fund, for the RRRC project for the purposes of future capital infrastructure expenditure and capital debt reduction for the WATC loans. The reserve fund is to be known as the "RRRC Infrastructure Reserve Fund".
- 2) The Southern Metropolitan Regional Council seek the approval of the RRRC project participants to allocate the Waste Management Levy fund rebates for Trailer Green Waste and Municipal Solid Waste to the SMRC for the purposes of the RRRC Infrastructure Reserve Fund.
- 3) The SMRC Chief Executive Officer prepare a policy on the use of the RRRC Reserve Fund.

Report

The RRRS rebate is a State Government initiative to provide a financial incentive to local Councils to embrace domestic municipal waste recycling. The funding of this initiative is provided through the Waste management levy fund, which currently imposes a \$3 per tonne tax on every tonne of waste material that enters a class 2, 3 and 4 landfills. The State Waste Management Board on behalf of the Minister of the Environment manages the fund.

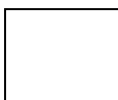
The current structure of the fund requires that 50% of the revenue generated by the \$3 tax is allocated as a rebate to local governments that reduce the amount of domestic municipal waste entering landfill.

In the case of the RRRC project, the SMRC through its weighbridge identifies and measures the quantity of Recyclables and Green Waste brought to the facility by each member council and warrants the quantity of material that is diverted from landfill. This information is provided to the member councils for their submission to MWAC.

Trailer Green Waste that is brought to the facility by domestic residents is claimed by the RRRC.

Future RRRS rebates

With the completion of the Bedminster in vessel composting facility the SMRC will be able to claim for approximately 80% of the Municipal Solid Waste (MSW) entering the facility (71,200 tonnes/yr). The value of this rebate is unknown, because the value is a function of the total quantity of diverted waste divided by the value of the levy fund



allocated for rebate purposes, but it is estimated to be in the order of \$450,000 per year.

It is proposed that this additional income be placed in a reserve fund for the RRRC. This reserve fund will be an asset owned by the SMRC on behalf of the 5 project participants Cockburn, Canning, Melville, East Fremantle and Fremantle.

It is not proposed that the present income received from co-mingled recyclables or municipal greenwaste taken to the RRRC be placed in the reserve account. This will continue to be returned to the participating Councils.

Only the future additional income could be put in the reserve account.

The purpose and use of the Regional Resource Recovery Centre (RRRC) infrastructure reserve is for future capital infrastructure expenditure. Surplus funds as determined by the regional Council would be used to reduce the RRRC project loan debt.

A draft copy of the policy for the Infrastructure Reserve Fund is attached.

To ensure that the policy is clear it is recommended that the SMRC confirms that the policy covers the following:

1. Funds will only be spent on capital items that are the five project participants responsibility.
2. The contributions to the capital expenditure will be in proportion to each project participants contribution.
3. Each project participant's contribution can be identified in the reserve account and reported on a 6 monthly basis.
4. The maximum amount of funds that will be retained in the reserve fund is \$500,000 when there is no adopted budget for expenditure in excess of \$500,000.
5. If there is no adopted budget for funds in excess of \$500,000 and an excess eventuates then the balance shall be used to reduce RRRC project loan debt.

As there will be an on-going requirement for funds to be expended at the Regional Facility and the proposed income is not currently contained within the Council's budget, it is recommended that the proposal be accepted.

Strategic Plan/Policy Implications



One of the commitments in the Corporate Strategic Plan is –
To manage the City’s waste stream in an environmentally acceptable manner.

Budget/Financial Implications

There will be no impact on Council’s current budget.

The expected increase in income from recycling the organic material in the green top bins instead of it going to landfill for Cockburn is \$50,000. This is dependent on quantities and the amount of funds in the levy account. This is the amount that will be retained in a reserve account at SMRC on behalf of Cockburn Council.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

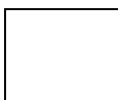
16.2 (MINUTE NO 2039) (OCM 20/05/2003) - OPTIONS AVAILABLE TO THE COUNCIL TO INCREASE ITS WATER USAGE EFFICIENCY (4703) (AC)

RECOMMENDATION
That:

- (1) Council receive the report;
- (2) the outcomes of the report be considered as part of the 2003/04 Budget discussions.

COUNCIL DECISION
MOVED Clr L Goncalves SECONDED Clr V Oliver that the recommendation be adopted.

CARRIED 10/0



Background

At its meeting held on Tuesday 15th October 2002, the Council considered Agenda Item 22.2 from OCM 15/10/2002 and resolved to support a request from Deputy Mayor Graham, that a report be prepared on options available to Council to increase its water usage efficiency. The report was to include:

- (a) Background information on Council's water usage;
- (b) Canvass options available to Council to increase the efficiency of its water usage;
- (c) Address any related issues regarding Council's water usage systems.

This resolution was recorded as Minute No.1812: Matters To Be Noted For Investigation Without Debate – Water Usage Efficiency.

Submission

N/A

Report

Council's resolution relating to Item 22.2 from OCM 15/10/2002 (Water Usage Efficiency), does not specify if all water usage purposes should be included in this report. It is assumed that information and recommendations are being sort on efficiency options available for water used to irrigate parks and streetscapes. Consequently, this report is limited to those options.

Background Information On Council's Water Usage

General

Collectively, local authorities, private providers and residential property owners consume 48% of all groundwater used within the Perth Groundwater Region, for irrigation of parks, streetscapes, recreational areas and domestic gardens. Simultaneously, lawns and gardens account for 43% of all scheme water used in Perth households (Weaver 2002). While comparative figures are not available, it is likely that the City of Cockburn would utilise groundwater at a similar ratio to that of other metropolitan local authorities.

For the purpose of clarity and discussion, background information on Council's water usage has been separated into three categories. These are:

- The extent of irrigation within the City;
- Details describing the condition of the existing infrastructure; and
- The irrigation strategy being implemented by the City

Extent of Irrigation



The City of Cockburn has an extensive network of irrigation infrastructure, comparable with that of other local authorities. The table below details the extent of this infrastructure. However, not included is that associated with the anticipated 8 hectares of public open space and streetscapes that is expected to be ceded to the City each year, for the next 10 years, as a result of new residential subdivisions.

| | |
|--|-------------------------------|
| Sports Grounds Locations Irrigated | 23 |
| Park Locations Irrigated | 126 |
| Street Garden Locations Irrigated | 250 |
| Hectares of Grass Irrigated | 230 (approximately) |
| Hectares of Garden Beds (street gardens) | Unknown |
| Hectares of Garden Beds (on parks) | Unknown |
| Number of Irrigation Systems | 135 |
| Number of Bores | 118 |
| Number of Scheme Water Connections | 10 |
| Number of Sprinklers | 16,000 |
| Number Centrally Controlled Sites | 18 equals 15.25% of total |
| Replacement Cost Pipes and Sprinklers | \$4 million |
| Replacement Cost Cubicles & Controllers | \$708,000 |
| Replacement Costs Bores and pumps | \$4.7 million (approximately) |

Condition of Existing Infrastructure

The standard time set by the irrigation industry, before a new irrigation system has reached the end of its serviceable life and requires replacement, is 20-25 years. Of the 135 irrigation systems currently being maintained by the City, it is estimated that:

- 11.85% are 20 years or more in age (replacement value \$557,898);
- 22.96% are 15 years or more in age (replacement value \$1,080,956);
- 33.33% are 10 years or more in age (replacement value \$1,569,176);
- 31.86% are 10 years or less in age (replacement value \$1,499,968).

*Note: Replacement value excludes bores and pumps
Street garden irrigation systems are not included*

Irrigation Strategy

The City's water application strategy is based on research undertaken by the University of Western Australia (School of Plant Biology, Faculty of Natural and Agricultural Sciences), in collaboration with the turf industry. During 1995 the UWA Turf Industries Steering Committee was established to address research issues related to the management of turf in Western Australia. During the period 1997–2002, this steering committee successfully initiated, developed, funded and managed



research that determined, for the first and only time, the water requirements of turf on the Swan Coastal Plain.

In summary, the research findings determined that the minimum average water required to satisfactorily sustain warm season turf grasses in Perth is 35 to 40 millimetres per week over the summer period. Of particular importance to note is that these volumes were determined under ideal conditions. That is, uniform irrigation efficiency, low wind conditions, no wear from sports and other activities and ideal growing media. In less than ideal circumstances greater volumes may be required.

In accordance with the research findings the City has established a summer period target irrigation rate of 35 to 40 millimetres per week to be applied over 5 days (Monday to Friday) within an operating time of 5 hours per night between midnight and 5:00 AM.

Applying 35–40 millimetres over 5 days enables the City to avoid watering on Friday and Saturday nights, which are the peak times for vandalism, while at the same time remaining within the recommended maximum application rate of 10 millimetres per watering. An operating window of 5 hours per watering, between midnight and 5:00 AM, enables sports training to take place during the evening, reduces the incidents of vandalism attacks, reduces the problem of spray drift wetting passing traffic, reduces the potential of sprinkler operating noise from disturbing adjacent residents and averts the need for early morning joggers and walkers from having to negotiate spray from sprinkler systems.

For a variety of reasons the City's watering strategy targets are not always being achieved at each location. Reasons for not achieving the target are associated with one or a combination of the following:

1. Inefficient Systems

Many of the City's irrigation systems are not efficient, due to aging infrastructure and the inadequate designs of older systems, which were largely based on design principles that have been demonstrated to be inappropriate for the Perth region. Exactly how efficient or inefficient the City's systems are is not known, because efficiency audits have not been conducted. Aging infrastructure and inadequate designs primarily affect the precipitation uniformity coefficient of irrigation systems. Consequently, it is impossible to apply the target of 8 millimetres of water per application uniformly across the site. To ensure that the desired minimum of 8 millimetres of water essential for sustaining grass growth is achieved, in areas of low uniformity turf managers are required to operate the systems longer than desired. The result is more than 8 millimetres being applied in areas serviced by those parts of the system where uniformity is high. Any application of water greater than the targeted 8 millimetres is wasted water.



2. Extended Systems

The practice of adding sprinklers to extend irrigation systems to cover areas that were not part of the original designs has increased the overall running times of many systems, compromising the possibility of completing the cycle within the targeted midnight to 5:00 AM operating window.

3. Single Bores Servicing Multiple or Large Sites

Large numbers of sprinklers connected to individual pumps, for the purpose of avoiding the cost of constructing additional bores and associated electrics inadvertently results in long running times, compromising the possibility of completing the cycle within the targeted midnight to 5:00 AM operating window.

This scenario is common across the City and usually occurs where a very large site should have been serviced with two separate bores and pumping systems and where two separate parks are serviced from a single bore and pumping system.

Note: This practice does not necessarily affect the system in terms of delivering water efficiently to a site, it simply extends the running time, necessitating an early than midnight activation of sprinklers or a later than 5:00 AM finish.

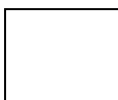
Options Available to Council to Increase the Efficiency of its Water Usage

In discussing water use, misunderstanding often occurs between the terms efficiency in water use, volume of water used and source of water used. Therefore, it is important to differentiate between them. Efficient water use, for irrigation purposes, implies the use of water in such a way as to avoid waste, whereas volume refers to the amount of water used, which may be used efficiently or otherwise.

In the Perth metropolitan area, water for irrigation purposes is usually sourced from scheme water or bore water. However, there is an increasing potential for recycled water to be used for irrigation purposes. Options available to the Council are therefore categorised in three parts:

1. Options Available To Increase Efficiency Of Water Usage

The only option available to the Council, to increase its efficiency of irrigation water usage, is to accelerate the irrigation system asset replacement program to ensure that all systems are state of the art designs. Currently, \$250,000 per annum has been listed in the City's Principal Activities Plan for the replacement of irrigation systems. To replace all systems that will, within the next 5 years, have exceeded or have reached the end of the 20 year life cycle established by the irrigation industry, before replacement is necessary, an estimated \$1,639,000 will be required. This equates to \$327,800 per year for the next 5 years, an increase of \$77,800 per year more than currently



allocated in the City's Principal Activities Plan. *Please note: this does not include the cost of replacing bores and pumping units that may fail during the 5 year period. An additional \$100,000 per year should be set aside to replace bore and pumping units.*

The total cost per annum for the next 5 years, to ensure that the Council's irrigation systems are approaching acceptable efficiency levels, across the City, is \$427,800 per year.

Council could:

- (1) include in the forward plan an amount of \$327,800 (which includes the existing \$250,000 already listed in the Principal Activities Plan), each year for the next 5 years, to accelerate the irrigation system asset replacement program to ensure that all systems are state of the art designs;
- (2) include in the Principal Activities Plan an amount of \$100,000 per year for replacing bores and pumping units that may fail during that time.

Options Available To Reduce The Volume Of Water Used

Two primary options are available for reducing the amount of water used for irrigation of parklands and streetscapes. The Council may resolve to reduce the number of parks and streetscapes that are irrigated; and/or reduce the standard of turf and garden beds by reducing the amount of water applied to them.

It is unlikely that the community would readily agree to turning off or reducing the amount of water irrigating existing parklands and streetscapes. Notwithstanding this, there is an opportunity for the Council to maintain the status quo of established areas not yet serviced by irrigation systems, by choosing to leave them as dry landscapes, and limiting through the approval process for new subdivisions, the area that can be irrigated. For example, it is the propensity of land developers to establish lavish entry statements and extensive irrigated streetscapes in new development areas, for the purpose of selling land. The Council can establish limitations setting a maximum total area of irrigated landscaping per area of road reserve, to minimise the volume of water used.

Council could adopt a policy to include, through the approval process for new subdivisions authorise officers to refuse approval for irrigated grass within road reserves, limit approval of irrigated garden bed areas within road reserves to traffic control devices such as roundabouts and limit approval of irrigated landscaped areas within road reserves to irrigation of trees only.

Options Available To Source Water



In the Perth metropolitan area, irrigation water has been traditionally sourced from scheme water and bore water supplies. In recent years State Government regulatory authorities have expressed concern at the amount of potable water from the states scheme water infrastructure being used to irrigate parks and gardens. To this end, they have encouraged consumers to convert from scheme water systems to bore water systems. The City of Cockburn has 10 separate irrigation systems connected to scheme water supplies. An available option to the Council is to convert these sites from scheme water to bore water supplies. The estimated cost to undertake this work is \$50,000. This is considered to be a cost effective option, as each system only requires a relatively small water supply, which can be serviced from domestic sized bores, pumps and control systems.

Council could provide an additional amount of \$50,000 in the 2003/2004 budget for the conversion of the City's scheme water supplied irrigation systems to bore water supplies.

During 2002 the then Department of Environmental Protection – Water and Rivers Commission, advised the City that the Kwinana Peel regional office of the Department of Environment Water and Catchment Protection was undertaking preliminary discussions with key stakeholders in the region, regarding the use of wastewater as an alternative to scheme water and water from natural systems.

The City of Cockburn is considered to be a key stakeholder. Their objective is to re-use some of the 45 gigalitres of treated wastewater that flows into the ocean at the Sepi depression at the back of Garden Island, as an alternative source to scheme and bore water. While investigations are still in the very preliminary stages and cost impacts are yet to be determined, there may be a future opportunity for the Council to utilise this water. However, it is important to note that the use of recycled water will attract a charge per litre compared with the free of charge use for bore water.

Related Issues Regarding Council's Water Usage Systems

Issues currently being considered by the Western Australian Department of Environment, that have the potential to impact on the Council's water usage systems include:

- Day time Sprinkler Bans;
- Water Licence Annual Fees; and
- Protection of Water Resources.

1. Day time Sprinkler Bans

During March 2003 the Premier, Dr Gallop, formally announced that day time sprinkler bans would be extended to include State and Local Government users from the 1st July 2003. It is anticipated that these bans will have little affect on the City of Cockburn's irrigation strategy, because all of the Council's systems have been installed with



programmable controllers enabling them to be activated at night. Some adverse comments may be received at times when systems are being run during the day for maintenance purposes or to establish new plantings. To date details and the nature of any exemptions to the bans regarding maintenance and testing have not been determined or published by the Department of the Environment.

2. Water Licence Annual Fees

The State Government has requested the Department of Environment to work with water user representatives to consider ways to recover some of the increasing costs of water management from licensed and commercial users who currently use water at no charge. One of the stakeholder user groups being canvassed to help develop options for an equitable funding model for further consideration by State Cabinet is the Western Australian Local Government Association (WALGA). In turn WALGA has developed a group of local government officers to provide advice to them, to be forwarded to the Department of Environment for consideration. The City of Cockburn's Manager of Parks is a participant in this group and is well placed to advise the City of developments that may impact on the Council's budgets or operational strategies. It is anticipated that the most likely model will be the charge of an annual levy on each bore licence issued. The Council currently has 118 bore licences that will potentially attract a licence fee.

3. Protection of Water Resources

Existing water restrictions, and further restrictions recommended by the State Water Symposium, are designed to protect and conserve the states water resources by minimising water usage and preventing nutrient leaching (e.g. nitrogen and phosphorus) into ground and surface-water reserves. These restrictions will have considerable impact on both the City's water usage and fertiliser strategies, which are inextricably linked.

While the community may welcome restrictions that have been designed to protect the environment, they may not fully welcome a reduction in the quantity and quality of their sports fields, golf courses and parklands. As a result, the City will face a considerable increase in pressure to retain budgets, while, simultaneously protecting the environment and maintaining the quantity and quality of its amenity turf grass assets. To meet these divergent objectives credible scientific information on management practices that maximise turf quality, while minimising environmental impacts such as water consumption and nutrient leaching from turf grasses established in Perth's sandy soils is required. Unfortunately, such information specific to Perth's environment is limited.

To overcome this considerable knowledge gap, The University of Western Australia (School of Plant Biology, Faculty of Natural and Agricultural Sciences), in collaboration with the turf industry,



established a 'Turf Research Steering Committee', (The City of Cockburn's Manager of Parks is a member of this steering committee) will conduct research that will provide practitioners with scientifically valid information regarding the establishment and maintenance of turf in Western Australia. This research is recognised as some of the most important in progress in Australia. (McMaugh, P. (2003) Choosing grasses that use less water. Turf Craft, issue 89 p20 March/April 2003)

During the period 1997–2002, the Turf Research Steering Committee successfully initiated, developed, funded and managed research that determined the water requirements of turf on the Swan Coastal Plain. Projects to be undertaken in the period 2003/04 to 2006/07 are designed to include, but are not limited to, the provision of information on:

1. Maximising Kikuyu turf growth and quality, while minimising water use and nutrient leaching into the water table;
2. Assessment of irrigation efficiency and its impacts on water-use for improved water use efficiency; and
3. Affects of turf renovation practices on nutrient and water-use efficiency.

Contributions are being sort by the University of WA from Local Governments to fund this research. It is recommended that the Council make a contribution, as Local Governments stand to benefit the most from the research outcomes, because they are the primary end users of the information to be obtained. In context of the overall funding requirements contributions from local government represents a significant advantage in terms of expenditure to return ratios.

Cost Estimates for the Research

| | 2003/04 | 2004/05 | 2005/06 | 2006/07 |
|-----------------------------|-----------|-----------|-----------|-----------|
| Total Estimated Expenditure | \$143,000 | \$212,000 | \$225,000 | \$225,000 |

| Source of Income | | | | |
|----------------------------|----------|----------|-----------|-----------|
| Horticulture Australia Ltd | \$64,000 | \$95,000 | \$101,000 | \$101,000 |
| Other Contributions | \$29,000 | \$67,000 | \$74,000 | \$74,000 |
| Local Governments WA | \$50,000 | \$50,000 | \$50,000 | \$50,000 |

| | | | | |
|---|-----|-----|-----|-----|
| Percentage of Total Cost Estimate to be sourced from Local Government | 34% | 23% | 22% | 22% |
|---|-----|-----|-----|-----|

| | | | | |
|---|------|------|------|------|
| Percentage of Total Cost Estimate requested from the City of Cockburn | 3.4% | 2.3% | 2.2% | 2.2% |
|---|------|------|------|------|

Council could:



- (1) provide \$5,000 in the 2003/2004 budget as a contribution towards research into the establishment and maintenance of turf on the Swan Coastal Plain, to be undertaken by the University of Western Australia's School of Plant Biology - Faculty of Natural and Agricultural Sciences, on behalf of local government.
- (2) include in the forward plan an amount of \$5,000 each year for the next four years, as a contribution towards research into the establishment and maintenance of turf on the Swan Coastal Plain, to be undertaken by the University of Western Australia's School of Plant Biology - Faculty of Natural and Agricultural Sciences, on behalf of local government.

Strategic Plan/Policy Implications

The corporate strategic plan key result areas that apply to this item are:
Managing Your City

"Managing in a competitive and accountable manner."

Planning Your City

"To ensure that the development will enhance the levels of amenity currently enjoyed by the community"

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"

Budget/Financial Implications

An additional amount of \$77,800 per year for the next 4 years could be included in the forward plan, to accelerate the irrigation system asset replacement program to ensure that all systems are state of the art designs.

An additional amount of \$100,000 per year could be included in the forward plan for replacing bores and pumping units that may fail each year.

An additional amount of \$50,000 will need to be included in the 2003/2004 budget, if the City's scheme water supplied irrigation systems to bore water supplies.

An amount of \$5,000 should be considered as part of the 2003/2004 budget as a contribution towards research into the establishment and maintenance of turf on the Swan Coastal Plain, to be undertaken by the University of Western Australia's School of Plant Biology - Faculty of Natural and Agricultural Sciences, on behalf of local government.



An amount of \$5,000 each year for the next 4 years should be included in the forward plan as a contribution towards research into the establishment and maintenance of turf on the Swan Coastal Plain, to be undertaken by the University of Western Australia's School of Plant Biology - Faculty of Natural and Agricultural Sciences, on behalf of local government

Legal Implications

N/A

Community Consultation

N/A

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

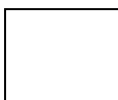
Nil.

16.3 (MINUTE NO 2040) (OCM 20/05/2003) - SOUTH JANDAKOT MAIN DRAINAGE (4858) (BKG)

RECOMMENDATION

That Council:

- (1) adopts the report – Russell Road Arterial Drain Scheme for the Southern Suburbs District Planning Area dated April 2003 prepared by David Wills & Associates;
- (2) requires all subdivisions within the boundaries of the South Jandakot Drainage Area to conform to this plan;
- (3) advise Western Australian Planning Commission of (1) and (2) above and request they obtain the agreement of the Minister for the Environment to the requirement that all subdivisions within the boundaries of the South Jandakot Drainage Area conform to the plan in (1) and therefore satisfy Ministerial Condition 2 as set out in EPA Bulletin 429 published in March 1990 and EPA Bulletin 891 published in July 1996;
- (4) approve of the engagement of suitably qualified consultant by the Director, Engineering and Works on an as required basis to assess that proposed subdivision and large developments do conform to this plan;
- (5) advise Western Australian Planning Commission that the condition for compliance with the South Jandakot Drainage Plan



is a requirement of the Water & Rivers Commission and its approval is also required to ensure the groundwater levels in the area do not rise to an extent where flooding damage may occur or be lowered so as to affect the wetlands and natural vegetation in the area; and

- (6) request the Water Corporation to advise Council of its proposals and programme to construct the Russell Road buffer lake and the connecting drain to the Hammond Road buffer lake.

COUNCIL DECISION

MOVED C/r L Goncalves SECONDED C/r V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

At the Council meeting held on 15 April 2003 it was resolved that Council not consider the report 'Russell Road Arterial Drain Scheme' prepared by David Wills & Associates until officers have given further consideration to the submissions from the developers and their consultants and a report be presented to a future Council Meeting.

the recommendation be adopted.

A revised report incorporating these informal submissions has been received.

In 1989, LandCorp and Gold Estates requested rezoning for land that was then rural to residential in the Jandakot area. These have become the suburbs of Atwell and Success.

As a condition of rezoning imposed by the Department of Planning and Urban Development, a drainage management plan had to be prepared. This was necessary because the land to be developed is on the Jandakot Water Mound. The water from this mound supplies a significant amount of the drinking water for the residents of the metropolitan area. This Council objected strongly to the rezoning of the land east of the Freeway that is now Atwell.

The South Jandakot Drainage Management Plan was completed by Consulting Engineers GB Hill & Partners in association with the Water Authority of Western Australia. It was published in January 1990 and rezoning occurred soon after.

Submission



Applications for subdivision are being lodged for land at the southern end of this catchment and one of the conditions to be complied with is:

The subdivider shall prepare and implement a Drainage and Nutrient Management Plan for the subdivision which shall be consistent with the South Jandakot Drainage Management Plan and the Environmental Management Programme for the South Jandakot Drainage Scheme to the satisfaction of the Western Australian Planning Commission.

Report

When subdividers are submitting their plans and requesting Council staff to verify that their drainage management plans conform to the South Jandakot Drainage Management Plan, staff have found there is insufficient detail in the current South Jandakot Drainage Management Plan for this to occur.

To assist in this, Council staff commissioned a Consulting Engineer, David Wills, to prepare a report as an adjunct to the original report and show in more detail, a plan to handle the main drainage requirements in the area of Hammond Road South, Russell Road and Lyon Road south of Gibbs Road.

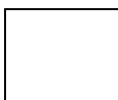
As this area is over the Jandakot Water Mound, the groundwater is to be maintained at a set level and because development is to occur it cannot rise much above that level because it may cause flooding of properties.

The staff in the Engineering Division do not have experience or expertise in designing regional drainage systems that control groundwater. Because of this, the consultant was employed to produce the drainage management plan. Previous to this, State Government agencies such as the Water Authority of WA performed this role.

The developers and their consultants that are affected by the report and plan have been consulted and have requested changes to the report. Their submissions have been assessed and taken into account in finalising the report.

The report has now been completed and it is recommended that all subdividers be advised that they need to comply with this report and that compliance be verified by a qualified consultant.

The implementation of this plan requires the Water Corporation to construct a drainage receival basin north of Russell Road and an open drain from this basin to the one at the intersection of Hammond and Bartram Roads. There is an outlet from there to Cockburn Sound so that stormwater in heavy rainfall years can be collected from the area to prevent flooding.



The report also states that all landowners in the catchment area should contribute to the cost of the construction of the arterial drainage system. The method of how this is to be achieved has not been resolved to date.

A copy of the final report by David Wills & Associates titled "Southern Suburbs District Planning Area – Russell Road Arterial Drainage Scheme" dated April 2003 is available from the Director Engineering and Works.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

There will be an ongoing cost for payment to David Wills as his services are required utilising funds from the appropriate consultancy account.

Legal Implications

N/A

Community Consultation

No formal consultation was undertaken. A presentation was given to the consultants of the major landowners affected by this report and their input has been incorporated into David Wills and Associates report.

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

Nil.

16.4 (MINUTE NO 2041) (OCM 20/05/2003) - TENDER NO. 08/03 - SUPPLY AND INSTALLATION OF CAPPING SYSTEM TO HENDERSON LANDFILL (4900) (RNJ) (ATTACH)

RECOMMENDATION

That Council:

- (1) does not accept any tenders for Tender No. 08/03 – Supply and Installation of Capping System to Henderson Landfill;
- (2) recalls the tender for earthworks and capping in August 2003; and



- (3) calls tenders for the purchase of the synthetic liner in August 2003.

COUNCIL DECISION

MOVED Cllr L Goncalves SECONDED Cllr V Oliver that the recommendation be adopted.

CARRIED 10/0

Background

Tenders were called for the supply and installation of a capping system for Cell 3 at Henderson Landfill, closing Tuesday 8th April 2003. This was done as part of Council's Waste Services Department's ongoing commitment to ensure there are no negative environmental impacts arising from the operation of Henderson Landfill. When each waste cell reaches its design level, it is earth-worked to give the appearance of a smooth hill and then capped off with an impermeable layer to seal in the methane and prevent the entry of moisture. Cell 1 was capped with a 500 thick clay liner in June 1999. Cell 2 was capped with a Geosynthetic Clay Liner (GCL) in July 2002. While the GCL has been down for less than 12 months, it appears to be providing a far superior moisture barrier to the waste in Cell 2 than the natural clay capping has for Cell 1.

Consequently, while the option of clay capping was considered for Cell 3, the preferred alternatives were GCL or possibly other equivalent synthetic liners. Apart from excluding moisture and trapping the methane, the liner will be required to withstand settlements of the order of 100-300mm pa and construction loadings from heavy earthmoving equipment placing a protective sand layer on side slopes of the order of 1:2.5 to 1:3.5.

Submission

3 tenderers submitted a total of 8 complying lump sum tenders for this project.

Report

| TENDER EVALUATION SHEET | | | |
|--------------------------------|------------------------|---|-------------------------|
| Company Name | Tender Price | Type of Capping | Score out of 100 |
| Force | \$769,445 \$882,195 | Low Density Polyethylene Geosynthetic Clay | - 67.2 |



| | | | |
|--------------|-----------|--------------------------|------|
| ATA | \$787,691 | Low Density Polyethylene | - |
| Construction | \$897,833 | Compacted Clay | - |
| | \$919,184 | Geosynthetic Clay | 69.5 |
| Canning Vale | \$862,197 | Low Density Polyethylene | - |
| Earthmoving | \$984,676 | Geosynthetic Clay | 58.8 |
| | \$991,705 | Compacted Clay | - |

TENDER EVALUATION

The scores in the above table are based on the evaluation criteria set out in the tender documentation covering price, technical conformance, safety and quality management, experience and references.

Any of the tenders submitted could be accepted on the basis of the tenderer's competency, experience and past performance in the construction industry. The lump sum prices have been checked to ensure the tenderer has allowed sufficiently for all the work specified.

Both ATA and Canning Vale Earthmoving have performed well on similar projects for the City of Cockburn in the past couple of years.

Force are principally an earthworking business providing plant and operators to large scale mining projects. They have experience in sea walls, channels, revetments etc, but none with the materials or conditions unique to this project, consequently they underscored in the criteria relating to technical ability. As their price for LLDPE was Less than \$20,000 below that of ATA, it was felt that ATA had the better overall offer. (Refer to attachments for full assessments breakdown).

While LLDPE was the cheaper alternative capping material offered by the tenderers, it does not offer the same factor of safety as GCL, particularly during construction, where it can be easily punctured during the application of the 500 depth of protection sand. Also with time, any stress points that have occurred can lead to cracking of the membrane in areas of settlement. As It is expected there will be settlements of the order of 5-10% over the next 10-15 years (1.5-2m), this is of significant concern. Similarly, the clay capping installed on Cell 1 has proved less than satisfactory, particularly with the ingress of moisture, arising from the watering of landscaping provided to this area in August last year.

Consequently the preferred capping material is GCL albeit at a \$130,000 premium, were Council to accept ATA's offer. Following discussions with the local supplier of GCL, 'GeoFabrics Australia' it appears that significant cost savings are available, were Council to purchase this material direct from the supplier. Additional cost savings can be obtained by deleting the 100mm bedding sand (for GCL) which the supplier advises would not be necessary.



If Council purchased the GCL there could be up to \$120,000 savings based on comparisons with the price submitted by the tenderers and an indicative supply cost supplied by the manufacturer of the liner.

A revised tender could then be called for the earthworks, laying of the GCL and supply and placing of the protective sand layer.

There is an attachment to the agenda that shows a breakdown and comparison of tender prices and purchase of the material separately.

There is also an advantage to deferring this project until September/October 2003 to minimise the risk of wet weather delays and costs. At this time it is expected that the eastern side of Cell 4 will also be ready to be capped, so the extent of works could be increased to a total of approximately 60,000m². Again, this would result in additional savings in the bulk purchase of the capping material and removing the need to remobilise earthwork and laying contractors.

Consequently it is recommended that tenderers be advised that no tender be accepted and that Council agree to purchase the GCL capping material direct from the supplier at an estimated cost of \$385,000 and tenders for the earthworks and installation of the GCL be recalled in August 2003.

Strategic Plan/Policy Implications

One of the objectives of the Strategic Plan is to have an environmentally sound management strategy for Council's disposal of waste.

Budget/Financial Implications

There is an allocation of \$600,000 for post closure and capping of waste cells at Henderson Landfill, this financial year.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

16.5 (MINUTE NO 2042) (OCM 20/05/2003) - TENDER NO. 07/2003 - BRIDGE CONSTRUCTION AND ASSOCIATED ROADWORKS -



SPEARWOOD AVENUE (YANGEBUP ROAD/BARRINGTON STREET) (450007) (JR)

RECOMMENDATION

That Council, subject to Main Roads WA confirming that an allocation of \$733,333.00 be placed on its 2003/04 Budget towards the regional road grant contribution for this project, Council:

- (1) accept the tender from Bocol Constructions Pty Ltd for Tender No. 07/2003 – Bridge Construction and Associated Roadworks – Spearwood Avenue (Yangebup Road/Barrington Street) in the sum of \$3,100,280.75, including GST, less negotiated adjustments based on unit rates for the corrected Bill of Quantities;
- (2) allocate \$366,667 on the 2003/04 Budget for the staged construction of Spearwood Avenue between Yangebup Road and Sudlow Road; and
- (3) initiate the closure of Miguel Road at the railway crossing on completion of the bridge and associated roadworks.

COUNCIL DECISION

MOVED Clr I Whitfield SECONDED Clr M Reeve-Fowkes that the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

There is currently a remaining allocation of \$1,844,096 on the Budget for the staged construction of Spearwood Avenue between Yangebup Road and Sudlow Road. There is also an approved Metropolitan Regional Road Group grant of \$733,333 on the 2003/04 Budget, subject to a Council contribution of \$366,667, towards this project.

The first stage of the project involves the construction of a single carriageway road and a bridge over the railway line between Yangebup Road and Barrington Street. Once this is in place, Miguel Road be closed between Yangebup Road and Barrington Street.

Accordingly, a consultant has been engaged to prepare the necessary designs and tender documentation, and tenders called for the full construction of this first stage.

Submission



Four (4) tenders were received as follows:

| | | |
|---|----------------|-------|
| • Bocol Constructions Pty Ltd GST | \$3,100,280.75 | incl. |
| • BGC Contracting Pty Ltd GST | \$3,128,864.20 | incl. |
| • Brierty Contractors GST | \$3,482,950.00 | incl. |
| • J.J. McDonald & Sons Engineering Pty Ltd GST | \$3,540,063.00 | incl. |

Report

Tenders were called on the basis that the first stage of the project, the construction of the road and bridge over the railway line in the Spearwood Avenue road reservation between Yangebup Road and Barrington Street, will be over two budgets due to grant limitations. The estimated cost for these works was \$2.3M plus GST. The tenders received were in the range \$2.8M to \$3.2M plus GST. The high tender prices can be attributed to:

1. Contractors having plenty of work at the moment, as is supported by only four submissions being received, resulting in bidding not being as competitive as would be desired.
2. A large Provisional Sum allowance of \$458,000 to cover principally Westnet Rail requirements (\$133,000), BP oil line protection (\$95,000), possible extraordinary earthworks (\$70,000), possible public utility alterations (\$30,000) and other possible unforeseen contingencies (\$125,000). These were not identified in the original estimate. Only the Westnet Rail and BP expenditures are certain at this stage.
3. A large Dayworks provision of \$145,000 to cover extra civil works over and above the tender specifications required of the contractor at their tendered unit rates. This may not even be required, particularly with provision already for unforeseen contingencies of the tender specifications.
4. Errors in the Bills of Quantities (as prepared by consultants) supplied to the tenderers where the areas of roadworks were appreciably over-stated. As a Schedule of Rates was supplied by tenderers, this should result in savings in the vicinity of \$90,000.

All the tenderers were required to meet Main Road WA pre-qualification requirements and were assessed utilising an independent consultant against various compliance criteria and the following qualitative criteria:-



| | |
|--|------|
| • Demonstrated experience in completing similar projects | 30% |
| • Skills and experience of key personnel | 10% |
| • Tenderer's resources | 15% |
| • Methodology | 5% |
| • Tendered price | 40% |
| | 100% |

All the tenderers adequately met the compliance criteria and were evaluated as follows in the qualitative criteria:-

| | |
|-----------------------|-----|
| • Bocol Constructions | 90% |
| • BGC Contracting | 88% |
| • Brierty Contractors | 89% |
| • JJ McDonald & Son | 80% |

In view of the assessment, the contract should be awarded to Bocol Constructions Pty Ltd.

Strategic Plan/Policy Implications

One of the commitments in the 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

The project can be completed with funds available on the current Budget and Council committing to allocating funds additional to grant funds on the next Budget in accordance with State Road Funds to Local Government requirements for MRRG grants.

Legal Implications

N/A

Community Consultation

Residents in the immediate vicinity of the roadworks have been advised of the project and will be consulted with as required as the project proceeds.

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

Nil.



17. COMMUNITY SERVICES DIVISION ISSUES

17.1 (MINUTE NO 2043) (OCM 20/05/2003) - MARKETING POSITION STATEMENT (1077) (CHE) (ATTACH)

RECOMMENDATION

That Council

- 1) adopt "Wetlands to Waves" as its marketing positioning statement for promotional purposes; and
- 2) use sample logo number 4, attached to the Agenda, as the preferred combination of current corporate logo and "Wetlands to Waves" for promotional purposes.

COUNCIL DECISION

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

CARRIED 10/0

Background

Council has over the past years been utilising promotional campaigns directed towards new residents, tourists and business in the District. However there has not been a slogan or positioning statement to be the focus of marketing campaigns. The marketing position statement will highlight the unique and appealing nature of the City.

Council at its Ordinary Meeting on 18 June 2002 resolved the following:

"that Council establish a Working Party comprised of Mayor Lee, Deputy Mayor Graham, Cllr Whitfield and council staff appointed by the Chief Executive Officer, to develop a position statement for use in a future marketing campaign to promote the District."

The City's mission statement – "to make Cockburn the most attractive place to live, work and visit in the metropolitan area" – is broad. "Attractive" means many things and all things, and can relate to customer service, taking care of the environment, safety, and so on. This mission statement has meant Council's last branding campaign had to cover a number of topics, including investment; safety; tourism; environment; and housing.

What is needed is a marketing positioning statement that reflects the nature or character of the City. The marketing positioning statement



will not replace the mission statement or key result areas. The marketing positioning statement complements the mission statement and provides a slogan on which future marketing campaigns will be centred.

Market positioning is the arranging for a product to occupy a clear, distinctive and desirable place relative to competing products in the minds of target consumers; formulating competitive positioning for a product and detailed marketing mix. (Kotler et al, 2001)

Submission

N/A

Report

At its first meeting the Positioning Statement Working Party decided to hold a contest among residents of the district, through *Cockburn Soundings*, asking entrants what they felt was special about Cockburn. The purpose of the contest was to identify the unique element(s) that set Cockburn apart from other districts and would become a part of the proposed marketing positioning statement.

The contest was published in the October / November 2002 edition of *Cockburn Soundings*. Twenty two entries were received.

At its second meeting, the Positioning Statement Working Party chose three winners of the contest and identified common elements in the majority of the entries. The most common element identified, as “what’s special about Cockburn” was the environment, with emphasis on the wetlands and beaches.

With this in mind, the Working Party created a list of draft positioning statements. At the direction of the Working Party, Council’s Communications Manager engaged MJB & B Advertising and Marketing agency to develop the draft positioning statement further.

At its third meeting, the Marketing Positioning Statement Working Party met with representatives from MJB & B Advertising and Marketing who presented a selection of potential positioning statements. The Working Party unanimously chose “Wetlands to Waves” at this meeting.

By identifying what is unique about Cockburn - the environment, wetlands and beaches, the Working Party has developed a marketing position statement for the district that reflects the nature and character of the City, “Wetlands to Waves.” The proposed marketing positioning statement also creates a desirable and distinctive image of the City in relation to others in the metropolitan area.



Samples of the marketing positioning statement incorporated with the corporate logo are in the attachments to the Agenda.

Strategic Plan/Policy Implications

The development of a marketing position statement assists to enhance the achievement of the City's Mission.

Budget/Financial Implications

Approximately \$10,000 in the City Advertising Campaign budget could be used to promote / launch the new market positioning statement.

Legal Implications

N/A

Community Consultation

Public opinion on a Positioning Statement was solicited through "Cockburn Soundings".

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

Nil

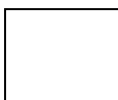
17.2 (MINUTE NO 2044) (OCM 20/05/2003) - BEELIAR (PANORAMA GARDENS) SECURITY PATROLS (9519) (RA)

RECOMMENDATION
That Council:

1. call tenders for a (1) one year 35 hour per week security patrol contract for the area known as Panorama Gardens Beelias for the period 1 July 2003 to the 1st January 2004 made up of an initial (6) six month contract with the option to extend by periods for up to an additional (18) eighteen months; and
2. impose a service charge on the affected landowners, equivalent to the total cost of the tender, divided equally among the landowners receiving the service, pursuant to Section 6.38 of the Local Government Act, 1995.

COUNCIL DECISION
MOVED Mayor S Lee SECONDED Cllr A Tilbury that Council:

- (1) call tenders for a one(1) year 35 hour per week security patrol



contract for the area known as Panorama Gardens Beeliar, for the period 1 July 2003 to 1 January 2004, made up of an initial six(6) month contract with the option to extend in three monthly periods for up to an additional eighteen(18) months; and

- (2) impose a service charge on the affected landowners, equivalent to the total cost of the tender, divided equally among the landowners receiving the service, pursuant to Section 6.38 of the Local Government Act, 1995.

CARRIED 10/0

Explanation

As a result of the survey recently conducted, Council may be introducing a security patrol for the whole of the City and as such, it will need to be able to do it at a time that is convenient to Council and a three month contract gives us some flexibility.

Background

The current contract for the provision of a security service to Beeliar (Panorama Gardens) is due to expire on 30th June 2003. Council Administration is currently investigating safety/security issues of which a security service to cover all of the City area is an option. As there has been no Council decision on such a service it is proposed to enter a new contract for the Beeliar Patrols, which has the flexibility to be reviewed, when a Council decision is made.

Submission

N/A

Report

The Beeliar Residents Action Group (BRAG) reports that it supports the patrols continuing in their current format for the time being and do not believe the residents would accept anything other than a short period without the patrols if necessitated by Council introducing a 24/7 expanded whole of Cockburn security patrol.

The proposed contract agreement would be in the most part identical to the current agreement with provisions for early cessation of the contract or the ability to extend for an additional 12 months beyond the initial 12 month period if required.

Strategic Plan/Policy Implications



Strategic Plan Item 5.3 refers to "Municipal Law and Public Safety".

Budget/Financial Implications

The security patrol contract is cost neutral due to a service charge being imposed on the ratepayers of the patrolled area pursuant to Section 6.38 of the Local Government Act, 1995.

Legal Implications

Part 4 of the Local Government (Functions and General) Regulations refer.

Community Consultation

The proposal has the support of the Beelihar Residents Action Group (BRAG) on behalf of the community affected by the service.

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

The Western Australian Police Force currently has responsibility for the protection of life and property, the prevention and detection of crime and crime prevention. Local Government supports these initiatives through Safer WA, Community Policing and Neighbourhood Watch.

17.3 (MINUTE NO 2045) (OCM 20/05/2003) - PROPOSED DONATION - KWINANA HERITAGE GROUP (1032) (DMG)

RECOMMENDATION

That Council approves of the proposal by the Historical Society of Cockburn to donate the diorama of the Kwinana BP Refinery and Oil Tanker to the Kwinana Heritage Group, in recognition of the 50th Anniversary of the Town of Kwinana, subject to the Kwinana Heritage Group making arrangements for the relocation of the diorama of the Kwinana BP Refinery Oil Tanker.

COUNCIL DECISION

MOVED Clr L Goncalves SECONDED Clr K Allen that Council defer consideration of this item until the June 2003 Council Meeting, to enable Elected Members to view the diorama at the June Agenda briefing.

CARRIED 9/1

Explanation



Many Elected Members may not be familiar with the subject works and deferring this item for a month would allow time for the administration to arrange a convenient time for Elected Members to view it.

Background

Around 1979, Council was presented with a diorama from BP depicting the Kwinana Oil Refinery and a tanker in recognition of its status as a City. The diorama was displayed at the Spearwood Library for some years, before being donated to the Cockburn Historical Society and re-located to the Azelia Ley Museum.

Submission

The Historical Society is keen to recognise the Kwinana Heritage Group, which will be opening a museum in 2004, to correspond with the Town of Kwinana 50th Anniversary.

Report

The Historical Society of Cockburn, as custodians of the BP Diorama, see this as an appropriate gesture to recognise the Kwinana Heritage Group, by gifting it a memento of particular relevance to the history of Kwinana.

The piece has only slight significance to the history of the Cockburn district and was simply a deed of goodwill on behalf of a corporate neighbour at the time it was donated.

Accordingly, it is suggested that Council approves of the Historical Society of Cockburn presenting the diorama to the Kwinana Heritage Group to enable the works to be housed in a more relevant environment.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

N/A

Legal Implications

N/A

Community Consultation

N/A



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

Nil

**17.4 (MINUTE NO 2046) (OCM 20/05/2003) - NOTICE OF MOTION:
SENIORS DROP IN CENTRE - CIVIC CENTRE LESSER HALL
(2201726) (RA)**

RECOMMENDATION

That Council require a report be presented to the June 2003 meeting of Council which provides for a drop in centre for senior citizens to achieve the following outcomes:

- 1) donate the use of the Civic Centre lesser hall one day per week for a drop in centre for seniors;
- 2) provision of tea/coffee and biscuits with expenses being met by Council; and
- 3) review of the use of the lesser hall after a six month trial period on the level and nature.

COUNCIL DECISION

MOVED Cllr V Oliver SECONDED Cllr K Allen that the recommendation be adopted.

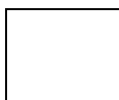
CARRIED 10/0

Background

Cllr Val Oliver has given a notice of motion as follows:

“that a report be presented to the June Meeting of Council which provides direction for Council to achieve the following outcomes.

- 1) donated use of the civic centre lesser hall one day per week for a drop in centre for seniors.
- 2) provision of tea/coffee and biscuits with expenses being met by Council.
- 3) review of the use of the lesser hall after a six month trial period.”



Clr Oliver advises that there has been a number of seniors approach her on the need for a seniors drop in centre. A trial will allow the need for such a service to be assessed after a six month period.

Submission

N/A

Report

There are a range of issues that need to be considered by council in its deliberations on the establishment of a seniors drop in centre operating from the lesser hall of the Civic Centre. A report will address in addition to the identified outcomes, matters such as who will deal with day-to-day operating of the centre, insurance cover by operators, costs associated with the operating centre and cleaning.

Strategic Plan/Policy Implications

To facilitate and provide an optimum range of community services.

Budget/Financial Implications

The actual costs associated with such a service will be identified in the report.

Legal Implications

Matters such as Public Liability Insurance need to be established.

Community Consultation

Clr Oliver advises that the need for the service has been identified by people contacting her seeking a seniors drop in centre.

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

There are several other seniors centres and services operating in the area, such as the Cockburn Senior Citizens, Young Place, Hamilton Hill, the Seniors Centre operating from St. Jerome's Church and the Pensioners League, Hamilton Hill.

(MINUTE NO 2047) (OCM 20/05/2003) - EXTENSION OF TIME

COUNCIL DECISION

MOVED Deputy Mayor R GRAHAM SECONDED Clr A EDWARDS that pursuant to the duration of time as set out in the Standing Orders,



the meeting time be extended to 9.30pm.

CARRIED 10/0

17.5 (MINUTE NO 2048) (OCM 20/05/2003) - SOUTH LAKE LEISURE CENTRE FEE STRUCTURE 2003/04 (8143) (SH)

RECOMMENDATION

That Council adopt the proposed fees and charges, including GST for South Lake Leisure Centre for the 2003/2004 financial year.

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

The South Lake Leisure Centre is the City of Cockburn's premier recreation venue. The Centre has calculated a general price increase based on the increasing costs to provide services and also being cognisant of the need for a competitive price structure in the market place.

Submission

N/A

Report

The pricing structure for South Lake Leisure Centre caters for all services, offering a variety of payment options for many services. The current and proposed pricing structure for the Centre is as follows.

NB: Current and proposed fee is inclusive of GST

Room Hire

| | Current Fee | Proposed Fee |
|-------------------------------------|--------------------|---------------------|
| Recreation Room Day (until 5 pm) | 16.50 | 18.00 |
| Recreation Room Evening (after 5pm) | 27.50 | 27.50 |
| Recreation Room Bond | 220.00 | 220.00 |
| Sports Stadium Day | 25.00 | 26.00 |
| Sports Stadium Evening (after 5pm) | 35.00 | 35.00 |



| | | |
|--|--------|--------|
| Sports Stadium Bond | 550.00 | 550.00 |
| Crèche / Studio 2 | 12.50 | 12.50 |
| Youth Room Day | 12.50 | 16.50 |
| Youth Room Evening (after 5pm) | 12.50 | 20.00 |
| Equipment Hire per item (Tables, chairs(10), sporting equipment) | 3.50 | 3.00 |

| Swimming Lessons | Current Fee | Proposed Fee |
|--|--------------------|---------------------|
| Adult Swimming Lesson (up front payment) | 95.00 | 100.00 |
| Preschool Swimming Lesson (up front) | 87.00 | 90.00 |
| School age inc GST (up front) | 95.00 | 99.00 |
| School age GST free (up front) | 87.00 | 90.00 |
| Parent – Child Lessons | 88.00 | 90.00 |
| Individual Lesson – 15 minute (up front) | N/A | 120.00 |
| Casual Lesson | N/A | 15.00 |

Aquatics

| | | |
|-------------------------------------|--------|--------|
| Adult entry | 3.50 | 3.60 |
| Adult combined | 5.70 | 6.00 |
| Student Entry | 2.50 | 2.60 |
| Student combined | 4.10 | 4.30 |
| Pensioner entry | 2.30 | 2.40 |
| Spectator | 1.30 | 1.40 |
| School entry | 1.40 | 1.50 |
| Vacation 1 child | 32.65 | 34.00 |
| Vacation 2 children | 53.30 | 55.50 |
| Vacation 3 children | 73.95 | 77.00 |
| Vacation 4 children | 94.80 | 98.60 |
| Vacation 5 children | 113.20 | 117.80 |
| Vacation 6 children | 130.60 | 135.90 |
| Adult 10 | 33.30 | 34.20 |
| Adult 20 | 63.00 | 64.80 |
| Adult 50 | 148.75 | 153.00 |
| Student 10 | 22.50 | 23.40 |
| Student 20 | 45.00 | 46.80 |
| Student 50 | 105.00 | 110.50 |
| Pensioner 10 | 21.85 | 22.80 |
| Pensioner 20 | 41.40 | 43.20 |
| Pensioner 50 | 97.75 | 102.00 |
| Spa/sauna | 6.50 | 6.70 |
| Pensioner Spa/sauna | 5.50 | 5.70 |
| Lane Hire | 15.00 | 15.00 |
| Dolphin 100 | 196.00 | 204.00 |
| Dolphin 200 | 343.00 | 357.00 |
| Family Swim (2 adults & 2 children) | 10.00 | 10.50 |

Programs

| | | |
|-------------------------------|-------|-------|
| Senior Team Registration (AM) | 74.00 | 74.00 |
|-------------------------------|-------|-------|



| | | |
|---|-------|-------|
| Senior Team Registration (PM) | 94.00 | 94.00 |
| Weekly Team Fees (AM) | 28.00 | 29.00 |
| Weekly Team Fees (PM) | 35.00 | 36.00 |
| Weekly Team Fees (Soccer) | 27.00 | 28.00 |
| Weekly Team Fees (Hockey) | 27.00 | 29.00 |
| Junior Team Registration (per player) | 8.00 | 8.50 |
| Junior Team Competition | 24.20 | 25.00 |
| Adult Courses/term (excluding Yoga and Craft Classes) | 68.00 | 70.00 |
| Junior Courses/term (excluding art & ballet) | 52.25 | 54.00 |

Crèche

| | | |
|--|-------|-------|
| Crèche (1 st child) 1.5 hours | 2.20 | 2.30 |
| Crèche (additional child) 1.5 hours | 1.10 | 1.20 |
| Crèche (1 st child) 2 hours | 2.70 | 2.80 |
| Crèche (additional child) 2 hours | 1.40 | 1.50 |
| Crèche 10 Voucher (1 st child) 1.5 hours | 19.00 | 20.70 |
| Crèche 10 Voucher (1 st child) 2 hours | 23.30 | 25.20 |
| Childcare facilities are for South Lake Leisure Centre patrons only. Crèche Opening Hours: Monday to Friday – 8.45am – 1.00pm | | |

Fitness

| | | |
|--|--------|--------|
| Casual Gymnasium and Swim | 8.50 | 9.00 |
| Casual Aerobic/Aquarobic | 6.50 | 6.50 |
| Over 50 | 5.00 | 5.20 |
| Club 50 Voucher x 10 | 45.00 | 46.80 |
| Aerobic / Aquarobic voucher x 10 | 58.50 | 58.50 |
| Aerobic / Aquarobic voucher x 20 | 110.50 | 110.50 |
| 1 option 1 month | 60.00 | 63.00 |
| 1 option 3 month | 145.00 | 152.00 |
| 1 option 6 month | 255.00 | 268.00 |
| 1 option 12 month | 380.00 | 399.00 |
| 1 option Direct Debit | 35.00 | 37.00 |
| 2 option 1 month | 70.00 | 74.00 |
| 2 option 3 month | 160.00 | 168.00 |
| 2 option 6 month | 290.00 | 305.00 |
| 2 option 12 month | 440.00 | 462.00 |
| 2 option Direct Debit | 39.00 | 41.00 |
| 3 option 1 month | 80.00 | 84.00 |
| 3 option 3 month | 175.00 | 184.00 |
| 3 option 6 month | 310.00 | 326.00 |
| 3 option 12 month | 490.00 | 515.00 |
| 3 option Direct Debit | 43.00 | 45.00 |
| 4 option 1 month | 90.00 | 95.00 |
| 4 option 3 month | 205.00 | 215.00 |
| 4 option 6 month | 330.00 | 347.00 |
| 4 option 12 month | 535.00 | 562.00 |
| 4 option Direct Debit | 46.00 | 48.00 |
| Off peak 1 month (Gym & Aquatics Only) | 50.00 | 53.00 |
| Off peak 3 month (Gym & Aquatics Only) | 120.00 | 126.00 |



| | | |
|---|----------------------|----------------------|
| Off peak 6 month (Gym & Aquatics Only) | 200.00 | 210.00 |
| Off peak 12 month (Gym & Aquatics Only) | 320.00 | 336.00 |
| Off peak Direct Debit (Gym & Aquatics Only) | 30.00 | 32.00 |
| Joining Fee (Varies per m/ship options) | 1 month DD m/ship | 1 month DD m/ship |
| Direct Debit Cancellation Fee | 100.00 | 100.00 |
| Membership Suspension Fee | 11.00 | 11.00 |

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The income budgets for 2003/2004 financial year will be based on the above fees. Any reduction in the proposed fees will result in a decrease in the projected income budget. The adoption of the fee schedule will allow for the full operating budget for the financial year 2003/04 for the centre to be developed.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

18. EXECUTIVE DIVISION ISSUES

Nil

19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil



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

21.1 (MINUTE NO 2049) (OCM 20/05/2003) - PROPOSED OFFICE & WAREHOUSE - (MARINE INDUSTRY TECHNOLOGY PARK - AUSTRALIAN MARINE COMPLEX) - LOTS 1 & 30 COOGEE ROAD, LOTS 2 & 3 RUSSELL ROAD, MUNSTER (3411021) (MR) (ATTACH)

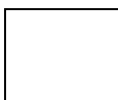
RECOMMENDATION

That Council:

- (1) receive the report;
- (2) refer the proposal to the Western Australian Planning Commission in accordance with the Notice of Delegation to Local Government (gazetted on 20 September 2002) on Plan 649/1 – Category 2 Road where the development has the potential to increase traffic onto Russell Road and for the Commission to be requested to issue a separate determination under the Metropolitan Region Scheme accordingly;
- (3) determine under clause 6.2.4.2 of Town Planning Scheme No. 3, that Council is satisfied the approval of the proposed development will not prejudice the specific purposes and requirements of Development Area No. 6 – Marine Industry Technology Park;
- (4) grant variations to the development under clause 5.6.2 of the Scheme in respect to the requirements specified under Schedule 4 – SU9 and Schedule 11 – DA6 in respect to building setbacks, to facilitate the development, subject to the variation not having an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality;
- (5) approve the proposed Office & Warehouse on Lots 1 & 30 Coogee Road, Lots 2 & 3 Russell Road, Munster subject to the following conditions:-

STANDARD CONDITIONS

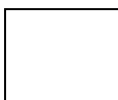
1. Development may be carried out only in accordance with the terms of the application as approved herein and any approved plan.
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.



3. A plan or description of all signs for the proposed development (including signs painted on a building) shall be submitted to and approved by the Council as a separate application. The application (including detailed plans) and appropriate fee for a sign licence must be submitted to the Council prior to the erection of any signage on the site/building. Signs painted on the proposed buildings are not exempt from this requirement.
4. Retaining wall(s) being constructed in accordance with a suitably qualified Structural Engineer's design and a building licence being obtained prior to construction.
5. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Council.
6. Notwithstanding the detailed specifications required to be submitted for a Building Licence approval, a separate schedule of the colour and texture of the building materials shall be submitted and approved to the satisfaction of the Council prior to applying for a Building Licence, and before the commencement or carrying out of any work or use authorised by this approval.
7. The provision of bicycle parking facilities in accordance with the attached specifications is to be provided in the locations marked on the approved plans, prior to the development first being occupied.
8. Landscaping and tree planting to be undertaken in accordance with the approved plan prior to the occupation of the site.
9. The landscaping installed in accordance with the approved detailed landscape plan, must be reticulated or irrigated and maintained to the satisfaction of the Council.
10. No development or building work covered by this approval shall be commenced until the landscape plan has been submitted and approved, by the Council.
11. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 1.5 metres of a vehicular accessway unless the wall, fence or landscaping is constructed with a 2.1 metre truncation, as depicted on the approved plan.



12. Earthworks over the site and batters must be stabilised to prevent sand or dust blowing, and appropriate measures shall be implemented within the time and in the manner directed by the Council in the event that sand or dust is blown from the site.
13. All stormwater being contained and disposed of on-site.
14. Works depicted on the approved parking plan shall be maintained to the satisfaction of the Council.
15. The vehicle parking area shall be sealed, kerbed, drained and line marked in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Council.
16. The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the Council.
17. Carbay grades are not to exceed 6% and disabled carbays are to have a maximum grade 2.5%.
18. Landscaping is to be undertaken in the street verges adjacent to the Lot(s) in accordance with the approved plans and be established prior to the occupation of the building; and thereafter maintained to the Council's satisfaction.
19. All road widenings and truncations must be surrendered or granted free of cost to the Council prior to the issuance of a Certificate of Classification, or before the development is occupied or used.
20. The development site being connected to the reticulated sewerage system and reticulated water system of the Water Corporation before commencement of any use.
21. The developer to erect a temporary sign on the site to the satisfaction of the Council depicting the approved use of the site, the date of approval by the Council and expected date of development by the owner of the land.
22. Lots 1 & 30 Coogee Road, Lots 2 & 3 Russell Road being



amalgamated.

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

23. All stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer, and designed on the basis of a 1:100 year storm event.
24. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, is to be submitted in conjunction with the Building Licence application. Written approval from the City's Health Services for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
25. A landscape plan using native species must be submitted to the Council and approved, prior to applying for building licence and shall include the following:-
- (a) the location, number and type of existing and proposed deciduous trees and shrubs, including calculations for the landscaping area;
 - (b) any lawns to be established;
 - (c) any natural landscape areas to be retained;
 - (d) those areas to be reticulated or irrigated; and verge treatments.

SPECIAL CONDITIONS

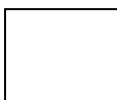
26. Compliance with the Minister for Environment's Statement (No. 000546 published on 30 May 2000) that the MITP may be implemented subject to the following conditions:- (a) Environmental Management Plan, (b) Drainage and Nutrient Management Plan and (c) Site Contamination Management Plan being prepared prior to commencement of site works or where otherwise agreed to by the Department of Environment and Water Catchment Protection ('DEWCP'). The above requirements shall be applied as appropriate to Lots 1 and 30 Coogee Road and Lots 2 and 3 Russell Road, and implemented accordingly.
27. Satisfactory arrangements being made for the construction of an additional driveway and crossover to link across the

northern boundary of the site upon the construction of a future subdivisional road.

28. Vehicle parking and servicing areas being screened from the street and either located behind the building or the 3 metre wide landscape strip.
29. The provision of safe movement of vehicular and pedestrian traffic within the development.
30. The building must exhibit a high degree of architectural integrity and design and shall reflect the nature of the Marine Technology Park.
31. Signage is to complement the architectural proportion and scale of the building. Roof signs are not permitted.
32. The planting and maintenance of a minimum of fifteen (15) shade trees.
33. The land uses to be undertaken in the proposed office and warehouse to be in accordance with Schedule 4 – SU9 of the City of Cockburn Town Planning Scheme No. 3.
34. Security fencing around the site to be 1.8 metre high black P.V.C. coated or galvanised link mesh plus 3 strands of barbed wire and all gate posts and associated fittings to be painted black.

FOOTNOTES

1. The development is to comply with the requirements of the Building Code of Australia.
2. The SU9 classification describe under Schedule 4 of the Town Planning Scheme means *“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. Etc..”*
3. Access and facilities for disabled persons is to be provided



in accordance with the requirements of the Building Code of Australia.

4. The approval of the Environmental Protection Authority may be required prior to development under the provisions of the Environmental Protection Act 1986.
5. Where petrol, benzene or other inflammable or explosive substances or grease, oil or greasy/oily matter may be discharged, a sealed washdown area and a petrol/oil trap (gravity separator) must be installed and connected to the sewer, with the approval of the Water Corporation and Department of Environment, Water and Catchment Protection.
6. The development is to comply with the *Environmental Protection Act 1986* which contains penalties where noise limits exceed the prescribed by the *Environmental Protection (Noise) Regulations 1997*.
7. Bin storage facilities to be provided to the satisfaction of the Council's Health Service. Such facilities are to be enclosed, graded to a central drain, connected to the sewer and provided with a hose cock, and shall be effectively screened from view from Coogee and Russell Roads.
8. Uncovered parking bays shall be a minimum of 5.5 x 2.5 metres, clearly marked on the ground and served by a 6 metre wide paved accessway.
9. Covered car parking bays shall be a minimum of 5.5 x 3.0 metres, served by a 6 metre wide paved accessway.
10. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
11. This approval is issued by the Council under Town Planning Scheme No. 3, and approvals or advice by other agencies may be required, and it is the responsibility of the applicant to ensure that all other approvals/advice are issued prior to commencing development or use of the land, and a copy of the approval/advice is provided to the Council.
12. Until the Council has issued a Certificate of Classification under Regulation 20 of the Building Regulations 1989, there shall be no approval to use the building for the purposes of the development herein conditionally



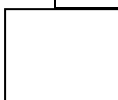
- approved and the land shall not be used for any such purpose.
13. Submission of mechanical engineering design drawings and specifications, together with certification by the design engineer that satisfy the requirements of the Australian Standard 3666 of 1989 for Air Handling and Water Systems, should be submitted in conjunction with the Building Licence Application. Written approval from the Council's Health Services for the installation of air handling system, water system or cooling tower is to be obtained prior to the installation of the system.
 14. The applicant is reminded to ensure adequate time is available for the Council and other agencies to review the draft management plans required in Special Condition 26 prior to the commencement of site works.
 15. The owner is to provide the Council with a letter of undertaking confirming the amalgamation will be completed prior to occupation of the building. In addition the owner shall demonstrate the arrangement is substantially underway in order for Council to assess compliance for the time being with Condition 22.
- (6) issue a Schedule 9 Notice of Determination on Application for Planning Approval valid for a period of 2 years.

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

CARRIED 10/0

Background

| | | |
|------------|--|---|
| ZONING: | MRS: | Urban |
| | TPS3: | Special Use 9 ("SU9") – Marine Technology Park and Development Area 6 (DA6) |
| LAND USE: | Vacant | |
| APPLICANT: | Clough Property | |
| OWNER: | Western Australian Land Authority ('LandCorp') | |
| LOT SIZE: | 2.4573 ha | |
| USE CLASS: | Research and Development 'P' Product or process development and improvement 'P' Supply of technology based products and services 'P' | |



| | |
|--|--|
| | Provision of specialist services to increase the capability of companies in technology industries 'D' Office Administration 'P' |
|--|--|

The land the subject of the application was originally part of the site proposed for the Marine Skills Training Centre. This project has to date not eventuated.

There is now a proposal to establish Raytheon, an international company which manufactures and services high technology marine equipment.

A meeting was held on 15 May 2003 with representatives of LandCorp, the construction company and the architects responsible for the project, at which the development application was lodged and the need for a Council decision made urgent, because construction would need to commence in mid-June to achieve the occupancy date of 31 October 2003.

Because the project is being proposed within a Development Area (DA) where a Structure Plan is supposed to be prepared and adopted prior to development and subdivision taking place, it is necessary to refer the matter to Council in order for it to decide under clause 6.2.4.2 of the Scheme, that approval of the development will not prejudice the specific purposes and requirements of Development Area 6.

Submission

A copy of a letter in support of the application, from LandCorp dated 16 May 2003 is attached to the Agenda, and information provided by Clough on 19 May 2003.

Report

The subject site is situated over 4 lots on the north-western corner of Russell Road and Coogee Road, in the locality of Munster.

A draft Structure Plan has been prepared by planning consultants acting on behalf of LandCorp, who now own most the land within the future Marine Technology Park. The purpose of the Structure Plan is to guide the future subdivision and development of the Marine Technology Park which forms one of four main precincts of the Australian Marine Complex. However, the Structure Plan which has been advertised for public comment, has not yet been adopted by Council or endorsed by the WAPC.

The Raytheon Development is an important development to Western Australia and will be strategically located at the main entrance of the Marine Technology Park. The development programme fits within a



truncated time frame as the project is expected to have all of the necessary statutory approvals to allow building construction to quickly progress for the development to be completed by October 2003. The Structure Plan itself has been progressed to advertising and will not be finalised in time by the Council and endorsed by the Western Australian Planning Commission as required under clause 6.2.9 of the Scheme. LandCorp on behalf of the State Government have sought assistance from the Council to expedite the approvals process to facilitate the development. Raytheon will provide an important support role to the Australian Marine Complex in terms of advancement in technology, and the promotion of employment and economic growth to the region.

Clause 6.2.4.2 of TPS3 permits the Council to approve development prior to the adoption of a Structure Plan. Given the location of the development is on the periphery of the Development Area and addressing the main entrance of the Development Area it is believed that the proposal will not prejudice future development of the area. Rather, the proposal being the first development to take place, will signify the start of development within the Marine Industry Technology Park within the Australian Marine Complex and could generate interest from other developers.

Notwithstanding the above, the finalisation of the Structure Plan remains an important imperative for the orderly and proper planning of the MITP for other parts of the Development Area that are dependant upon addressing significant local and regional planning issues relating to infrastructure, environmental and social issues. LandCorp have given Council an assurance that the Structure Plan process will be continued to finality along with any conditions or requirements which may arise from the endorsement of the Structure Plan. Furthermore LandCorp have agreed that the Raytheon Project will be the only development sought prior to the adoption of the Structure Plan.

There are specific environmental imperatives that must be completed by LandCorp to facilitate the MITP. Environmental Management Plans and requirements must be prepared as a condition to the zoning under the MRS. The specifications set out in the Minister for the Environment's Statement that the Scheme may be implemented (No 000546 published on 30 May 2000) subject to:-

1. Environmental Management Plan being prepared for the MITP to protect Lake Coogee ('EMP');
2. Drainage and Nutrient Management Plan ('DNMP') being prepared; and
3. Site Contamination Management Plan ('SCMP').

The above reports have not been completed and are unlikely to be within the time-frame sought by the applicant. While all of these reports are of importance items 2 and 3 could conceivably be



completed within the next month as a condition of development approval if specifically related to the subject land rather than the whole MITP area. If there are matters that demand further works arising from the EMP it is recommended that the Council allow for this possibility within special conditions of approval.

The specific environmental requirement within the MITP is the protection of Lake Coogee and surrounding environment which is recognised as an ecologically important salt water lake, significant in flora and fauna with the following recognition:-

- (i) Conservation Category Wetland;
- (ii) Environmental Protection Policy Wetland (EPP)
- (iii) Interim List of Register of the National Estate
- (iv) Bush Forever

The environmental conditions have not yet been finalised by the Water and Rivers Commission and Department of Environmental Protection (now DEWCP). Drainage and stormwater management impacts on groundwater through infiltration at source and can transport pollutants, together with groundwater abstraction. The WRC have objected to the finalisation of the Structure Plan until the conditions set by the Minister for the Environment have been satisfied. Regardless of the decision of Council to approve the proposed development as recommended all of the environmental conditions are to be addressed by LandCorp preferably prior to commencement of construction or where otherwise agreed to by the DEP and WRC. These environmental imperatives can be addressed as special conditions of approval.

The site abuts Russell Road which is reserved as an Important Regional Road in the MRS and TPS3. The Notice of Delegation from the Commission to Local Governments under the MRS, requires the Council not to grant approval to development on land on or abutting a regional road reservation. Russell Road is classified as a Category 2 Road, where a referral to the Commission is required, for comment and recommendation before being determined by the Council as the application has the potential to significantly increase traffic indirectly using Russell Road via Coogee Road. In this case it is recommended that the application be dealt with as a Clause 32 (MRS) call-in, so that two approvals are issued. One by the Council and the other by the WAPC. This should be a quicker outcome for the applicant, because LandCorp can deal with the WAPC directly to expedite the approval.

Prior to the issue of a building licence by the Council, all four of the subject lots need to be amalgamated onto one certificate of title or have titles in order for dealing to enable the development to comply with the Building Code of Australia. LandCorp could apply to the Commission to amalgamate the land, which is not a complicated process, and this could be completed close to when the developers



seek to commence construction, or otherwise provide a letter of undertaking at the time the amalgamation is lodged for titles at DOLA.

The proposal complies with the six TPS3 objectives that apply to the MITP namely:-

- “(a) the promotion of the purposes and functions of the Technology Development Act 1983 (as amended);*
- (b) the encouragement of research and development;*
- (c) the encouragement of pleasant and efficient facilities;*
- (d) the consideration and improvement of appropriately located development within the zone;*
- (e) the safe movement of vehicular and pedestrian traffic; and*
- (f) the protection of the amenity of areas adjacent to the zone.”*

TPS3 requires that development within the MITP comply with Industrial Estate Guidelines to facilitate a high standard in the design, orientation and parkland landscaping of sites. These guidelines are only in a conceptual form at this point. The proposal generally complies with the envisaged guidelines for the front building elevation to address the street, simplicity in form, unified image, side loading area, visitor parking and landscaping. The development fails to comply with the required front building setback of 20 metres with the 5 metre minimum front setback provided to Russell Road (following the anticipated road widening) and 3 metres to Coogee Road. These TPS3 variations are considered acceptable given wide width of the Russell Road reserve and the extra 6 metres of land that is expected to be resumed for road widening to facilitate the construction of a dual use path on the northern side of Russell Road. The design also needs to accommodate traffic control devices planned for the intersection of Coogee Road and Russell Road.

Having regard to the issues this proposal raises, while significant in the context of the overall development of the Marine Industry Technology Park, they are considered to be manageable in relation to the development site. The development will mark the commencement of the MITP and is expected to make a significant overall contribution to development of the Australian Marine Complex. It is recommended that Council agree to the scheme variations and approve the proposal subject to conditions.

Strategic Plan/Policy Implications

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

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



Budget/Financial Implications

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

Legal Implications

N/A

Community Consultation

Community consultation was carried out as part of the Structure Plan process but not as part of the consideration of the proposed development. This is not a mandatory requirement of TPS3 yet remains an option open for the Council prior to granting approval to the development.

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

Nil.

21.2 (MINUTE NO 2050) (OCM 20/05/2003) - EARTHWORKS - CITY OF COCKBURN - LAND EXCHANGE PORTION LOT 9050 BARTRAM ROAD, SUCCESS - GOLD ESTATES OF AUSTRALIA (1903) (KJS)

RECOMMENDATION

That Council:

- (1) authorise the Chief Executive Officer to negotiate with Gold Estates, a price to undertake bulk earthworks on the City's land exchange area at Lot 9050 Bartram Road Success; and
- (2) transfer funds from the Land Development Reserve Fund to cover the cost of the works.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

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

CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 10/0

Background

Council at its meeting held on 21 December 1999, resolved to:-



- “(1) advertise its intention to swap Lot 12 Bartram Road area 5,562 sq.m. for an equal value portion of JAA Lot 214 area 5,562 sq.m. pursuant to Section 3.58 (3) of the Local Government Act 1995;*
- (2) proceed to effect the land swap in (1) above subject to there being no objections as a result of statewide advertising;*
- (3) realign the land area within JAA 214 to accommodate any change in the alignment of the future entry road into the future housing estate, south of Bartram Road;*
- (4) undertake to develop the land to synchronise with the development and sales program undertaken by Gold Estates;*
- (5) develop the land as residential land; and*
- (6) not object to any entry statement walls being built on Gold Estate land and adjoining the exchange land provided that these entry statement walls conform to the accepted standard.”*

Submission

By fax dated 14 May 2003, Gold Estates' agent Richard Noble & Associates have sought a contribution to the bulk earthworks being undertaken in respect of the exchange area and other land owned by Gold Estates. A response has been requested by 26 May 2003.

Report

Item 4 of the resolution of 21 December 1999, committed Council to synchronising the development of the exchange land with adjoining Gold Estates' land development.

The City's exchange land pursuant to this undertaking will result in the development of 9 residential lots in approximately 3 years time.

Bulk earthworks are typically undertaken over the larger development area to economically take sand from one area and place the material in areas requiring filling.

Gold Estates have entered into a contract for a large area comprising future stages of subdivision known as Magnolia Gardens. The contract itemises the various components based on unit rates and areas. Council officers will be able to utilise the supplied schedule to determine a fair contribution to the total. The estimated cost is \$16,000.

Strategic Plan/Policy Implications



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

2. Planning Your City

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

Budget/Financial Implications

Sufficient funds are available in the Land Development Reserve Account.

Legal Implications

N/A

Community Consultation

N/A

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

Nil.

22. MATTERS TO BE NOTED FOR INVESTIGATION, WITHOUT DEBATE

Nil

23. CONFIDENTIAL BUSINESS

Nil

24. (MINUTE NO 2051) (OCM 20/05/2003) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)

RECOMMENDATION

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

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



(c) managed efficiently and effectively.

COUNCIL DECISION

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

CARRIED 10/0

25 (OCM 20/05/2003) - CLOSURE OF MEETING

MEETING CLOSED 9.01 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:/...../.....

