

CITY OF COCKBURN

SUMMARY OF MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 16 JULY 2002 AT 7:30 P.M.

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CITY OF COCKBURN

MINUTES OF ORDINARY COUNCIL MEETING HELD ON TUESDAY, 16 JULY 2002 AT 7:30 P.M.

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 L Humphreys	-	Councillor
Mrs N Waters	-	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 A. Blood	-	Acting Director, Planning & Development
Mr B. Greay	-	Director, Engineering & Works
Mrs S. Ellis	-	Executive Secretary
Mr C. Ellis	-	Communications Manager

1616. (AG Item 1) DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7:30pm.

1617. (AG Item 2) APPOINTMENT OF PRESIDING MEMBER (If required)

Nil

1618. (AG Item 3) DISCLAIMER (Read aloud by Presiding Member)



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

1619. (AG Item 4.1) (Ocm1_7_2002) - ACKNOWLEDGEMENT OF RECEIPT OF WRITTEN DECLARATIONS OF FINANCIAL INTERESTS (Presiding Member)

Nil

1620. (AG Item 5.1) (Ocm1_7_2002) - APOLOGIES AND LEAVE OF ABSENCE

Clr M. Reeve-Fowkes - Apology
Clr K. Allen - Apology

1621. (AG Item 6.1) (Ocm1_7_2002) - ACTION TAKEN ON PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

1622. (AG Item 7.1) (Ocm1_7_2002) - PUBLIC QUESTION TIME

Mayor Lee advised the gallery that Council had recently received the following:-

- A plaque from the Multiple Sclerosis Society in appreciation for Council's recent donation of a number of old computers and printers.
- Certificate from the Perth Biodiversity Project to recognise Cockburn's commitment to the conservation of Perth's biodiversity and its involvement in the Perth Biodiversity Project in conjunction with the City of Rockingham and the Town of Kwinana.



- Award for Excellence from the Royal Australian Planning Institute for Community Based Planning: Beeliar Heights/Panorama Gardens Community Plan.

Mayor Lee read aloud the following letter from **Colin Crook** :-

“Prior to “rubberstamping” the acceptance of this document I request that you compare it with the “Draft” document on which ratepayers were invited to submit their comments and allegedly have “input into council affairs”.

Even from the enclosed three pages it is apparent that any submission from the public is irrelevant, as the core PAP figures for 2002/03 have changed markedly, while the rate increase has changed (without explanation) from 3% to 4%. The “rearranged” Performance Measures on page 11 speak for themselves, and in my opinion more truly reflect the community’s perception.

These differences between the two documents is a deterrent for any prospective submission tenderer, and totally negates the principle of community conjunction as set out in The Act.

As for the 1% (\$150,000) EXTRA levy on ratepayers, I see no reason to explain why this increase, if necessary, was not apparent months ago, and could have been included in the DRAFT DOCUMENT, and open for discussion.

Unless you can convince me (and other ratepayers) otherwise, then the conclusion must be that your Council is acting in a deceitful and unethical manner towards the people you represent.”

The Mayor read the following response:

“Firstly I must point out that this Council does not “rubber stamp” any of the documents put before it for consideration. Each Elected Member takes the time to acquaint him or herself with every item that comes before Council, and seeks clarification and further information as necessary before making any decision.

In response to the query as to why the two documents vary, I would like to provide the following information:

At the time the Draft Principal Activities Plan is put out for public comment, the information contained in the document is based on information available at the time it is prepared. A statement to this effect is contained on page 6 of the document, copies of which you have forwarded to Council. Since the first draft was prepared, Council has



received advice that the cost of its Public Liability Insurance will increase by 50% in 2002/03 (almost \$120,000). Also Council decided at its June meeting, that it would set aside \$25,000 per year into a Reserve Fund for the future management of nutrients in Bibra Lake. These two items make up almost all the additional one percent increase you refer to in your letter and several minor changes make up the difference.

It should be noted that a 1% increase based on minimum residential rate is \$4.25.

I notice that a change that you have not referred to is the reduction in the proposed Rubbish Service Charge from \$169.00 to \$161.00 as a result of late advice that Council's share of the loan repayments for the Recycling Centre will not increase as much as previously advised. Changes to the Principal Activities Plan can move both up and down in the period following publication of the draft as new information becomes available.

Changes to the Draft Plan can also occur following consideration of any public submissions but in the case of this Plan, no changes have been recommended to this meeting as a result of submissions.

You have queried the changes in the Performance Measures as contained in the Draft Plan advertised and the Plan before Council tonight for adoption.

The targets established in the advertised Draft Principal Activity Plan followed a method of assessment used by a company previously engaged by Council but who did not provide the service to local government this year. They used a 1 to 4 scoring method. The targets were established from previous years results.

Research Solutions were therefore appointed to undertake the survey. Their method of appraisal, which is done for a number of councils, is based on a 1 to 5 rating system. A number of people surveyed marked the rating as 3. If these results were included in the satisfied statistics, then the satisfaction rating would have been very high. However, they have not been included as either satisfied or dissatisfied, therefore establishing a bracket of people Council should focus on to move their scoring into the level 4 or 5 higher satisfaction rating.

It should be noted that Council received an overall satisfaction rating of 75.8%."

Bert Renner, ratepayer of Spearwood was concerned at the delegated authority given to staff and asked that the officer's name be shown with the item so that interested people can talk to the right person.



Mr Renner also stated that he had heard a rumour that the State Government is not willing to refund the full cost of the Douglas Inquiry of \$1.8m. He asked if Council would be getting all three instalments back from the government and if not, how much would it get and how much would be lost?

Mayor Lee advised that it was Council's understanding that it would be getting all of the money back and this was confirmed by the Director, Finance & Corporate Services.

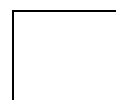
Chris Bolton, President of the Phoenix Cricket Club tabled information regarding the lease of the clubhouse at Anning Park in Jandakot where the Club has been using the facilities for the last 5 years. However, Council has just signed a 12 month-a-year lease for the next 5 years to the Cockburn Lakes Amateur Football Club. The Football Club has advised the Cricket Club that it can no longer use the clubrooms which means the club is without a venue for the coming season. He wanted to know how this could happen and that the Cricket Association has advised that if they do not have any clubrooms, they are not allowed to compete so what should they do now.

Mayor Lee responded that a meeting was being scheduled shortly between Council Officers and representatives of the Club to discuss the issue.

Greg Briffa, resident of Yangebup Road west of the railway line, was concerned about the increase in traffic on his road and the bus stop outside his home which is constantly vandalised. New subdivisions have opened up around his area with all traffic feeding directly onto his road. There is also a road behind his home that is not expected to be opened for another 2 years yet. He asked what Council could do to solve these problems.

Mayor Lee stated that the question of when Beelias Drive will be completed through to Stock Road is a question of funding, as it needs substantial funding to purchase all the land required. It is his understanding that the State Government is not going to make the funds available to Council for a number of years yet. With regards to the bus stop in front of his house, the Ward Members and Mayor have inspected the site and are making enquiries as to whether it can be moved but cannot give a definitive answer at this time.

Mr Briffa asked about the road behind his home that is not used and asked why it couldn't go to Watsons Road.



Mayor responded that Council does not have enough land to build an intersection there and is not in a position to purchase that land at this time.

Ron Kimber, Beeliar tabled a letter containing questions regarding the Western Australian Planning Commission's State Industrial Buffer Policy gazetted in May '97 which is under review with the revised draft to be released next month.

The Presiding Member advised that a response to the questions contained in the letter would be provided in writing.

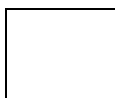
Bob Retallack, Coogee in relation to item 14.1, believed that the suggestion of Port Coogee was not suitable and that a questionnaire through the Cockburn Soundings should be provided to gain public input.

Mike Hume on behalf of South Beach Pty Ltd, advised that they support the officer's recommendation for item 14.3 and wished to thank Council and especially the planning staff, for their assistance.

Ros Claydon on behalf of the Friends of Clontarf Hill and in regards to item 14.4, stated that they are totally opposed to any development. She asked if the advanced Town Planning Scheme No 3 and revised Master Plan have had any consultation with the indigenous people and if groups such as themselves and the State Tuart Coalition could be involved with the development of the structure plan. Ms Claydon stated that currently the site, which extends on the perimeter of Randwick Stables through to Dixon Park, is listed for further research with the World Heritage Commission, National Trust and Dept. of Indigenous Affairs and asked if they could have involvement with the further planning of this area.

The Presiding Member stated that the matter was under consideration tonight.

Acting Director of Planning added that Council has asked the proponents to come forward with a report which justifies the rezoning of that portion of the old access highway to residential and will cover a number of issues including environmental. In respect to TPS 3, he confirmed that there was extensive public and government agency consultation during its preparation and it is now moving to finalisation so there will be no further consultation in respect to that. In regards to Clontarf Hill, he believed it was within the City of Fremantle and will be picked up as part of their process.



The Mayor advised of a letter received from Masterplan and read aloud the final paragraph requesting that the matter be progressed for advertising and that the matters of traffic, environmental etc will be addressed during the advertising period.

Bert Renner, Spearwood in reference to item 14.10, queried the dictionary definitions of some words contained in the officer's report (ie: monk, friar, monastery). He also believed that Council should reject the application to forfeit the \$1,150 fee.

Mayor Lee stated that where the report refers to friars, it is in context to the FRIARS plan and not in relation to monks.

Mr Renner was concerned that rates may not be levied and believed that if it was a private organisation, they should be charged the full amount of rates.

Mayor Lee asked the CEO to ensure that the staff are thorough in their investigation taking Mr Renner's comments into account.

Palmina Lafranais in regard to item 14.5, supported the place of worship application on Phoenix Road but had concerns about the limited amount of parking area which would not be sufficient if the congregation size increased.

Acting Director Planning responded that the provisions of the Town Planning Scheme require 1 parking bay per 4 persons and on the basis of 90 persons, is 22 bays, so the proposal of 24 bays satisfied the Town Planning Scheme. Council is aware that the building can accommodate a larger number of people which is why the recommendation stipulates a maximum of 90 people. If it were to go above 90 people, they would be in breach of the Town Planning approval and Council could take action. He believed there were adequate checks in place to monitor the situation.

Colin Crook, Spearwood in regards to items 14.1 and 14.2, opposed the renaming of Port Catherine and Point Catherine Reserve without input from the residents of Cockburn as he believed a decision should not be made without public consultation. He believed the developers created the names with the view to marketing appeal and that Council should not be seen to be publicly assisting in selling the image of the Port Catherine development. He also believed that the postcodes for these areas could be confusing as the postcode 6163 for these developments is the same for Hamilton Hill in Cockburn but also O'Connor which is in Fremantle. Mr Crook believed the renaming to those proposed, does nothing to help remove the present confusion and more thought needs to be put into it



and suggested the matter be deferred to give the people of Cockburn some input.

1623. (AG Item 8.1) (Ocm1_7_2002) - ORDINARY COUNCIL MEETING - 18/6/2002

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 18 June 2002 be accepted as a true and accurate record.

COUNCIL DECISION

MOVED Clr Whitfield SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0

1624. (AG Item 9.1) (Ocm1_7_2002) - WRITTEN REQUESTS FOR LEAVE OF ABSENCE

Nil

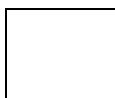
1625. (AG Item 10.1) (Ocm1_7_2002) - DEPUTATIONS AND PETITIONS

Nil

1626. (AG Item 11.1) (Ocm1_7_2002) - BUSINESS LEFT OVER FROM THE PREVIOUS MEETING (If adjourned)

Nil

1627. (AG Item 12.1) (Ocm1_7_2002) - DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS PAPER PRESENT BEFORE THE MEETING



Nil

1628. (AG Item 13.1) (Ocm1_7_2002) - CITY OF COCKBURN (LOCAL GOVERNMENT ACT) LOCAL LAWS: AMENDMENTS (WJH) (1116) (ATTACH)

NOTE: The Presiding Member read aloud a summary of the purpose and effect of the proposed amendment.

RECOMMENDATION

That Council:-

- (1) pursuant to section 3.12(2) of the *Local Government Act 1995*, resolve to amend the *City of Cockburn (Local Government Act) Local Laws 2000*, as recorded in the attachment to this report; and
- (2) adhere to all of the statutory procedures ensuring the promulgation of the amendments to the *City of Cockburn (Local Government Act) Local Laws 2000*.

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Waters that the recommendation be adopted.

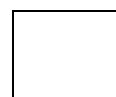
CARRIED 8/0

Background

Council on 15 August 2000, resolved to make the *City of Cockburn (Local Government Act) Local Laws 2000* and the Local Laws were published in the Government Gazette on 9 October 2000. The Local Laws were further amended following a resolution of Council on 17 July 2001.

Submission

On Friday 28 July 2002, a meeting was held between the Mayor, Mr and Mrs Clark and the Principal Environmental Health Officer. Mr and Mrs Clark, who own a property in the Resource Zone, are proposing to raise 300 pigeons for "sale" and release during a "bash" (similar to the Variety Club Bash). Money raised will be donated to Telethon. The *City of*



Cockburn (Local Government Act) Local Laws 2000 only permit the keeping of a maximum of 150 pigeons.

The purpose and intent of this amendment to the *City of Cockburn (Local Government Act) Local Laws 2000*, is to provide for the Principal Environmental Health Officer to approve the keeping of more than 150 pigeons on land zoned Rural or Resource Zone where additional pigeons are required to be kept for "Special Events".

Report

Over time, issues change and there is a need to address these issues by amendments to the Local Laws. The proposed amendments to the Local Laws are set out in the attachments to this report.

The Principal Environmental Health Officer (PEHO) is of the opinion that the current ceiling of 150 pigeons on land zoned Rural or Resource Zone could be increased for occasional special events, such as the one proposed by Mr and Mrs Clark. Larger lot sizes serve to minimise nuisance to nearby neighbours and water pollution and fly breeding issues can be adequately controlled by the application of other clauses of the Local Laws and adherence to the Code of Practice called up by the Local laws. Additional conditions and time limitations determined by the PEHO could provide additional insurance.

Such applications in the Resource Zone are also likely to require planning approval and will need to be referred to the Water and Rivers Commission and the Western Australian Planning Commission. Applications for properties near to Jandakot Airport will be referred to Jandakot Airport for consideration of "bird-strike" issues.

The suggested amendment will give the PEHO the authority to treat every such application on its merits. It is recommended that Council support the adoption of the proposed amendments as attached to the Agenda.

Strategic Plan/Policy Implications

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

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."*

Strategic Plan/Policy Implications

N/A



Budget/Financial Implications

Funds are available in Council Budget.

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

Nil

1629. (AG Item 13.2) (Ocm1_7_2002) - LOCAL GOVERNMENT WEEK CONFERENCE - 2-6 AUGUST 2002 - COUNCIL DELEGATE ATTENDANCE (1332) (RWB)

RECOMMENDATION

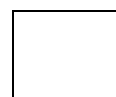
That :

- (1) Council register the following Elected Members to attend the Local Government Week Conference, August 2002:-
 - Mayor Lee (3 August)
 - Deputy Mayor Graham (3, 4 & 5 August)
 - Clr Humphreys (4, 5 & 6 August)
 - Clr Waters (3, 4 & 5 August)
- (2) the voting delegates for the Annual General Meeting of the Local Government Association be Council's delegates to the South Metropolitan Zone being Deputy Mayor Graham, Clr Humphreys and Clr Waters.

COUNCIL DECISION

MOVED Clr Tilbury SECONDED Clr Waters that :

- (1) Council register the following Elected Members to attend the Local Government Week Conference, August 2002:-
 - Mayor Lee (3 & 5 August)
 - Deputy Mayor Graham (3, 4 & 5 August)
 - Clr Humphreys (4, 5 & 6 August)
 - Clr Waters (3, 4 & 5 August)
- (2) the voting delegates for the Annual General Meeting of the Local Government Association be Council's delegates to the South Metropolitan Zone being Deputy Mayor Graham, Clr Humphreys and Clr Waters.



CARRIED 8/0

Explanation

Mayor Lee amended his attendance selection for the conference.

Background

The Local Government Week Conference is held annually as part of Local Government Week. The Conference has a different format to previous years but still includes the Annual General Meeting for the Local Government Association and the AGM for the WA Local Government Association, now on Sunday afternoon at different times.

Submission

N/A

Report

The Local Government Week Conference is to be held from 2-6 August 2002 at the Burswood Convention Centre.

Elected Members have been provided with a copy of the program, which now commences on Friday, 2 August with registration for Mayors and Saturday registration for other delegates.

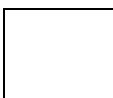
Whilst the Annual General Meetings are open to conference attendees, Council is limited to three voting members. The three Council delegates to the South Metropolitan Zone Local Government Association have been the voting members in the past. Council's delegates are Deputy Mayor Graham, Cllr Humphreys and Cllr Waters.

Council will need to determine its voting members.

The conference program rates are also different to previous years with varying daily rates dependent upon the days activities.

The Cocktail Function is not included in the cost this year, now an additional \$55 per person. The Gala Dinner is \$93.50 per person.

Mayor Lee has agreed to give a presentation on Saturday afternoon under the heading of "*Reducing the Risk Factors – 'The City of South Perth Experience'*". As he has agreed to be a presenter, his registration for that day only is complimentary.



Council's Policy AES6 requires that if more than one nomination is received to attend the conference, Council must determine attendees. The Policy also allows for partners to attend conference dinners and where approved by resolution of Council, for overnight accommodation and additional partner expenses.

In response to a request for registrations, at the time of writing this report, Elected Members have advised as follows:-

- Mayor Lee – attend Saturday (no charge)
- Deputy Mayor Graham – attend Saturday – Monday (\$462)
- Clr Humphreys – attend on Sunday - Tuesday (\$616 (includes dinner)
- Clr Waters – attend on Saturday – Monday (\$341)

Strategic Plan/Policy Implications

Policy AES6 applies.

Budget/Financial Implications

Elected Members Conference Account 110290 has funds available.

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

Nil

1630. (AG Item 14.1) (Ocm1_7_2002) - ALTERNATIVE ESTATE NAME FOR PORT CATHERINE MARINA (3209006) (SMH)

RECOMMENDATION

That Council:

- (1) receive the report;
- (2) adopt "Port Coogee" as the preferred estate name for the proposed Port Catherine Marina;
- (3) advise Port Catherine Developments Pty Ltd (Australand) of the Council's decision and request the Company to consider "Port Coogee" as an alternative estate name for the marina project; and
- (4) advise the Western Australian Planning Commission of the Council's decision accordingly.



COUNCIL DECISION

MOVED Cllr Humphreys SECONDED Mayor Lee that the matter be deferred for two months to allow for public consultation through the Cockburn Soundings, on possible names for the project to be put to the developer for consideration.

CARRIED 8/0

Explanation

There was some public concern expressed at the suggestion of Port Coogee and therefore, it was considered important that the public be given the opportunity through the Cockburn Soundings, to make suggestions on possible names which could then be provided to the developer for their consideration.

Background

Council has been concerned for some time that Port Catherine is a name not associated with the City of Cockburn and another name should be considered.

Submission

The Elected Members were surveyed with responses being returned to the Mayor. The Mayor advised that the outcome of the survey was a preference for "Port Coogee".

Report

Given that the Port Catherine Marina was still in its initial stages of planning and promotion, it is desirable that if the Elected Members are concerned about the current name for the project, it should make the proponent aware of this earlier rather than later and also provide a preferred name for the developer to consider.

Should the Council decision precipitate discussions with the developer and/or the State Government, then it would be desirable for these discussions to be undertaken by the Mayor on behalf of the Council.

Strategic Plan/Policy Implications

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

2. Planning Your City



- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

Budget/Financial Implications

N/A

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

Nil.

1631. (AG Item 14.2) (Ocm1_7_2002) - RENAMING OF CATHERINE POINT RESERVE, HAMILTON HILL (2200418) (SMH) (ATTACH)

RECOMMENDATION

That Council:

- (1) receive the report; and
- (2) write to the Department of Land Administration Geographic Names, requesting that Catherine Point Reserve Hamilton Hill, be renamed to "C.Y. O'Connor Beach".

COUNCIL DECISION

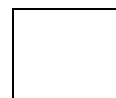
MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

CARRIED 8/0

Background

The Catherine Point Reserve has come to the attention of the Council because of the recent South Beach re-development proposals and discussions about the transformation of this area to a popular metropolitan beachfront location.

The Department of Industry and Technology has spent a considerable amount of money over the past 5 years rehabilitating the beachfront adjacent to the old Robb Jetty Abattoir. This area has now become an attractive public beach. In conjunction with this artworks have been erected to commemorate the history of the beach in relation to the abattoir, horse racing and the death of C.Y. O'Connor.



A statue of C.Y. O'Connor on his horse in the surf has been erected to mark the place where he took his life in 1902.

Nearby, a recent industrial subdivision north of Rollinson Road has been created using a cul-de-sac named O'Connor Close.

Submission

At a Council briefing session held on 11 June 2002 it was requested that the staff prepare a report to re-name Catherine Point Reserve, Hamilton Hill, to C.Y. O'Connor Beach in recognition of C.Y. O'Connor.

Report

Catherine Point Reserve R24787/1957 is about 10 hectares in area and extends from the Council's northern boundary at South Beach south to McTaggart Cove adjacent to the South Fremantle Power Station, and from the low water mark east to the western boundary of the Bradken property and the railway reserve.

The Council is of the view that Catherine Point Reserve is an inappropriate name for this stretch of beach and believes that the reserve should be re-named in its entirety to C.Y. O'Connor Beach in memory and recognition of the contribution and community standing of this famous pioneering engineer.

To initiate the renaming of the reserve, the Council will need to write to the Geographic Names section of the Department of Land Administration.

Strategic Plan/Policy Implications

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

2. Planning Your City

- *"To foster a sense of community within the district generally and neighbourhoods in particular."*

Budget/Financial Implications

Funds may be required to erect new signage.

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

Nil.



1632. (AG Item 14.3) (Ocm1_7_2002) - SOUTH BEACH STRUCTURE PLAN (9653) (SMH) (ATTACH)**RECOMMENDATION**

That Council:

- (1) receive the report;
- (2) adopt the Structure Plan:-
 1. under Clause 6.2.11 of proposed Town Planning Scheme No. 3, given that proposed Town Planning Scheme No. 3 is a seriously entertained district scheme which has been adopted by the Council for final approval by the Hon. Minister for Planning and Infrastructure;
 2. subject to:-
 - (a) review of the road connections serving the proposed development such that the new housing area has a connection north to Fremantle via South Terrace,
 - (b) consideration being given to providing a road link between Rollinson Road and South Terrace,
 - (c) illustrating on the plan the location of a possible future passenger railway stop/station to serve the residents and South Beach,
 - (d) the design incorporating the minimum acceptable standards required for building setback and design relative to the operation of the railway line as the primary freight route serving the Fremantle Port, together with memorials on titles advising of the likely impact of railway line usage on adjoining properties,
 - (e) a commitment from the developer that where practical, Environmental Sustainable Development (ESD) principles will be applied to the project,
 - (f) development being subject to the application of design guidelines, and the guidelines being prepared in consultation with the community,
 - (g) the Structure Plan showing the linkages and relationships with the surrounding area in terms of parks, dual use paths, commercial and community

facilities,

- (h) the proposed road widths and one way streets being reviewed and amended to conform to the road planning requirements contained in Liveable Neighbourhoods – Community Design Code,
- (i) the design being modified to include an east/west open space link between the Mixed Business Area and R60/80 site to connect the open space strip on the east side of the railway, to the internal road system. In the event that the Mixed Business Area converts to residential uses and the open space is extended to Rollinson Road, the additional open space link could be deleted,
- (j) the R Codes proposed being modified to show the long narrow strip of R20/40 located between the Mixed Business Area and the R60/100 Grouped Dwelling site located in the central portion of the project area as R60/100,
- (k) prior to subdivision, the following matters be addressed:-
 - the preparation of a Drainage Management Plan.
 - An assessment of the groundwater quality to ensure that there is no potential effects from any contamination that may arise from the previous use of the land.
 - The relationship between any groundwater abstraction sites within the project to the proposed location of the recharge bores from the Port Catherine Marina development.
 - The potential for insect (midge) problems that may be associated with any on site lakes or other water bodies.
 - The preparation of a Landscape, Revegetation and Dune Stabilisation and Management Plan for the project area and adjoining coastal frontage.

(3) advise the proponent, South Beach Pty Ltd, that:-



1. Council would welcome a presentation of the project to the Elected Members,
 2. The endorsement of the Western Australian Planning Commission to the proposed Structure Plan is also required;
- (4) refer the South Beach Structure Plan to the Western Australian Planning Commission for endorsement, together with a copy of the Council decision, report and schedule of submissions; and
- (5) provide a copy of the Council decision, report and schedule of submissions to the City of Fremantle for their information.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Edwards that the recommendation be adopted.

CARRIED 8/0

Background

On 21 May 2002, the Council adopted the South Beach Structure Plan for the purposes of advertising under the requirements of proposed Town Planning Scheme No. 3. Refer to Item 14.17 Minute No. 1573.

The plan was advertised between 27 May and 17 June 2002.

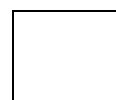
A sign was erected on the site. Notices were placed in the local newspaper and 12 adjoining property owners were written to.

In addition, large maps of the proposed plan were displayed at the Coolbellup and Spearwood Libraries and at the Administration Centre, together with copies of the Structure Plan report.

During the public comment period 15 submissions were received. Refer to the schedule attached to the Agenda.

As required under the proposed scheme provisions the plan was referred to the Western Australian Planning Commission for comment on 27 May 2002.

As the Council would be aware, between 16 and 23 March 2002, the proponents conducted public workshops and presentations on the plan which were well attended.



Submission

The proposed South Beach Structure Plan Report was submitted to the Council on 21 May 2002. The Council required the Planning and Development Division to prepare a report on the proposal during the public advertising period.

Copies of the report are available from the Planning and Development Division. The report contains 45 pages.

The Executive Summary of the report was attached to the Agenda Item 14.17 considered by the Council on 21 May 2002. This provided an overview of the proposal.

The MRS Amendment 1008/33 to rezone the project area from Industry to Urban was gazetted on 21 December 2001.

The Local Scheme Amendment No. 201 to District Zoning Scheme No. 2 was deferred indefinitely because of the likelihood that TPS No. 3 would be finalised before Amendment No. 201. The two schemes contain the same proposal.

The Council finally adopted proposed TPS No. 3 on 18 June 2002 and has referred the scheme to the Hon. Minister for Planning and Infrastructure for final approval.

Under TPS No. 3, it is proposed that the project area be included in the Development Zone and Development Area (DA16). A Development Area requires a Structure Plan to be adopted prior to subdivision and development.

The Structure Plan, once adopted, forms the basis of more detailed planning and design.

Report

The assessment of the proposed Structure Plan has been undertaken in three parts, Planning, Environment and Submissions.

Planning

The report deals with a range of planning related matters and has addressed a number of issues raised during the workshop and public presentations. The plan was prepared by a consortium of experts in planning, architecture, environment, transportation and economics from private and public backgrounds.



The resultant plan is the outcome of the contribution by the experts and the interested public.

From a land use planning point of view the plan is acceptable because:-

1. The layout has evolved from a consultation process.
2. The plan contains at least 10% of the developable area as public open space (POS).
3. Additional region open space (Parks and Recreation) has been provided along the western boundary of the Bradken site (a linear strip 11m wide) to increase the setback to the foreshore in accordance with recent amendments to the MRS.
4. The pattern of POS is an extension of Hollis Park into the project following a view corridor to South Beach, the Pines and the Port and Rottnest Island. Hollis Park is also extended south along the railway reserve to connect to Rollinson Road which accesses Catherine Point Reserve.
5. Pocket parks have been included on the Bradken site to provide for pedestrian access to the beach, links to the dual use path and to enable oblique views of Owen Anchorage to be gained from the residences.
6. The freight railway line serving Fremantle Port is retained in an existing reserve with additional setback distances provided to the east and west by a POS strip and a road reserve respectively. This has been provided in accordance with advice provided by the Department of Environment, Water and Catchment Protection and acoustic experts.
7. The plan contains a range of housing densities from R20 to R100 on single and grouped dwelling sites. This provides housing choice and affordability commensurate with building design and lifestyle. The split codes of R20/40 provides for single housing to be developed in accordance with the R20 requirements and Group Dwellings in accordance with R40 requirements for greater flexibility.
8. The plan acknowledges the existence of the businesses located within the light industrial zone by proposing that this be reclassified to "Mixed Business" to provide for the continuation of uses that should be compatible with the future residential development. Uses that were approved in the light industrial zone that may not be permitted in the mixed business area may continue to operate with non-conforming use rights. However, it should be noted that uses in the light industry zone should

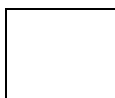


operate without having a detrimental effect on the adjoining neighbourhood, and therefore even if non-conforming uses continue, they should be compatible. Under the provisions of the Mixed Business Zone in TPS No. 3, the Council has the discretion to approve residential development and light industrial development.

9. The plan illustrates how landowners in the proposed mixed business area can be linked into the Structure Plan should the owners decide to subdivide in the future.
10. Access into the development area is confined to Island Street to the north and Rollinson Road from the south. These are obvious choices. Access to the Bradken site and the Westrail land in the City of Fremantle is from Ocean Road via South Terrace. This, to a large extent, retains the status quo and reflects the preferred position of the South Fremantle residents and their Councillors. There was a strongly held view expressed at the workshops that there should be no direct road connection between North Coogee and South Fremantle or through the development area. This has been achieved.

It should be noted that during the subsequent advertising of the Structure Plan, there were a number of submissions strongly advocating the inclusion of road linkages to South Fremantle.

11. Provision has been made for public transport links to Rockingham Road and to South Terrace, together with a dual path system.
12. Existing beach car parking areas at South Beach and at Catherine Point Reserve (along Robb Road) so that the level of public access is maintained.
13. The plan provides for the inclusion of a small beachfront café/restaurant which is located to serve South Beach and to a lesser extent, the development area. Based on the work undertaken as part of the report, this appears to be sufficient for the needs of the locality.
14. Roads vary in size from 16m to 5m laneways. The Council's minimum road reserve width is generally 15m. The road provisions should comply with the requirements of the Liveable Neighbourhood Community Design Code.
15. The orientation of the majority of lots enables ocean views to be achieved. This means that some environmental objectives may need to be compromised, but depending upon the building design and the application of design guidelines, north facing courtyards on longer and narrower lots may be able to be achieved.



16. The interface between the Robb Jetty Industrial Area south of Rollinson Road has been separated from the development by more compatible land uses such as mixed business and high density grouped housing sites. Despite this, the existing land use activities south of Rollinson Road are of a type that are not deemed to be incompatible with residential use. A transition should be provided because the land south of Rollinson Road is zoned industrial. In contrast to this, the light industrial land on O'Connor Close is zoned urban and by definition, should contain uses compatible with residential development. A transitional buffer in this instance should not be required.
17. Planning matters that may require further consideration is the acceptability of one way roads and/or the location in which they are proposed. Similarly the extent and location of the laneways needs to be the subject of further discussion.
18. Despite the fact that the development is planned to be a residential beachside enclave, there is still some merit in reviewing the need for an indirect road link between Rollinson Road and South Terrace in the interests of neighbourhood connectivity and support for the Fremantle CBD. Although this is desirable, it is not essential for the new South Beach community to function.
19. Although not directly related to the South Beach project, the plan provides for road and pathway connections south into North Coogee (Robb Jetty Industrial Estate) which is understood to be the subject of a State Government land use review. At this stage it is not known what the future might be, but despite this the proposed plan does not preclude or jeopardise future land use and transportation decisions that may be required.
20. The plan should have indicated how a passenger railway station at South Beach could have been provided to serve the beach and the residential area in the future should this opportunity arise.

It is considered that the Structure Plan should be modified to reflect the following:

1. Recoding the long narrow strip of R20/40 located between the area of Mixed Business and R60/100 in the central portion of the project area to R60/100 to simplify and rationalise the proposed coding.
2. Incorporate an open space link extending east of the railway between the Mixed Business and R60/100 Group Dwelling site so that a continuous open space link can be established if the Mixed



Business area does not convert to residential use which would provide for a continuous open space link to Rollinson Road.

Environment

The report was assessed by the Council Environmental Management Services and the points raised relative to the Structure Plan were:-

1. All fill should be clean as well as being dieback and weed free, in accordance with the development approval to fill the land issued on 30 October 2000.
2. A Drainage Management Plan will need to be submitted to Council for approval. This plan will need to detail expected drainage flows and containment areas and should detail the proposed gross pollutant traps, sediment and nutrient stripping drains to be used and any enhancement proposals around the drainage system.
3. The possibility of insect problems (ie midge) associated with any on site lakes needs to be addressed and the techniques to be employed to alleviate any potential problems.
4. The location of the proposed Port Catherine groundwater recharge bores relative to the site needs to be identified and if any impacts are likely, how they can be resolved.
5. The water quality associated with potential groundwater contamination resulting from previous land uses needs to be examined further to ensure no detrimental effects arise.
6. The interface between development on Lot 1815 (Bradken site) and the dune system on the ocean side of the railway has not been addressed. This interface needs to be managed appropriately and the development and implementation of a dune management plan is recommended.
7. A landscape and revegetation plan needs to be submitted to the City for approval prior to subdivision. These plans should include details of plant species, plant numbers and plant densities and also include details of a maintenance program and weed management program.
8. Norfolk Island Pines and Plane trees should not be used at the interface between the development and the dune system or other natural areas.



9. Treatment of interface between the tip site and development including any off site migration of contaminants, needs to be addressed as part of the subdivision.
10. Sustainable development practices should be pursued.

Submissions

During the advertising period, 15 submissions were received.

Letters were sent on 29 May 2002 to 13 nearby land owners. Of these only 4 responded.

The submissions are summarised in the Schedule of Submissions attached to the agenda. The Schedule includes a summary of the submissions, responses and recommendations.

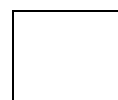
In essence, there was conditional and unconditional support for the plan. The issues raised varied, but those supported were:-

- The development should be served by South Terrace from the north;
- A road connection from Rollinson Road north to Island Street, Alice Street and South Terrace should be provided;
- The development should be based on ESD principles;
- The design guidelines should be prepared in consultation with the community; and
- The design to have due regard to the use of the railway line to move freight to and from the Fremantle Port.

There were complaints received suggesting that the public advertising period was too short. It was stated that the City of Fremantle had advertised the Structure Plan for 8 weeks, which will close on 23 July. This is a typical advertising period for planning proposals in Fremantle. The officer report is therefore likely to be presented to Council in August.

It was also claimed that the public information was not available when the Council opened its doors on Monday 27 May. Copies of the report and large plans were provided by the developer and were available to the Council by mid morning. That day the reports and plans were delivered to the Coolbellup and Spearwood Libraries and displayed in the Administration Centre.

There were a limited number of enquiries. When requested, copies of plan and extracts of the report were provided to interested members of the public.



As required under the provisions of proposed TPS No. 3, copies of the Structure Plan Report were referred to the WAPC for comment and advice on 27 May 2002. At the time of preparing this report there had been no response.

Conclusion

The plan as presented should be supported as the basis for detailed subdivision and engineering design.

Council support should be subject to the conditions and requirements contained in the recommendation.

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

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

Nil.



1633. (AG Item 14.4) (Ocm1_7_2002) - REQUEST TO INITIATE A SCHEME AMENDMENT TO DISTRICT ZONING SCHEME NO. 2 (MR) (9474) (ATTACH)

RECOMMENDATION

That Council:

- (1) advise Masterplan that it is not prepared to initiate an amendment to District Zoning Scheme No 2 at this stage given the advanced stage of Town Planning Scheme No 3; and
- (2) advise Masterplan that:-
 - a) It is prepared to reconsider the rezoning of the subject land upon the gazettal of TPS 3 and subject to the preparation of a Structure Plan for the Fremantle Eastern Bypass reservation portion within the district, showing land use planning options, residential densities, traffic network linkages, environmental considerations and infrastructure requirements, in order to provide a context for the proposed amendment.
 - b) Lot 9 Healy Road and Lot 40 Cardigan Street should be zoned Light Industry to reflect their current land use unless the agreement of the owners of that land is obtained to an alternative zoning.
 - c) The proponent is required to prepare the necessary amendment documentation and pay all associated costs.

COUNCIL DECISION

MOVED Deputy Mayor Graham SECONDED Clr Oliver that Council:

- (1) advise Masterplan that it is not prepared to initiate an amendment to District Zoning Scheme No 2 at this stage given the advanced stage of Town Planning Scheme No 3; and
- (2) advise Masterplan that it is prepared to initiate an amendment to Town Planning Scheme No 3 to rezone the land subject to:-
 - (a) The proponent preparing the necessary amendment documentation including a supporting report addressing local issues and paying all associated costs.
 - (b) Lot 9 Healy Road and Lot 40 Cardigan Street being zoned 'Light Industry' to reflect their current land use unless the agreement of the owners of that land is

obtained to an alternative zoning.

CARRIED 8/0

Explanation

The proposed amendment to Council's Town Planning Scheme is to run in parallel with an amendment to the Metropolitan Region Scheme. It is appropriate for the regional issues to be dealt with as part of the MRS and only relevant local issues to be included in the amendment to TPS No 3. The recommendation has been amended to reflect this position.

Note: A letter from Masterplan dated 12 July, was circulated to all Elected Members present prior to the Meeting, advising that they generally supported the officer's recommendation however, they wished to proceed with the amendment to District Zoning Scheme No 2.

Background

The Minister for Planning and Infrastructure has announced that the Fremantle Eastern By-pass (FEB) Reserve and the MRS will be deleted. The reserved land will be replaced with other land uses compatible with the surrounding area. Part of the FEB is within the City of Cockburn.

Submission

Masterplan (Planning Consultants) acting on behalf of LandCorp, requested Council to initiate an amendment to District Zoning Scheme No 2 ("DZS2") to rezone a section of the Fremantle Eastern Bypass between Healy Road and Rockingham Road to Residential. (Refer to the Agenda Attachment).

The applicant has raised the following points in support of this proposal:

- The Government of Western Australia has decided that the Fremantle Eastern Bypass between High Street, Fremantle and Rockingham Road, Hamilton Hill will not proceed. The rationale for this decision was not provided;
- The road reservation is therefore available for other land uses;
- The Western Australian Planning Commission initiated an amendment to the MRS on 14 May 2002, to rezone the reservation to Urban, but no formal advice has been issued or public advertising commenced;
- The subject land is reserved for Primary Roads in the MRS and this is reflected in DZS2 and TPS3;



- The proposed zoning within the City of Cockburn is generally in accordance with the prevailing zoning of the surrounding area in DZS2 and the proposal for the adjoining land reflects TPS No. 3;
- Two groupings of existing lots within the reserve are proposed to be rezoned to Residential R40 to provide for the needs of local residents seeking smaller dwellings and gardens;

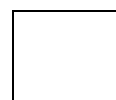
The rezoning request generally accords with the zonings proposed for lands surrounding the former Fremantle Eastern Bypass reservation in DZS2 and TPS3. The rezoning would provide opportunities to return an otherwise blighted location and a difficult subdivision layout into a residential area.

Report

It is understood that the Western Australian Planning Commission have initiated an amendment to the MRS to remove the Fremantle Eastern Bypass reservation and replace it with an Urban Zone. This matter was raised by the City of Fremantle at the South West District Planning Committee on 30 May 2002.

It is not considered appropriate to initiate an amendment to either DZS No. 2 or TPS No. 3 at this time to incorporate this request for a scheme amendment for the following reasons:-

- Although an amendment to DZS2 could be initiated in conjunction with the MRS amendment, it is likely however to be superseded by TPS3 before the scheme amendment could be finalised. This would require the amendment to TPS3 to be re-initiated when gazetted;
- The Department of Planning and Infrastructure has directed that the Council delete current MRS proposals contained in TPS No. 3 because they would be inconsistent with the MRS and therefore contrary to the Act, despite the fact the amendments are well advanced but unlikely to be finalised before TPS3. Also, if the Council accepted this proposal as a change to TPS3, it will delay the progress of TPS3. There is a high expectation in the community that TPS3 will be finalised later this year;
- A strategic approach is needed to determine the most appropriate land use for the whole reservation, rather than focusing on one particular part of it. A detailed structure plan is needed (ie traffic network review, infrastructure, residential densities and other land use planning issues) to ensure that the final proposals for the area will work from an orderly and proper planning perspective and not allow decisions to be made on an adhoc basis;



- The proposed residential zoning of Lot 9 Healy Road and the eastern half of Lot 40 Cardigan Street does not reflect the current industrial use of the land. If a zoning other than light industry is proposed for the 2 subject lots, there would need to be written agreement from the current landowner. Consideration could also be given to the future zoning of the whole wood yard.

For example, is the Roe Highway Reserve to be retained or deleted in whole or in part? Is the Fremantle to Rockingham Highway Reserve to be retained or deleted south of Rockingham Road? What is the future of the Rockingham Road/Rollinson Road connection? If the Roe Highway Reserve is to be deleted, what will the future role of Rockingham Road be? Will it need to be widened? These unanswered questions need to be resolved so that appropriate land use decisions can be made.

The consultant's letter in support of amendment is inadequate and provides no context for the proposed amendment. Although no justification is given for the decision to delete the FEB, the regional transportation impacts are not addressed. Although the deletion of the reserve affects only a small area within the City of Cockburn, the overall decision could have significant implications.

It is not clear why there is such great haste to initiate an amendment to the local scheme prior to the amendment of the MRS. This approach is not usually promoted by the Commission. Neither the Minister nor the WAPC have the power to require a local scheme to be amended except following the amendment to the MRS. As the State Government owns and/or controls all the land within the MRS reserve there is no 'immediate' risk that the FEB will be built. If the objective of the State is to ensure that the FEB can never be built, amendment with the City of Cockburn is not crucial to achieving this as 90% of the reserve or more is in the City of Fremantle. The City of Fremantle has already initiated an amendment to its local scheme to facilitate the deletion of the FEB reserve.

It is recommended that the Council advise the applicant that it is prepared to reconsider the rezoning following the gazettal of TPS3 and the preparation of a structure plan by either the Council for the State Government that identifies future land use options for the land.

Of interest is that the City of Fremantle initiated Amendment No. 57 to its local scheme on 20 May 2002, only 6 days after the WAPC initiated the amendment to the MRS. The City must have known about the MRS amendment well before 14 May to enable the amendment to be prepared, whereas the submission from Masterplan to the City of Cockburn was only received on 28 June 2002, despite the fact that LandCorp and Masterplan met with the Director of Planning and Development on 2 May 2002 to informally discuss the matter.



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

Nil

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

Nil

1634. (AG Item 14.5) (Ocm1_7_2002) - PLACE OF PUBLIC WORSHIP, OP-SHOP AND RELATED SERVICES - LOT 1000 (66-68) PHOENIX ROAD, SPEARWOOD (2206965) (CP) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve the application to establish a place of public worship, op-shop and related offices on Lot 1000 (66-68) Phoenix Road, Spearwood subject to the following conditions:

Standard Conditions

1. Standard conditions and footnotes as contained in Council Policy APD 17 as determined appropriate to this application by the delegated officer, under clause 7.6 of Council's District Zoning Scheme No. 2.

Special Conditions

1. The existing health centre and brick wall bordering Grandpre Crescent to be repaired and painted to the satisfaction of the City.
2. The applicant engaging a qualified acoustic consultant to certify that the development will comply with the Environmental Protection (Noise) Regulations 1997.
3. The existing driveway access between Lot 1000 and Lot



8 (service station) be closed to the satisfaction of the City.

4. A minimum of 24 car bays must be provided on-site.
5. The external stairway on the northern side of the building is to be removed and the doorway opening permanently enclosed to the satisfaction of the City.
6. The maximum occupancy of the site shall, for the purposes of this application, be no more than 90 people at any one time.
7. A landscape plan must be submitted to the Council and approved, prior to applying for a building licence and which shall show the following:
 - (a) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (b) any lawns to be established;
 - (c) those areas to be reticulated or irrigated;
 - (d) landscaping of the street verge adjoining the boundaries of the site.
8. No parking is permitted along the street verges either adjoining or nearby the site.

Special Footnote

A parking strategy be developed by the applicant to accommodate the parking needs of the proposed activity, particularly in the event of seeking approval to enlarge the proposal, or in the event that actual parking behaviour generates difficulties for local residents.

- (2) issue a MRS Form 2 Notice of Approval; and
- (3) advise those who made submission of the Council's decision.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0



Background

ZONING:	MRS:	Urban Zone
	TPS No.2:	Commercial Zone
LAND USE:	Vacant Buildings (Former Squash Courts and Health Studio)	
LOT SIZE:	0.219 ha	
USE CLASS:	AA use.	
OWNER:	G&S Chapman, A&F Knowles, G&M Matyear	
APPLICANT:	Mr Phillip Dixon	

The subject site has been vacant for some time; the buildings vandalised and have become an eyesore for the local neighbourhood. The City recently initiated proceedings against the owners under the Local Government Act, to have the building repaired to a satisfactory condition. Various developments have been proposed for this site in recent years, but as yet none have proceeded.

Submission

Mr Dixon ("the applicant") on behalf of the South City Christian Centre, seeks Council's approval to establish a place of public worship and renovate the existing building to the specifications of the submitted plans. Other aspects of the proposed use include community care/op-shop, youth and childrens' activities, church administration and associated signage.

The complete description of the activity, including site plan is in the Agenda attachments.

Report

At the close of the 21 day submission period, two (2) submissions were received from nearby and adjoining landowners. Both submissions support the development, but cite some concerns. The issues raised in the submissions are examined in detail and are set out in the Agenda attachment.

The main concerns raised in submissions relate to:

- a) Parking shortage on the site (recommends demolishing health centre to provide for parking).
- b) Through traffic (heavy trucks) travelling from the neighbouring service station over Lot 1000 onto Grandpre Crescent.
- c) Noise from the proposed activities.
- d) Impacts of the Council's proposed alteration to the Phoenix Road and Grandpre Crescent intersection.



The supporting information submitted with the application indicated the worship centre attracts “80 to 90” people to weekly services. This was the scale of operation that was understood to be proposed from the subject site. However in a recent discussion, the applicant advised verbally that the church expects to grow over the next five years to attract approximately 250 people to services. If this is indeed the case, then a further development application will be required in the future for this site. This is because the current application has been advertised and processed on the basis of 90 people maximum attending services (in addition to the other aspects). As such, the Council is compelled to consider this application as being for a maximum of 90 worshippers at any one time.

In accordance with District Zoning Scheme No.2, the proposed use requires a minimum of 23 on-site car bays. There is sufficient space on-site to accommodate 23 bays without the need for the Health Centre building to be removed. However, further parking would be required in the event of seeking approval for a larger worship gathering. In that case, the applicant would need to consider the various options available for the provision of parking on-site and on nearby land.

Given the volume of people attending the site at peak times, it is reasonable to require the closure of the driveway between Lot 1000 and the neighbouring service station. Additionally, this will stop heavy vehicles using Grandpre Crescent, rather than Phoenix Road as access to the service station.

There is potential for noise from the proposed use affecting residents living nearby, given the event of band practices, Sunday services and the like. To address this issue, noise attenuation measures should be incorporated in the building structure, as determined by an experienced acoustic engineer.

The external stairways are not required and will be removed from the building.

Additionally, as the site is currently vacant and derelict, the proposed use will enhance the area as well as reducing the prevalent attacks of vandalism reported by local residents.

Having considered the above, it is recommended that the proposal be approved for the following reasons:

1. The proposed use is compatible with surrounding land uses given the recommended conditions of approval and the nature of the proposal.



2. The development will enhance the streetscape of the surrounding area.
3. The proposal is consistent with the provisions of District Zoning Scheme No.2.
4. The concerns expressed in submissions can be addressed in the condition of approval.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

N/A

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

Nil.

1635. (AG Item 14.6) (Ocm1_7_2002) - DEMOLITION OF A HERITAGE LISTED DWELLING - PT LOT 10 (No 13) RIGBY AVENUE, SPEARWOOD (3315093) (MR) (ATTACH)

RECOMMENDATION

That Council:

- (1) refuse the proposed demolition of the heritage listed dwelling on Pt Lot 10 (No 13) Rigby Avenue, Spearwood, in accordance with the application dated 20 May 2002, for the following reasons:-

1. The proposed demolition would result in the destruction of a building that is considered by the Council to have cultural heritage significance as outlined in the City of Cockburn Municipal Heritage Inventory and supported by a heritage assessment report prepared by KTA Partnership Architects.

Footnote:

Council advise the applicant that it is prepared to grant a density bonus of an additional dwelling above the requirements of the proposed residential planning code of R30 (Amendment 205 to



TPS2) subject to:-

- A design that is acceptable to the City (eg: 2 battle-axe shaped lots with the listed dwelling retained on a centre lot facing Rigby Street);
- A heritage agreement being entered into (at the applicants cost) to secure the on-going retention of the house by the current and future owners;
- A schedule of works being prepared by a heritage architect (at the applicants cost) outlining urgent conservation works to be carried out on the dwelling (ie weather proofing, roof replacement, guttering, drainage etc.);
- Satisfactory arrangements for reticulated water and sewer services; and
- Gazettal of Amendment 205 to TPS2 or rezoning of Part Lot 10 to Residential R30 in TPS3.

(2) issue a Form 2 Notice of Refusal to the applicant.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

ZONING:	MRS:	Urban
	DZS2:	Rural
LAND USE:	Existing Dwelling	
APPLICANT:	Ivan Donjerkovic	
OWNER:	Dinko Donjerkovic	
LOT SIZE:	1.076ha	
USE CLASS:	Use Not Listed ("Demolition")	

Amendment 205 to District Zoning Scheme No 2 adopted by the Council, seeks to rezone the subject land from Rural to Residential R30. The property is within the Packham Development Area.

Submission

The applicant seeks approval from Council to demolish the whole dwelling for the following reasons:-

- The subject land is within the Packham Development Area;



- The dwelling is located in the middle line of the lot frontage where it is intended to demolish the building and construct two new houses by family members.

Report

The City's Municipal Heritage Inventory lists Straughair's House (place No 56). The front two rooms are constructed from limestone in early 1900's or earlier and altered in the 1920's. The inventory management category is:-

“Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme: more detailed Heritage Assessment to be undertaken before approval given for any major redevelopment or demolition: photographically record the place prior to any major redevelopment or demolition.”

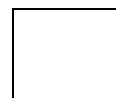
The City's Heritage Architect was engaged to undertake a more detailed heritage assessment of the place to determine if the demolition of the building is appropriate or not from a cultural heritage perspective. The dwelling was assessed in accordance with the criteria for assessing cultural heritage significance adopted by the Heritage Council in November 1996. The exterior and interior of the building was assessed and it was concluded that the dwelling is significant and warrants part retention. The place has cultural heritage significance for the following reasons:-

- Aesthetic Value – stone cottage front 2 rooms;
- Historic Value – typical minimal workers house for the period;
- Social Value – culturally associated with members of the community;
- Rarity Value – few stone cottages were built in this area;
- Representative – workers housing;
- Condition – reasonable to poor. In need of maintenance and in some cases rebuilding – ie lean to area at rear which is not significant. There is evidence of minimal maintenance work being carried out.
- Integrity – the front portion of the house is good; and
- Authenticity – the basic house plan is good.

The Council's Heritage Architect has advised as follows:-

“It is recommended that every endeavour be taken to retain the front two rooms of this cottage, which are limestone with corrugated iron roof and timber floors. (It should be noted that this application is for the demolition of the whole building).”

The Council should be encouraged to fit the development within the remainder and preferably retain the scale of the housing in the street.



It is recommended that a photo/plaque be erected on-site after new development has taken place, Council should encourage the developer to retain the scale of the housing in the street."

The detailed heritage assessment is included as an attachment to this report.

The proposed demolition was advertised for public comment in the local newspapers circulating in the district and by way of letters to surrounding residents in accordance with Scheme requirements (21 days). At the close of the submission period, two submissions of no objection to the demolition was received, commenting that the house is not big enough to warrant restoring.

There are good examples in Guildford where heritage listed cottages have been retained and restored as a condition imposed by the WA Planning Commission on the subdivision of land into 2 lots or 3 lots using a battleaxe lot configuration. The retention and conservation of the existing house is a realistic option and costs could be offset by the future residential development of the rear balance portion of the land.

Town Planning Scheme No 2 gives the Council the legal ability when dealing with an application for a place on the Heritage List to give special approval or incentive such as the granting of density bonuses of up to 50%. The Council, in doing so, would need to satisfy itself that in granting the incentive, the owner would not just retain the place but conserve it by entering into a heritage agreement and undertaking urgent conservation works to ensure the on-going conservation of the place.

It is recommended that the Council refuse the proposed demolition given the significance of the building in this instance. This demolition proposal does not include a replacement building or proposal in its place other than preparing the land for future development. As an incentive to the conservation of the building, it is recommended that Council support a density bonus of an additional dwelling above the requirements of the proposed R30 Code, subject to those requirements outlined in the report recommendations.

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.

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

Nil

1636. (AG Item 14.7) (Ocm1_7_2002) - CORRECTION TO RESOLUTION (1) OF MINUTE NUMBER 1605 (AGENDA ITEM 14.10) - JUNE 2002 ORDINARY COUNCIL MEETING - ATWELL WATERS (9644B) (SOS)

RECOMMENDATION

That Council:

- (1) note that Resolution (1) of Minute Number 1605 – Agenda Item 14.10 of the Ordinary Council Meeting held on 18 June 2002 contains an error and adopt the following amended resolution:

“That Council: -

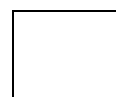
In respect to the issue of inappropriate clearing of part of the Atwell Waters public open space area, not commence prosecution proceedings against Peet & Company Ltd, but express its disappointment to Peet & Company Ltd with the clearing works that occurred and advise that the area is required to be rehabilitated to a high standard, including the installation of large trees of local species to the satisfaction of Council.” and

- (2) advise Peet & Company Ltd of Council's decision.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

Council, at its meeting held on 18 June 2002, considered a report concerning certain aspects of Peet & Company Ltd's Atwell Waters Development (Minute 1605 – Agenda Item 14.10).

Resolution (1) of Minute 1605 reads as follows:

(That Council):-

*“In respect to the issue of inappropriate clearing of part of the Atwell Waters public open space area, not commence prosecution proceedings against Peet & Company Ltd, but express its disappointment to Peet & Company Ltd with the clearing works that occurred and advise that the area is required to be **cleared and** rehabilitated to a high standard, including the installation of large trees of local species to the satisfaction of Council;”*

This resolution contains an error. The words “cleared and” (as marked in bold above) are obviously incorrect and required deletion.

Submission

N/A

Report

It is recommended that the following amended resolution be adopted:

“That Council: -

In respect to the issue of inappropriate clearing of part of the Atwell Waters public open space area, not commence prosecution proceedings against Peet & Company Ltd, but express its disappointment to Peet & Company Ltd with the clearing works that occurred and advise that the area is required to be rehabilitated to a high standard, including the installation of large trees of local species to the satisfaction of Council.”

The previous decision of Council has been acted upon with the applicant's attention being drawn to the error with the further advice that the matter would be considered at this Council meeting.

Strategic Plan/Policy Implications

Nil

Budget/Financial Implications

N/A

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



Nil

1637. (AG Item 14.8) (Ocm1_7_2002) - APPLICATION FOR KEEPING OF ONE HORSE - LOT 38; 105 BORONIA ROAD, BANJUP - OWNER/APPLICANT: M&C SMART (5500124) (VM) (ATTACH)

RECOMMENDATION

That Council:

(1) approve the application for keeping of one horse on Lot 38 (105) Boronia Road, Banjup, subject to the following conditions:

1. standard conditions contained in Council Policy APD17 as determined appropriate to this application by the delegated officer under Clause 7.6 of District Zoning Scheme No. 2.

Special Conditions

1. The paddock is to be relocated to the location as illustrated in red on the revised approved plans.
2. The front 20 metre setback area to Boronia Road to be revegetated using local endemic species within 60 days from the date of the approval and to the satisfaction of the City.
3. The development approval is limited to the keeping of one horse only.
4. The stabling and agistment of the horse shall be in accordance with the Water and Rivers Commission Best Management Practice Guidelines "Stabling, Agistment and Riding of Horses".
5. The area within
 - the 200 metre Conservation Wetland buffer located to the rear of the property;
 - the 20 metre front setback; and
 - the 10 metre side setback

must be fenced from the horse in the location marked in red on the approved plans, so as to prevent any further loss or degradation of vegetation.



6. The new fence along the 200 metre buffer to include a locked gate to allow access for fire control within the wetland. The key for the gate to be made available to the Council's Fire Control Officer and the Council Rangers.
7. No direct discharge of wastewater or stormwater be permitted into the wetland buffer area.
8. All driveway surfaces should be covered in a suitable material such as paving, road base, or coarse gravel, to limit the generation of dust and sediments entering the nearby buffer area.
9. If a stable is proposed, it shall not be erected any nearer to a boundary of the lot than the minimum building setback, which shall be:
 - (a) In the case of the street alignment: 20 metres
 - (b) In all other cases: 10 metres
10. The keeping of the horse must not cause a dust nuisance to neighbours.
11. No part of the dressage arena shall be located any less than 10 metres from any lot boundary and shall be suitably screened from adjoining properties by newly planted vegetation as approved by the City, so as to minimise dust impacts on adjoining properties.

Footnote

1. The applicant is advised that a building licence is required for the construction of stables.
2. In accordance with the Council's Local Laws 2000 –

Standards for Stables

"(3) *Any paddock or yard used for the keeping of any horse shall have a fence or railing at a distance of not less than 15 metres from any dwelling house.*"

Manure Receptacle

"The owner or occupier of premises shall:

- (a) *provide in a convenient position, an impervious receptacle with a tight fitting lid, for the storage of manure and offensive litter;*
- (b) *keep the lid of the receptacle closed except when manure is being deposited or*



- removed;*
- (c) *cause the receptacle to be emptied at least once a week and more often as necessary to prevent it becoming offensive or a breeding place for flies or other insects.*
- (2) issue an MRS Form 2 Notice of Approval.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

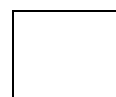
CARRIED 8/0

Background

ZONING:	MRS:	Rural-Water Protection
	DZS2:	Resource
LAND USE:	Equestrian Activity	
APPLICANT:	M & C Smart	
OWNER:	M & C Smart	
LOT SIZE:	2.03 ha	
USE CLASS:	The Council does not have the discretion to refuse the proposal but could either advise the WAPC that it doesn't support the proposal or it could alternatively approve the proposal (with or without conditions).	

Based on advice from the Water and Rivers Commission ("WRC"), the Council previously refused an application under delegated authority for two horses on 13 November 2001, for the following reasons:

- "1. *The subject land is within the Jandakot Underground Water Pollution Control area (UWPCA), which has been declared for Priority 2 (P2) source protection. On the basis of the soil type at this property an acceptable stocking rate is one horse per 1.7 ha as opposed to the 2175 m² provided. Therefore, the keeping of 2 horses is prohibited. If two horses were to be kept on the property, greater pollution control measures must be adopted. The management plan that was submitted by the applicant was not sufficient.*
2. *The proposed keeping of horses fails to comply with Statement of Planning Policy No. 6 – Jandakot Groundwater Protection objectives in regards to the prevention of land use likely to result*



in contamination of groundwater and maintenance or increase in natural vegetation cover over the policy area."

The above application was received as a result of Council's Development Compliance Officer responding to a complaint. The application was advertised for public comment and referred to the Water and Rivers Commission. Three objections were received by Council, together with several e-mails from the adjoining owners over an extensive period of time. Upon refusing the application, the owner was instructed by the Council to remove the two horses and revegetate the front setback area which was unlawfully cleared to create paddocks.

In February 2002, it was found that one horse was still on the lot. The owner was instructed a final time to remove the horse or face further action. The Smart family argued they had nowhere else to house the horse and were trying to sell the property, and therefore asked the Council for more time.

The Council's Banjup/Jandakot landuse horse survey mailout was conducted in April and May, and the Smart family took the opportunity to apply to Council to keep one horse on the lot. The application was received in conjunction with new advice from WRC supporting the keeping of one horse on the Resource Zone lot. The WRC support was given subject to the keeping of one horse to be located outside a conservation category wetland buffer area.

Submission

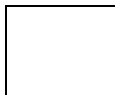
The applicant seeks approval to keep one horse within a paddock facing Boronia Road. The proposed amended paddock location is situated outside of a 200 metre wetland buffer zone, and outside the required setback areas of a Resource Zone.

Report

The new application has the support of the WRC for one horse, subject to a condition that the horse is not kept within 200 metres of a wetland conservation buffer area (refer attachment).

The Council had concerns with the proposed initial location of the paddocks within 20 metres from the setback area. This area was the subject of illegal clearing by the applicant as part of an application to keep two horses. The 20 metre front setback area is to be utilised for vegetation purposes to provide a rural dense vegetation area facing Boronia Road.

The Resource Zone provisions in the scheme under Clause 5.5.1 – "General Provisions – Point 4 – Clearing of Flora" states as follows:-



"(4) *Clearing of Flora*

- (a) *Subject to paragraph (b) of this sub-clause, a person shall not clear or cause, permit or suffer to be cleared any flora except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act unless the Council has in its discretion granted Planning Consent.*
- (b) *A person shall not clear or cause, permit or suffer to be cleared any flora nearer to a Boundary of a Lot than the minimum Building Setback distances referred to in sub-clause (4) of this Clause from any street alignment except for the construction of a vehicular accessway and for the purpose of complying with the requirements of the Bush Fires Act."*

Therefore, Council Planning Officers liaised with the applicant with regard to the location of the paddocks and the applicant has agreed to the proposed relocation of the paddocks away from the 20 metre front setback area, to the area illustrated in red on the approved plans.

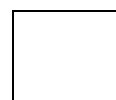
The City consulted with adjoining owners when the application for two horses was received in November 2001. The surrounding landowners objected to the previous proposal on the grounds of stock rating, visual amenity and nuisance aspects (ie. dust, smells etc). The modified proposal now under consideration, addresses the issues raised and has the support of the Water and Rivers Commission. Accordingly, further consultation was not considered necessary.

The applicant is prepared to relocate the proposed paddocks to an area acceptable by the Council and WRC, and will address adjoining owners concerns in terms of planting around the perimeter of the paddock and within the 20 metre front setback area. Furthermore, as the applicant will also utilise better management techniques to ensure the proposal does not cause a nuisance to adjoining owners, it is considered that the application can be supported.

Given the above, it is recommended that the application be approved subject to conditions intended to minimise the environmental impact of keeping one horse on the property. Conditions of approval be imposed for the applicant to revegetate along the boundaries of the paddocks and along the 20 metre front setback area. The paddocks should also be used in a rotation basis to minimise the risk of over grazing.

The above requirements will address adjoining owners concerns and will ensure the use is sustainable.

In the event Council does not support the application for similar reasons to the previous refusal and is not prepared to accept the recommendation of the WRC, then the development application cannot



be refused. Instead it must be forwarded to the Western Australian Planning Commission for determination, together with the WRC recommendation. This is in accordance with D252/SPP No. 6 "Jandakot Groundwater Protection Policy", Section 13, Discretionary Uses.

If under this scenario, the Planning Commission refuses the application or approves it without a requirement to revegetate the illegally cleared area at the front of the lot, Council may consider taking legal action against the owner for the illegal clearing.

Notwithstanding the above comments, having regard to all of the matters raised it is considered appropriate to support the application given that the applicant will be required to manage the land use in a sustainable manner, in accordance with the conditions of approval.

Strategic Plan / Policy Implications

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

2. Planning Your City

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

3. Conserving and Improving Your Environment

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

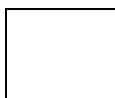
Budget/Financial Implications

N/A

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

Nil

1638. (AG Item 14.9) (Ocm1_7_2002) - OVERSIZED OUTBUILDING - LOT 13 (NO. 12) LAKES WAY, JANDAKOT - APPLICANT/OWNER: DARREN SMITH (5513648) (CP) (ATTACH)



RECOMMENDATION

That Council:

- (1) approve the application to construct a shed at Lot 13 (No.12) Lakes Way, Jandakot subject to the following conditions:

Standard Conditions

- 1. Standard conditions and footnotes as contained in Council Policy APD 17 as determined appropriate to this application by the delegated officer, under clause 7.6 of Council's District Zoning Scheme No. 2.

Special Conditions

- 1. The floor area of the shed shall be reduced to 170m², or to the extent necessary to achieve compliance with Council Policy APD18 for the site;
- 2. The shed shall be constructed with a sealed concrete floor;
- 3. The clearing of native vegetation should be limited to the minimum required for building purposes.

- (2) issue a MRS Form 2 Notice of Approval; and
- (3) advise those who made submission of the Council's decision.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

ZONING:	MRS:	Rural - Water Protection Zone
	DZS:	Resource Zone
LAND USE:	Rural-Residential	
LOT SIZE:	1.1 ha	
AREA:	Jandakot	
USE CLASS:	"X" Use – not permitted	

Submission



Mr Smith ("the applicant") seeks Council's approval to construct a shed of approximately 195m² floor area, to the specifications outlined on the plans submitted. In total, there will be in excess of 200m² floor area of outbuildings located on the subject land.

The shed is to be used to securely store vehicles owned by the applicant and for related maintenance purposes.

A description of the activity, including site plan is contained in the Agenda attachments.

Report

The proposal does not comply with Council Policy APD18 as the total floor area of outbuildings on the subject land would exceed 200m² (230m² approximately). Furthermore, Policy APD18 states that buildings exceeding the above standards in the Resource Zone are to be considered as an "X" class use and refused. Although the policy is unclear on whether the maximum permitted floor area is to be considered in relation to individual outbuildings or represents the cumulative permissible total for all outbuildings on a site, in the current policy review, which includes APD18, it is proposed to adopt the latter approach when administering the town planning scheme.

The application was advertised for public comment as well as being referred to the Water and Rivers Commission ("WRC") as the site is located in the Resource Zone at Jandakot.

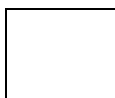
Two submissions were received, one from an adjoining neighbour and another from the WRC, neither of which opposed the application. It is worthy to note that the WRC acknowledged that it is better for the mechanical machinery to be stored in a shed with a concrete floor than to be left outside, as this reduces the risk of groundwater contamination.

Notwithstanding this, as policy APD18 currently stands, the Council has no ability to approve the application as proposed however, it may grant approval for a lesser sized building to the extent that it is consistent with the above policy.

Strategic Plan/Policy Implications

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

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



- *“To ensure that the development will enhance the levels of amenity currently enjoyed by the community.”*
3. Conserving and Improving Your Environment
- *“To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained.”*

The Planning Policy which applies to this item is:-

APD18 - Outbuildings (Sheds).

Budget/Financial Implications

N/A

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

Nil

1639. (AG Item 14.10) (Ocm1_7_2002) - MONASTERY - LOT 15 (302) HENDERSON ROAD, MUNSTER - OWNER: BETTABAR PTY LTD - APPLICANT: W J FRANCIS (2002162) (MR) (ATTACH)

RECOMMENDATION

That Council:

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

Standard Conditions

1. Standard conditions and footnotes as contained in Council Policy APD 17 as determined appropriate to this application by the delegated officer, under clause 7.6 of Council's District Zoning Scheme No. 2.

Special Conditions

1. The Monastery building being repositioned to a setback of 30 metres from the northern side boundary.
2. A remnant vegetation buffer of 10 metres being provided along the Henderson Road frontage and supplemented by additional planting to the City's satisfaction where required, to ensure that the proposed structures are screened from view of Henderson Road.



3. The building protection zone (low fuel area) is to be reduced to a 20 metre perimeter unless otherwise agreed in the approved Bush Fire Management Plan.
4. No parking to occur at any time on the road verge to Henderson and Russell Road.
5. The applicant preparing and undertaking the requirements of a Bush Fire Management Plan in accordance with the specifications of Fire and Emergency Services (FESA) and the Council for ongoing protection of the development.
6. A guaranteed supply of potable water to provide for the needs of a maximum of 12 residents.
7. No vehicular access will be permitted to Russell Road.

Footnote

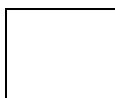
The applicant is advised that:

1. Land on the southern side of Russell Road is earmarked for future industrial development as part of the Hope Valley-Wattleup Redevelopment Area.
 2. The subject land is within the Basic Raw Materials Resource Area and specifically, land immediately south of Russell Road is identified as an extraction area for limestone.
- (2) issue an MRS Form 2 Notice of Approval;
 - (3) advise those who made submissions of the Council decision accordingly; and
 - (4) not waive the application fee of \$1,150 in this instance.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0



Background

ZONING:	MRS:	Rural Zone
	DZS2:	Rural Zone
LAND USE:	Vacant Land	
APPLICANT:	Mr W J Francis	
OWNER:	Bettabar Pty Ltd	
LOT SIZE:	2.2865 ha	
USE CLASS:	Place of Worship ("AA" discretionary use)	

Submission

Mr Francis ("the applicant:") on behalf of The Association of the Immaculate Mediatrix (Inc) seeks Council's approval to establish a Monastery to the specifications of the submitted plans. The proposed Monastery comprises twelve bedrooms, meeting rooms, chapel, workshop, library, dining hall and associated wet areas.

The buildings will be used for accommodating up to a maximum of 12 friars and for conducting spiritual and prayer meetings for small groups. The number of participants at these meetings will be between 20 and 30 and will last up to six hours. There will be 60-70 people probably six times a year attending devotions or mass in the Chapel. There will be no Sunday mass as existing parishes will cater for these.

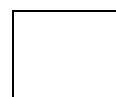
The complete description of the activity, including site plan is in the Agenda attachments.

The applicant has also requested the Council to waive the application fee of \$1,150 or make a concession towards the cost of the fee on the basis that the Order is a non-profit religious organisation and the development will be funded by donations.

Report

At the close of the 21 day submission period, one (1) submission was received from nearby and adjoining landowners. The submission supports the development, but cites concerns relating to the possibility of parishioners parking on the road verge.

The subject land contains a reasonably good vegetation cover with degraded sections around the perimeter. The best quality remnant bushland is located within the southern half of the block fronting onto Russell Road. The applicant proposes to retain a third of the remnant vegetation of the block towards Russell Road and is prepared to be guided by the City to ensure as much vegetation is retained, while



ensuring adequate fire protection. The 30 metre perimeter (fuel reduction zone) proposed by the applicant should be reduced to 20 metres around the proposed building as this can be facilitated by the gradual slope of the land. The repositioning of the building further north will also provide for the protection of more remnant vegetation over the southern half of the block.

The proposal requires a minimum of 18 car bays to be located on site. The plan indicates 20 bays will be provided and this will be sufficient car parking to cater for the development on-site.

The size of the proposed development or building footprint is substantial (50m x 55m). This is due to the traditional design of buildings enclosing central courtyards. The visual impact of the proposed development could be reduced by maintaining a remnant vegetation perimeter to Henderson Road.

Adequate provision must also be made for potable water supply to accommodate up to 12 friars and to provide for groups using the centre. A water supply from rainwater and a bore will be provided. Some water will also be needed to be reserved for fire fighting purposes and set out in more detail within a Bush Fire Management Plan.

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

The applicant has requested permission to waive the application of \$1,150. The Council has the authority to waive or vary the application fee. The estimated costs incurred in processing the proposal (including meetings with the applicant, assessment, advertising and Council report) equate to the application fee. The applicants request in this regard is not supported.

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

Nil

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

Nil



1640. (AG Item 14.11) (Ocm1_7_2002) - FRANKLAND LOCAL STRUCTURE PLAN - LOT 202 RUSSELL ROAD, HAMMOND PARK - OWNER: AUSTRALAND HOLDINGS - APPLICANT: TAYLOR BURRELL (9643A) (SOS) (ATTACH)

RECOMMENDATION

That Council:

- (1) note that the proposed Frankland Local Structure Plan includes two options for the development of Lot 202 Russell Road, Hammond Park and adopt these two options subject to the following:
1. Public Open Space area 3 being reduced in area such that its size is limited to that required for drainage purposes only and the plans modified to indicate this area as a "Reserve for Drainage". An area of land equivalent to the balance of Public Open Space area 3 (ie the area not required for accommodating drainage) is to be added to the dimensions of Public Open Space area 4 and the surrounding development layout of these two areas amended to the satisfaction of the Director of Planning and Development. This is required for the following reasons:
 - i) Accepting the creation of Public Open Space area 3 would be at the expense of a larger Public Open Space area 4 and would be contrary to the objectives established by the Southern Suburbs District Structure Plan for the subject land. The Plan established that a consolidated area of the most environmentally significant remnant bushland within the western portion of the site would be set aside for public open space;
 - ii) Public Open Space area 3 lies next to Russell Road, which given its role as a regional freight route, will offer little in terms of open space amenity nor function, particularly given the dimensions of this area and the intention for it to accommodate drainage;
 - iii) The area will be physically divorced, particularly under Option 2 (Figure 11), from the residents it is intended to serve.
 2. While Council accepts that Public Open Space area 3 is to incorporate a drainage function, it does not accept the proposal for the crediting of its drainage area towards the site's required open space provision. This aspect of the proposal needs to be amended to ensure that open space credits for drainage areas do not exceed 20% of the entirety



of Lot 202's required open space provision, taking into account the credits already granted for the dampland and lake/drainage areas in Stage 1.

3. The Public Open Space schedule contained within the Frankland Local Structure Plan report being amended to reflect the above requirements and updated with the agreed calculations for Public Open Space Area 1 as set out in the Public Open Space – Environmental Management Plan dated 21 May 2002 for Stage 1.
4. The Structure Plans being modified to realign the north-south distributor road as shown on the attached plan and the adjacent development layout amended to the satisfaction of the Director of Planning and Development.
5. The Structure Plans being modified to include a notation that no residential development within 200 metres of the dog kennels on Lot 11 Barfield Road will be undertaken until such time as the use of Lot 11 for kennels ceases;
6. Council's acceptance of Option 1 (Figure 9) should not be construed as support for the Russell Road alignment proposed by this option, as this is a matter still to be resolved through the process agreed by the City of Cockburn, the Department for Planning and Infrastructure and Australand and its representatives for determining the most appropriate alignment and land requirements for Russell Road and, if necessary, the progression of an amendment to the Metropolitan Region Scheme;

(2) advise the applicant of the following:

1. Point 4 of the above resolution has resulted from the consideration of a submission on the proposal by Development Planning Strategies on behalf of Gold Estates.
2. Subdivision applications for land affected by;
 - i) either of the Russell Road alignment options;
 - ii) the area requiring to be redesigned by Point (1) – 1. above; and
 - iii) the area notated on the Structure Plans requiring further consideration as a result of Point (1) - 4. above;

will not be favourably considered until these matters are resolved.

3. The disposal of stormwater must comply with the



requirements of the South Jandakot Drainage Management Plan and the Environmental Management Programme for the South Jandakot Drainage Scheme.

4. Detailed area plans are required to be prepared for all land indicated on the Structure Plans for commercial development in accordance with the requirements of Council's Planning Scheme. In addressing these requirements, particular attention needs to be paid to the relationship between commercial development and Russell Road and issues concerning the function and design of Russell Road, local road design, traffic, pedestrian and cyclist safety, site access and other associated engineering requirements. These plans will need to be accompanied by a safety audit demonstrating the appropriateness of the submitted design proposals.
5. Detailed area plans are to be prepared for all residential lots where they are to directly abut areas of public open space in accordance with the requirements of Council's Planning Scheme prior to subdivision clearances being issued for the lots in question. This requirement is to ensure an appropriate orientation of residential development towards the parkland and treatment of their interface;
6. Subdivision proposals for land adjacent to Russell Road will need to address noise and safety issues associated with this road, given its role as a designated freight route;
7. Council will recommend to the Western Australian Planning Commission on all subdivision applications for Lot 202 Russell Road of the requirement for the subdivider to make arrangements to satisfy Planning Scheme requirements for developer contributions;
8. Council will recommend to the Western Australian Planning Commission that subdivision applications that propose the creation of residential lots between 200 and 500 metres from the dog kennels be subject to a condition requiring memorials be placed on the title of these lots advising of the potential nuisance that may be experienced due to kennel operations;
9. Council's consideration of subdivision proposals may result in a need for road reserves and pavement widths to be amended to comply with Council requirements, including traffic management devices additional to those shown on the Structure Plans;
10. The applicant should liaise with the Water and Rivers Commission in respect to its requirements for stormwater

disposal and the allocation of a groundwater extraction licence for reticulation purposes within the development.

- (3) the Director of Planning and Development be delegated the authority to consider proposals for the revised development layout that results from Point (1) - 4. above;
- (4) adopt the Schedule of Submissions contained within the Agenda Attachments;
- (5) advise those persons who made a submission of Points (1), (2) and (3) above;
- (6) support Subdivision 119353 subject to those lots affected by Point (1) – 4. above being excluded and such conditions as deemed appropriate by the Director of Planning and Development ;
- (7) advise the Western Australian Planning Commission and the proponent of Council's decision.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

Council, at its meeting held on 20 February 2001, adopted a structure plan for portion of Australand's landholding at Lot 202 Russell Road, Hammond Park (previously Banjup). The first stage of subdivision has been completed and is being marketed as the Frankland Springs residential estate.

The remaining undeveloped portion of Lot 202 is now the subject of the proposed Frankland Local Structure Plan (FLSP).

Submission

Details of the proposed FLSP are included in the Agenda Attachments. The main features of the proposal are:

- A Neighbourhood Centre adjacent to the intersection of Russell and Hammond Road intended to encompass up to 5000m² of



- commercial/retail floorspace in addition to mixed business and mixed use (R40/60) development;
- The creation of 463 residential lots (nb - approximately 160 of these lots are already approved and most developed in accordance with the Stage 1 structure plan);
 - A base residential coding of R20, which is the dominant coding through the estate providing for lot sizes in the range of 450m² to 725m²;
 - The provision of R25 lots near parks and the Neighbourhood Centre and several medium density (R40) sites;
 - Four public open space areas (nb - POS area 1 already provided as part of Stage 1); and
 - An inter-connected road system, which provides for regional roads (Russell Road and Frankland Avenue), significant local roads (such as the proposed north-south local distributor/Hammond Road extension) and a number of access streets.

It should be noted that the FLSP report contains two structure plan options; Option 1 shows Russell Road generally in its constructed alignment (Figure 9) and Option 2 shows a realigned Russell Road in accordance with the reservation provided for in the Metropolitan Region Scheme (Figure 11).

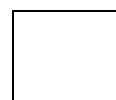
The FLSP, including the two options, was advertised for public comment for a period of 28 days, with the comment period concluding on 21 June 2002. Owners of property near the subject land were provided with a copy of the proposal and invited to comment. The local newspapers circulating in the locality carried advertisements with details of the proposal. Various government agencies and servicing authorities were invited to comment. A total of ten submissions have been received. A schedule of submissions containing submission summaries and the recommended responses is included in the Agenda Attachments.

A subdivision application (Reference 119353) for the next stage of development of the FSLP area has already been submitted to the Western Australian Planning Commission and has recently been referred to the City for comment.

Report

The Southern Suburbs District Structure Plan (SSDSP), adopted by Council and the Western Australian Planning Commission in 1999, provides the broad framework for the planning of Lot 202 Russell Road and thus the consideration of the FLSP.

The FLSP generally conforms to the SSDSP, with the exceptions of the proposal to retain Russell Road close to its constructed alignment and the proposed location and distribution of public open space. These matters are dealt with below.



The FLSP is considered to address most planning criteria for a proposal of this type. There are however several issues that have arisen from the assessment of the FLSP and the submissions that require reporting as follows:

Two Options for the Alignment of Russell Road

Russell Road is an “Other Regional Road” in the Metropolitan Region Scheme (MRS) and identified by Main Roads Western Australia as a designated freight route. The continued expansion of the Australian Marine Complex at Cockburn Sound and the future extensive industrialisation of Wattleup (FRIARS) will further reinforce the role of Russell Road as a critical component of the regional freight network. Russell Road will also be important in providing access between Kwinana Freeway and the future residential communities that will develop in Success and Hammond Park, including the Frankland Springs estate.

The SSDSP reflects the MRS alignment for Russell Road. The FLSP Option 2 (Figure 11) also reflects the MRS alignment. This has previously been established as Council’s preferred alignment, whereas the proponent favours retaining Russell Road close to its constructed alignment as shown in Option 1 (Figure 9). The proponent and Officers of the City have, for some time, debated the comparative merits and problems with the two alignments.

Officers of the City and the Department of Planning and Infrastructure recently met with Australand and its representatives, where process to have the two alternative alignments reviewed and compared was agreed. This process has only just commenced and will be some time before being completed and it is possible the Metropolitan Region Scheme will have to be amended as a result. It is not reasonable to delay consideration of the FLSP until this review is completed and on the basis of the agreed process of review, the City consented to advertising and assessing the two plan options concurrently. It should be made clear to the proponent that in concurrently assessing both options, Council is not making a determination of the appropriateness of the road alignment, but rather the proposed layout and nature of abutting development. Furthermore, the proponent should be informed that subdivision proposals for development affected by either alignment option, will not be considered favourably until the road alignment issue is resolved.

Public Open Space

The provision of public open space (POS) is a key issue of the subject proposal.

Options 1 and 2 both propose the provision of four areas of POS:



POS area 1 - 3.03 ha area containing a dampland, lake and drainage area (already created as part of Stage 1 works).

POS area 2 - 0.76 ha area in the centre of the subject land intended as a landscaped feature.

POS area 3 – 1.05 ha (under Option 1) or 0.74ha (Option 2) area in the north-western corner of the subject land, which will include a drainage function.

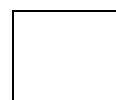
POS area 4 – 1.1 ha area in the south-western corner of the site, intended to contain remnant bushland.

While the amount of POS proposed marginally exceeds the standard 10% requirement, this element of the proposal raises several concerns, mainly in terms of the extent of POS proposed in area 3 and the impact this has on the size of POS area 4.

The SSDSP established that due to the environmental values on Lot 202, a consolidated area of the most environmentally significant vegetation within the western portion of the site should be set aside for POS. The proponent has complied with this objective to a degree by proposing a bushland park within the south-western corner of the site (POS Area 4).

The proposal for POS area 3 in the north-western corner of the site to accommodate the disposal of stormwater is accepted as this is a necessary component of the overall drainage strategy for the subject land. However, an extensive area surrounding the proposed drainage facility is proposed for POS. The fact that POS area 3 is so large, means that accepting its creation as proposed would be at the expense of what could be a larger bushland park in POS area 4. Given that POS area 3 is to lie next to Russell Road, it will offer little in terms of open space amenity nor function, particularly given the dimensions of this area and the intention for it to accommodate drainage. POS area 3 will also be physically divorced, particularly under Option 2 (Figure 11), from the residents it is intended to serve.

Council should require that POS area 3 be reduced in area such that it is sufficient enough only to cater for its intended drainage function. Both FLSP options should be amended to state that this area is a reserve for drainage purposes. Council also should not accept the proposal for the crediting of this drainage area towards the site's required open space provision. This aspect of the proposal needs to be amended to ensure that open space credits for drainage areas do not exceed 20% of the entirety of Lot 202's required open space provision, taking into account the fact that credits have already been granted for the dampland and lake/drainage areas in Stage 1. This approach is consistent with Council Policy APD28 and Liveable Neighbourhoods.



The Public Open Space schedule contained within the Frankland Local Structure Plan report also needs to be amended to reflect the above requirements and updated with the agreed calculations for Public Open Space Area 1 as set out in the Public Open Space – Environmental Management Plan dated 21 May 2002 for Stage 1

North-South Local Distributor Road

Development Planning Strategies on behalf of Gold Estates has made a submission on the FLSP. Gold Estates own Lot 412 Gaebler Road, which is a large future development site that sits immediately to the south of Lot 202. The submission raises four concerns with the proposal, which are detailed and responded to in the Schedule of Submissions. The main issue of contention arising from the submission is the alignment of the north-south distributor road.

The SSDSP established that the local road network in this locality should include a road that extends from the intersection of the existing Hammond Road and Russell Road, past the neighbourhood shopping centre and southwards into Lots 202, 412 and beyond Gaebler Road. It is submitted that as a result of servicing concerns and the impact on lot configuration, this road should be realigned so that it enters Lot 412 from Lot 202 along a true north-south vertical alignment as opposed to the “angled” alignment proposed. Further discussion on this matter is included in the Agenda Attachments.

For the reasons detailed in the Agenda Attachments, it is recommended that Council require the two FLSP options to be amended to contain a notation that the development layout adjacent to the north-south road be subject to further consideration. This will allow parts of the FLSP not affected by the north-south road alignment to be implemented, whilst the alignment issue is resolved.

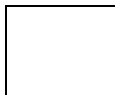
Strategic Plan/Policy Implications

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

2. Planning Your City

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

3. Conserving and Improving Your Environment



- *"To conserve the quality, extent and uniqueness of the natural environment that exists within the district."*
 - *"To conserve the character and historic value of the human and built environment."*
 - *"To ensure that the development of the district is undertaken in such a way that the balance between the natural and human environment is maintained."*
4. Facilitating the needs of Your Community
- *"To determine by best practice, the most appropriate range of sporting facilities and natural recreation areas to be provided within the district to meet the needs of all age groups within the community."*
5. Maintaining Your Community Facilities
- *"To construct and maintain roads, which are the responsibility of the Council, in accordance with recognised standards, and are convenient and safe for use by vehicles, cyclists and pedestrians."*
 - *"To construct and maintain parks which are owned or vested in the Council, in accordance with recognised standards and are convenient and safe for public use."*

The Planning Policies which apply to this item are:-

SPD1	Bushland Conservation Policy
SPD4	'Liveable Neighbourhoods'
APD4	Public Open Space
APD20	Design Principles For Incorporating Natural Management Areas Including Wetlands And Bushlands In Open Space And / Or Drainage Areas
APD28	Public Open Space Credit Calculations
APD30	Road Reserve And Pavement Standards
APD31	Detailed Area Plans

Budget/Financial Implications

N/A

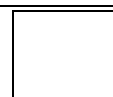
Implications of Section 3.18(3) Local Government Act, 1995

Nil

1641. (AG Item 14.12) (Ocm1_7_2002) - FINAL ADOPTION AMENDMENT 234 DISTRICT ZONING SCHEME NO. 2 (MR) (ATTACH)

RECOMMENDATION

That Council:



- (1) adopt the recommendations made in the Schedule of Submissions attached to the Agenda;
- (2) adopt the amendment with the following modifications to the Scheme Text:-
 - a) Delete point 3 of the Scheme Amendment which states:

“3. Rezoning portion of Lot Pt 2 McLaren Avenue and portion of Lot 42 Tindal Avenue from Residential R20 to Rural.”

And replace with the following text:-

3. Rezoning the northern portion of Lot Pt 2 McLaren Avenue and portion of Lot 42 Tindal Avenue from Residential R20 and Rural to Residential Development.
 - b) Amend DCA5 in Schedule 12 for conformity with Town Planning Scheme No 3 to state as follows:-

DCA5
Yangebup East

All landowners within DCA5 and DCA4 with the exception of Lots 500 and 600 Shallcross Street and Lots 500 and 504 Storey Place within DCA4 shall make a proportional contribution of 40.88% of the total cost of constructing Beeliar Drive between Stock Road and Spearwood Avenue and all landowners within DCA5 south of Beeliar Drive shall make a proportional contribution of 30.65% of the cost of Spearwood Avenue between Beeliar Drive and Fancote Avenue.
- (3) forward the Council decision to the Western Australian Planning Commission requesting that the Hon. Minister for Planning and Infrastructure grant final approval under Town Planning Regulation 21;
- (4) in anticipation of the Hon. Minister for Planning and Infrastructure granting final approval; the Scheme Amendment be modified in accordance with the Council decision and the documentation be signed by the Mayor and the Chief Executive Officer ready to be forwarded to the Western Australian Planning Commission upon receipt of the Hon Minister’s advice under Town Planning Regulation 24; and
- (5) advise the Ministry for Housing, and those who made submissions, of Council’s decision accordingly.



COUNCIL DECISION

MOVED Cllr Waters SECONDED Cllr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

The background to this matter is outlined in Item 14.6 OCM15/01/02.

Submission

The Scheme Amendment was referred to the Environmental Protection Authority ("EPA") in accordance with Section 7A(1) of the Act.

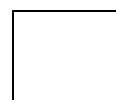
The EPA advised that under Section 48A of the EPA Act that the amendment was "not assessed" and the amendment was advertised in accordance with the Regulations for not less than 42 days.

Report

The 42 day public consultation period for Amendment 234 concluded on 26 June 2002. At the close of the advertising period 5 submissions were received. A summary of submissions is included in the attachment to this agenda.

It is recommended that the Council proceed to adopt the scheme amendment subject to the following changes:

- Rezoning portion of Lot Pt 2 McLaren Avenue and portion of Lot 42 Tindal Avenue from Residential R20 to Residential Development in lieu of the Rural Zone. This change is required to ensure conformity with the Urban zoning in the Metropolitan Region Scheme; and
- Amending Development Contribution Area 5 ("DCA5") in accordance with the public submission received from Evans and Gianoli, and as reflected in the revised version of Town Planning Scheme No 3. The submission argues that a 50% contribution towards the cost of the Spearwood Avenue extension by the owners in Yangebup Cell 10 (south of Beeliar Drive) is not equitable when compared to the larger developable land area contained in DA3 (east of Spearwood Avenue extension). The subdivisible area of Cell 10 is 62.19ha, which equates to percentages of 30.65% not 50%.

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 Scheme Amendment documents are being prepared in-house where costs incurred relate to the administration, advertising of the documents and reporting to the Council.

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

Nil

1642. (AG Item 15.1) (Ocm1_7_2002) - LIST OF CREDITORS PAID (5605) (KL) (ATTACH)

RECOMMENDATION

That Council receive the List of Creditors Paid for June 2002, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

N/A

Report



N/A

Strategic Plan/Policy Implications

N/A

Budget/Financial Implications

N/A

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

Nil.

1643. (AG Item 15.2) (Ocm1_7_2002) - PRINCIPAL ACTIVITIES PLAN - 1 JULY 2002 TO 30 JUNE 2006 (5406) (ATC) (ATTACH)

RECOMMENDATION

That Council adopt the Principal Activities Plan for the period 1 July 2002 to 30 June 2006, as attached to the Agenda.

COUNCIL DECISION

MOVED Clr Waters SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

One submission was received on the advertised Plan, from Mr Colin Crook. A copy of his submission is attached to the Agenda.

Report



Under the Local Government Act 1995, each year the City is required to prepare a Plan of its principal activities for the next four years. The Plan must be advertised for public comment for a period of six weeks. Minor changes have been included for individual Service Units due to some changes in responsibility for various expenditure accounts, adjustments in allocation of Support Service Costs and significant increases in Public Liability Insurance costs.

A reduction in the anticipated Rubbish Charge from \$169.00 per year to \$161.00 per year in 2002/03 is now planned as a result of a reduction in Council's share of loan repayments for the Recycling Centre as set out in the Plan. Provision has been made for an allocation to the Bibra Lake Nutrient Management Reserve Fund in accordance with Council's decision at its June 2002 meeting.

The opportunity has been taken to review the Performance Measures as set out in the report attached to the Agenda.

No changes to the Plan are proposed as a result of the public submission. The questions raised in Mr Crook's letter will be responded to separately.

Strategic Plan/Policy Implications

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

Budget/Financial Implications

The Principal Activities Plan, when adopted, will form the basis of the budget for 2002/03. Any variances from the Principal Activities Plan must be detailed in the Budget document.

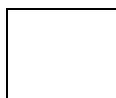
Implications of Section 3.18(3) Local Government Act, 1995

Nil

1644. (AG Item 16.1) (Ocm1_7_2002) - TENDER NO. CO 20/2002 - SUPPLY AND DELIVERY OF PRE-MIXED CONCRETE (4437) (IS) (ATTACH)

RECOMMENDATION

That Council accept the tender submitted by Pioneer Concrete for Tender No. 20/2002 - Supply and Delivery of Pre-mixed Concrete at a fixed rate including GST of \$123.20 per m³ plus a surcharge of \$33 for each cubic metre less than 3.4m² for the period 1 July 2002 to 30 June 2004.



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COUNCIL DECISION
 MOVED Cllr Waters SECONDED Cllr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

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

Submission

Tenders were called for the supply and delivery of pre-mixed concrete for the next two (2) financial years. Three (3) tenders were received, the details of which are attached to the Agenda. The tender from CSR Readymix was a non-conforming tender as they did not supply all the costs for the two year period as requested in the tender documentation.

Report

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

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

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

The assessments under these criteria, as determined by Council's Roads Department, are as follows:

<u>Assessment</u>	<u>Contract Estimate</u>
	<u>(2 Years)</u>

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- | | | | |
|---|--------|-----------|------------------|
| 1. Pioneer Concrete | 92.12% | \$694,000 | inclusive of GST |
| 2. Boral Concrete | 77.15% | \$746,000 | inclusive of GST |
| 3. CSR Readymix - non conforming (did not supply cost for 2 year period as requested in the tender documentation) | | | |

Pioneer Concrete have tendered the lowest rates, and their tender is the most advantageous to Council. Although they have not been used by the city previously, they are a reputable supplier of pre-mixed concrete.

The estimated fixed rate contract value over 2 years is \$700,000 inclusive of GST.

This is based on an estimated volume of 5,000 cubic metres of concrete per year.

Strategic Plan/Policy Implications

One of the Corporate Strategic Plan objectives is that footpaths be constructed and maintained. Pre-mixed concrete is used in the construction and maintenance of footpaths and crossovers.

Budget/Financial Implications

The cost of pre-mixed concrete is contained within the footpath construction and maintenance budget allocations.

Implication of Section 3.18(3) LGA(1995)

Nil

1645. (AG Item 16.2) (Ocm1_7_2002) - TENDER NO. 18/2002 - SUPPLY AND/OR HIRE OF LANDFILL COMPACTOR (BKG) (4900) (ATTACH)

RECOMMENDATION

That Council:

- (1) does not accept any tenders for the purchase of a landfill compactor (Option A);
- (2) accepts the tender from Source Equipment for the supply of a landfill compactor (Caterpillar 826 Series G) at \$134.20 (GST inclusive) per hour for a three year period with an option for Council to extend for a further two years (Option B) at \$145.20 per hour;



- (3) accepts the tender from Source Equipment for the outright purchase of Council's Caterpillar 816 Compactor for \$155,100 (incl. GST) and Plant Number 73 be removed from the assets register;

for Tender No. 18/2002 – Supply and/or Hire of Landfill Compactor; and

- (4) accepts as a variation to the contract, that Source Equipment use a Council staff member as an operator on the compactor when required by the Director, Engineering & Works and the plant hire rate be reduced by \$20.00 per hour during such times.

COUNCIL DECISION

MOVED Cllr Waters SECONDED Cllr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background

At the Henderson Landfill Site there is a requirement for a landfill compactor. This machine compacts the waste from an approximate density of 600kg per cubic metre when it is deposited from compactor trucks to a density of 980kg per cubic metre. This is important in maximising the airspace at landfill sites. There has been a compactor in Council's ownership since 1988.

The current machine is a Caterpillar 816 and was purchased in February 1997 and has operated for approximately 8000 hours.

In the Major Plant Budget there is a requirement to replace Plant No. 73 Landfill Compactor, with a changeover allocation of \$738,000. Accordingly, tenders were called for the replacement of the machine and for the alternative of a machine and operator being supplied to Council on a hourly hire rate basis.

The tenders closed on 21 May 2002.

Submission

At close of tender period, nine (9) submissions from four (4) tenderers were received for the replacement of Plant No. 73, of which three (3)



were non-compliant, and one (1) was for the supply hire of a machine and operator. These are summarised in the attachment to the Agenda.

Report

Tenders were called for the landfill compactor with an unballasted minimum weight of 24 tonnes. This is larger than the current machine. This decision was made on the basis of anticipated increased tonnages being received at the site over the next 4 years and the need to ensure that maximum compaction is achieved.

Option A

Tenders were received from companies wishing Council to purchase a machine. These were Caterpillar, Bomag, Komatsu and Tana brands. These submissions were evaluated by Council's Fleet Consultant and Workshop staff and analysed under a weighted criteria, that was outlined in the tender documents, as in 'Table 1' attached to the Agenda.

Tenderers were required to provide adequate information in the tender submission to allow for scoring each criteria. The most advantageous outright purchase to Council is the Bomag BC 672RB.

Based on a 5 year ownership term and current costs, the cost of operating this machine is as follows:

- Replacement Reserve Costs \$ 53 per hour
 - Operating Costs \$ 41 per hour
 - Operator Labour Costs \$ 23 per hour
- \$117 per hour

Operating costs are based on a fully maintained service agreement contract by supplier and are fixed for 6,000 hours.

Variables to take into consideration that cannot be predicted are:

- Ground engaging tools (cutting teeth)
- Additional wheel tips
- Filters in addition to service contract
- Damage due to abuse or neglect
- Fuel costing fluctuations
- Labour and overhead costs fluctuations

Option B



The second option requested in the tender (Option B) was for the hire of a landfill compactor for a period of three years with an option to extend for a further two years.

The hire is to be fully inclusive of all costs, including operator, fuel, servicing, insurances, replacement plant etc.

The working hours will be approximately 2000 per annum. The machine supplied is to be of the equivalent specification to the one required for purchase.

One tender was received from Source Equipment for \$134.20 per hour, with an offer of \$141,000 for outright purchase of Council's trade-in. The owner of Source Equipment is Phil Winscome. He was the successful tenderer last year for the hire of a traxcavator at the landfill site at an hourly rate of \$117. Council sold their traxcavator and have not replaced it. The reliability and performance of the hire plant has been excellent over the past 15 months.

The tenderer has also subsequently offered to utilise Council's current compactor operator on his machine, and reduce his hire rate by \$20 per hour. Council would still be responsible for the employee's wages and on-cost, currently estimated at \$23 per hour.

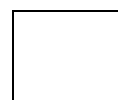
Comparison Option A and Option B

An equitable financial comparison of the options available to Council has been undertaken, based on the following:-

- 2000 operating hours per annum
- 2200 operator labour hours per annum
- 2000 hire hours per annum
- \$41 compactor operating cost per hour
- \$23 operator labour cost per hour
- 8% lost opportunity cost.

The submitted prices were utilised, together with the variation of the hired machine using Council's operator, on an equivalent basis over 5 years and indicated the following comparative costs:-

- Own and operate Bomag BC 672RB \$814,600
- Hire of machine with Contractor using own operator \$797,700
- Hire of machine with Contractor using Council's operator \$810,700



Because of the risk of damage and stand-down time to Council owned machines it is recommended that Council accept the tender for hire of a landfill compactor from Source Equipment. Due to the need to re-deploy Council staff with this option, it is then proposed to negotiate with Source Equipment the hourly rate and conditions for employing the current staff member who operates the machinery.

Strategic Plan/Policy Implications

The function of the Waste Disposal Site is to operate a landfill site at Henderson to accept waste in accordance with the requirements of a Class II site under the Environmental Protection Act and maximise the financial return.

Budget/Financial Implications

There are sufficient funds to purchase a landfill compactor for the Henderson Landfill Site.

If a machine is hired the funds come from the operating budget for the landfill site and it is not necessary to draw funds from the reserve accounts to pay for the purchase of a machine. However, because of the possibility that Council may wish to purchase one in the future, if anything happens with the contractor it is recommended that funds are retained in the reserve fund to enable a purchase to occur.

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

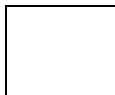
A tender has been prepared that allows the option of purchase or hiring to be undertaken by private companies.

1646. (AG Item 17.1) (Ocm1_7_2002) - YOUTH ADVISORY COUNCIL - CANBERRA TRIP (GB) (8304) (ATTACH)

RECOMMENDATION

That Council:

- (1) approve a delegation of up to six (6) Youth Advisory Council (YAC) Members to attend a trip to Canberra, during December 2002, while Federal Parliament is in session;
- (2) give priority of selection to YAC Members who have not previously visited Canberra;
- (3) approve attendance of an appropriate staff member, authorised by the Chief Executive Officer and nominate (Elected Member) to participate in the delegation in a



supervisory and leadership role; and

- (4) authorise the transfer of funds of up to \$11,393.87 from the Youth Advisory Council Canberra Trip Reserve Fund to be used towards expenses associated with the trip.

TO BE CARRIED BY ABSOLUTE MAJORITY OF COUNCIL

COUNCIL DECISION

MOVED Cllr Edwards SECONDED Cllr Oliver that Council:

- (1) approve a delegation of up to six (6) Youth Advisory Council (YAC) Members to attend a trip to Canberra, during December 2002, while Federal Parliament is in session;
- (2) give priority of selection to YAC Members who have not previously visited Canberra;
- (3) approve attendance of an appropriate staff member, authorised by the Chief Executive Officer and nominate Deputy Mayor Graham to participate in the delegation in a supervisory and leadership role; and
- (4) authorise the transfer of funds of up to \$11,393.87 from the Youth Advisory Council Canberra Trip Reserve Fund to be used towards expenses associated with the trip.

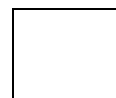
CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 8/0

Background

Council currently holds in reserve \$11,393-87 for the Youth Advisory Council to participate in an educational visit to Canberra. The original educational visits to Canberra began in 1989 and had a broader focus in that school students from within the City could apply to visit Canberra. These trips occurred whilst Parliament was sitting in order to gain a valuable educational experience regarding the Federal Parliamentary system of Australia. Council also received a \$200.00 grant per person from the Commonwealth to assist in the cost of accommodation and travel expenses. This matter went to the Council meeting held in February 2002, and it was deferred to a future meeting of Council pending further consideration.

Submission

The Cockburn Youth Advisory Council requested that Council release the funds from the Reserve account titled the Canberra Youth Advisory



Committee Canberra Trip in order that YAC members could visit Canberra during the school holidays in 2002. Given the choice, the Youth Advisory Council would prefer going whilst the school holidays were on.

The Youth Advisory Council have discussed the issue of how many members can go and understand the restrictions due to funding. They have undertaken to develop a selection process of who will be chosen.

Report

The rationale for the Canberra trips has been that it be for educational purposes to allow those participating to gain an insight into the operation of the Federal Government and visit the attractions of national significance located in Canberra such as the War Memorial and the National Gallery.

Further, the main aim of the Youth Advisory Council is to represent the aspirations, views and needs of young people within the City of Cockburn. This aim would be realised if the YAC could raise local youth issues that are of Federal note with the Federal politicians that represent the district.

The Parliament sits this year whilst the school holidays are on during the first week of December.

The estimated cost will be \$1,393.22 per person (based on the attached calculations) if they were to visit Canberra in December 2002, and including the two supervisors the total cost would be \$11,146.00. This is within the budget as the available funding \$11,393.87. The choice is then to proceed with 6 out of the 16 YAC members and make the difficult choice on who would not attend.

There are 4 YAC members who have already attended a Council funded visit to Canberra, so it is recommended that priority be given to the remaining 10 YAC members who have requested to go. As there are only 6 delegate positions available, it is recommended that the delegates be selected via criteria determined by the Youth Advisory Council.

Due to the City's Duty of Care to the Youth Advisory members who are under 18 years of age, it would be strongly advisable to ensure that a qualified staff member who is experienced in supervising young people attend the Canberra visit. The staff member will also be trained in first aid and will be well prepared for emergency situations. It is also necessary to have a supervisory person of each gender to attend. It is appropriate for a Councillor to attend in order that they can be a political guide for the YAC members, and place a Local Government perspective within the Federal Government setting.



Due to the educational benefits outlined above, it is therefore recommended that Council approve a delegation of up to 6 Youth Advisory Council members to attend a trip to Canberra, during December 2002 while Federal Parliament is sitting.

Strategic Plan/Policy Implications

Key Result Area – Identifying the Needs of Your Community – “To identify current community needs, aspirations, expectations and priorities of the services provided by the Council” refers.

Budget/Financial Implications

The \$11,393.87 in the reserve account titled the Youth Advisory Council Canberra Trip has been set aside for this purpose. An absolute majority decision of Council is required to access the reserve funds.

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

Nil.

1647. (AG Item 17.2) (Ocm1_7_2002) - EXTENSION TO SPEARWOOD PUBLIC LIBRARY (4611; 710400) (DKF) (ATTACH)

RECOMMENDATION

That Council:

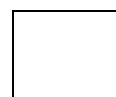
- (1) accept with gratitude and approve the extension of approximately 233 m² to the eastern end of Spearwood Public Library as proposed by Mr John Carcione, Managing Director, Carcione Group of Companies;
- (2) the extension be known as the **John Carcione Wing**; and
- (3) that a letter of appreciation be sent forthwith to Mr Carcione.

COUNCIL DECISION

MOVED Clr Edwards SECONDED Clr Humphreys that the recommendation be adopted.

CARRIED 8/0

Background



Some time ago, Mr John Carcione indicated to the Chief Executive Officer that he was interested in making some kind of contribution or gift to the city. His feeling was that he wanted to do something that would be of long lasting and tangible benefit to children and young people in the Spearwood area. It was expected that his contribution would probably be in the form of a building or an extension of an existing facility.

The library service was requested to consider how it could create a benefit for children and young people within the terms of what was a very general proposal. Its idea was an extension of about 100 m² at the eastern end of the building. The proposal was put to Mr Carcione.

Mr Carcione, whilst being very enthusiastic about the objectives of the library's idea, suggested that greater use ought to be made of the available land and proposed an extension of more than twice the size (approximately 233 m²) than that which the library had proposed.

Since these discussions, Mr Carcione has confirmed his proposal in writing. (A copy of his letter of confirmation is attached to the agenda papers).

Submission

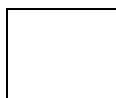
N/A

Report

The extension proposed by Mr Carcione will provide the Spearwood Library with significant additional space. It will enable it not only to upgrade its services to all children and young people, but to all its other users as well. Specifically it will enable it to provide much more useful and designated space for young adults and greatly improved facilities for young children, including a wet area. Such areas are provided in most up-to-date libraries and are extremely useful for many activities. Improved storage and a designated area for the preparation of activities and displays is to be included. An extensive internal rearrangement will follow which will result in significant improvements in conditions for all users.

Mr Carcione will provide a basic completed extension to a design prepared by the city with the exception of floor coverings, air-conditioning, computer cabling, tree removal, basic ground preparation and any other additional fittings required by the library. It will include all demolition of the eastern wall of the building.

In the market place this work would have a value to the order of \$200,000.



Provision has been made in the Draft Budget of \$61,000 for the fit out and other expenses which will need to be undertaken in the building.

This is an original, generous and bold initiative. Philanthropy of this magnitude is extremely rare anywhere in Australia. It is a wonderful and unique opportunity to enhance a facility and the important services it provides.

Strategic Plan/Policy Implications

Key result areas –

- Facilitating the needs of your community
- Maintaining your community facilities.

Budget/Financial Implications

Provision has been made in the Draft Budget of \$61,000 for the fit out and other expenses which will need to be undertaken in the building.

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

Nil

1648. (AG Item 18.1) (Ocm1_7_2002) - EXECUTIVE DIVISION

Nil

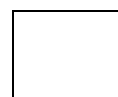
1649. (AG Item 19.1) (Ocm1_7_2002) - MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

1650. (AG Item 20.1) (Ocm1_7_2002) - NOTICE OF MOTION GIVEN AT THE MEETING FOR CONSIDERATION AT NEXT MEETING

Nil

1651. (AG Item 21.1) (Ocm1_7_2002) - NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY COUNCILLORS OR OFFICERS



Nil

1652. (AG Item 22.1) (Ocm1_7_2002) - MATTERS TO BE NOTED FOR INVESTIGATION WITHOUT DEBATE

Nil

1653. (AG Item 23.1) (Ocm1_7_2002) - FUTURE OF HENDERSON LANDFILL SITE (4900) (BKG) (ATTACH)

RECOMMENDATION

That Council adopt the consensus conclusions of the workshop held on 20 June as per the confidential report circulated under separate cover.

COUNCIL DECISION

MOVED Cllr Oliver SECONDED Cllr Tilbury that the recommendation be adopted.

CARRIED 8/0

Background

The operation of the Henderson landfill site including the acceptance of domestic waste in trailers from residents, has been reviewed on a continual basis since its opening in 1990.

The financial return has been of significant importance to Council over that time.

A workshop was held with Elected Members and Staff on 20 June 2002 to discuss issues associated with the landfill site and the proposed waste transfer station for trailers.

Submission

N/A

Report

A confidential report on the Henderson Landfill Site and proposed trailer transfer station was circulated separately.



Strategic Plan/Policy Implementation

The function of the Waste Disposal Unit is to operate a landfill site at Henderson to accept waste in accordance with the requirements of a Class II site under the Environmental Protection Act and maximise the financial return.

Budget Financial Implications

See report.

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

There are private enterprise companies that operate land fill sites and waste transfer stations in W.A.

1654. (AG Item 24.1) (Ocm1_7_2002) - RESOLUTION OF COMPLIANCE (Section 3.18(3), Local Government Act 1995)

RECOMMENDATION

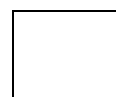
Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are :-

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

COUNCIL DECISION

MOVED Clr Humphreys SECONDED Clr Whitfield that the recommendation be adopted.

CARRIED 8/0



MEETING CLOSED AT 8:16PM.

CONFIRMATION OF MINUTES

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

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

